

LONDON BOROUGH OF CROYDON

REPORT:	CABINET	
DATE OF DECISION	25 October 2023	
REPORT TITLE:	REGINA ROAD PROJECT – SELECTION OF DELIVERY OPTION – PART A	
CORPORATE DIRECTOR / DIRECTOR:	Susmita Sen - Corporate Director, Housing	
LEAD OFFICER:	Robin Smith, Regina Road Project Lead Email: robin.smith@croydon.gov.uk	
LEAD MEMBER:	Cllr Lynne Hale, Deputy Mayor & Cabinet Member for Homes	
KEY DECISION 5823EM	Yes	Key Decision – Decision incurs expenditure of more than £1,000,000
CONTAINS EXEMPT INFORMATION?	Yes	Public with exempt appendix B Grounds for the exemption: Exempt under paragraph 3 of Schedule 12A of the Local Government Act 1972 as it relates to the financial or business affairs of any particular person (including the authority holding that information) and the public interest in withholding disclosure outweighs the public interest in disclosure.
WARDS AFFECTED:	South Norwood	

1 SUMMARY OF REPORT

- 1.1** This report follows two reports considered by Cabinet on 26 July 2023. The first was ‘Outcome of Ballot and Next Steps’ (Key Decision Ref 3823EM). The second was ‘Procurement of Architectural Professional Consultancy Services for Regina Road Project, South Norwood, and Malton House, to the grant of Planning Permission and production of technical design for contractor procurement and on-site works’.
- 1.2** This report recommends a direct delivery model by the Council for the demolition and rebuilding of Regina Road for Phases 1 and 2. The project will deliver an increase in Council housing at Regina Road, with 225 new Council homes (minimum 200 social rented and up to 25 leaseholder/freeholder products) replacing the existing 191 homes. There will also be an estimated eight new social rent homes at nearby Malton House as part of Phase 1.
- 1.3** As the Regina Road project progresses, there will be periodic update reports to Cabinet.

2 RECOMMENDATIONS

For the reasons set out in the report and its appendices, the Executive Mayor in Cabinet is recommended:

- 2.1 To consider delivery options and agree a direct delivery by the Council of:
 - 2.1.1 **Phase 1**, comprising an estimated 86 new Council homes at Regina Road (minimum of 78 replacement social rent and up to 8 leaseholder/freeholder replacements) and an estimated 8 new social rent homes at Malton House, to the estimated household sizes set out in the report. This delivery option enables the rebuilding of the social housing as soon as practicable; and
 - 2.1.2 **Phase 2**, comprising an estimated 139 new Council homes (122 social rent and up to 17 leaseholder/freeholder replacements) to the housing needs of local residents, and a replacement onsite kindergarten/community facility. The detail of the Phase 2 option would then be reviewed and agreed by Cabinet early in 2024 before moving forward with Phase 2.
- 2.2 To note that the procurement of a main contractor will be progressed in line with delegations set out in the Annual Procurement Plan and will cover Phase 1 works, with the option of Phase 2 works.
- 2.3 To note that the procurement of a demolition contractor will be progressed in line with delegations set out in the Annual Procurement Plan and will cover the clearance works for Phases 1, 2 & 3.

3 REASONS FOR RECOMMENDATIONS

- 3.1 Following the decisions of Cabinet on 26 July 2023 to rebuild that part of the Regina Road estate within the red line boundary of the Landlord Offer, the Council needs to select its delivery model and start the process of organising building contracts with competent main building contractors for early delivery of new homes in phases.
- 3.2 The recommendation for a direct delivery by the Council for phases 1 and 2 will enable the rebuilding of the social housing as soon as practicable, as compared with the option of a developer led redevelopment. The pros and cons of each option are set out at Table 5.
- 3.3 The proposed composition of Phases 1 and 2 has been informed by guidance from the Local Planning Authority as part of the pre-application process, the housing need of existing tenants at Regina Road and consultations with residents.

4 BACKGROUND AND DETAILS

- 4.1** As previously reported, the Regina Road Estate was developed as social housing by the Borough in the mid-1960s. The area includes three 11 storey tower blocks (each containing 44 flats), 5 medium rise blocks (containing 50 flats) and 9 two-storey properties, all of which are included in the scope of this report. The towers were built using the Wates Large Panel System (LPS), firstly nos 1-87 in 1964 and then the other two towers to a modified structural design. The background to this matter is set out in previous reports to members on [16 November 2022](#), [22 March 2023](#) and [26 July 2023](#). Links are provided to the reports referred to.
- 4.2** A Ballot of eligible residents in accordance with GLA funding guidelines took place between 26 April and 22 May 2023: the result was that 88.1% of eligible residents voted 'Yes' to the Council's Landlord Offer with a turnout of 81.7% of eligible voters.
- 4.3** The current position on occupancy of the 191 homes at Regina Road is as shown by Table 1:

Table 1 - Occupancy of the Regina Road Project Homes, as of 9 October 2023

REGINA ROAD	TENANTS			L/H*	VOID	TOTALS
Tower Blocks	SECURE	TA	5 Year Flexi (Secure)			
1-87 (1 bed flats)	26	0	0	1	17	44
2-56A (2 bed flats)	35	0	0	2	7	44
58-108A (2 bed flats)	30	0	2	0	12	44
Tower Block Totals	92	0	2	3	35	132
89-123 Regina Road	9	0	0	8**	1	18
1-8 Sunny Bank	12	0	0	9**	3	24
110a Regina Road	7	0	0	1	0	8
112-128 Regina Road	4	0	1	4*	0	9
Low/Medium Rise Totals	32	0	1	22	4	59
Grand Totals	121	0	3	25	40	191

*Includes three freeholders and one leaseholder

** One of these is leased by the leaseholder to Croydon Affordable Homes

- 4.4** Twelve households from nos 1-87 are expected to move out during October/early November, including eight into the Trellis Mews properties, in accordance with their housing need. The leaseholder is in the process of selling their property back to the Council. Every effort is being made to work with the remaining 14 tenant households so that nos 1-87 tower is fully decanted by the end of December, at the latest end January.
- 4.5** All tenant households will move wherever practicable in accordance with their need at the time of moving. The designs for new social housing are being progressed through pre-application discussions with the Local Planning Authority while based on meeting the existing housing need of residents within the red line boundary.

Phase 1 proposals

- 4.6** Phase 1 designs are being progressed in consultation with the Residents Working Group and will accommodate as many as possible of existing residents on site who are facing early decants so that demolition can proceed – the intention being that existing residents on site move across directly to the new build. Although, this is not possible in every case because, for example, tower nos 1-87 must be demolished first. Residents who are obliged to move off site temporarily do have the right-to-return in accordance with the Landlord Offer.
- 4.7** Table 2 below shows the proposed design mix to be provided in Phase 1, based on the current housing need of existing residents occupying nos 89-123 maisonettes and towers nos 2-56a and 58-108a:

Table 2 – Bedroom Need for residents currently occupying 89-123 + 2-56a + 58-108a

Phase 1 Regina Road Unit Type/Size	No. of Units for Social Rent	No. of Units for Resident Leasehold	Total no. of Units
2-Bedroom	59	8	67
3-Bedroom	19	0	19
Total	78	8	86

Note that Table 2 above does not include the estimated 8 units to be built as part of Phase 1 at Malton House, which will add some flexibility to future decanting in preparation for Phase 2. Malton House is a nearby former Brick-by-Brick site with an existing planning permission for nine units but with an outstanding issue to be resolved relating to a substation.

- 4.8** Phase 1 at Regina Road was planned at 120 units at the time the Landlord Offer was prepared, utilising the games area and open land behind Sunnybank. This was qualified in the Landlord Offer as subject to the Planning process and Planning Permission. The Local Planning Authority has subsequently expressed preference through ongoing pre-application discussions for Phase 1 to be relocated to the site of nos 1-87 and adjacent maisonettes and for the capacity of Phase 1 to be reduced to an estimated 86 new homes. However, as shown by Table 4, this means that Phase 2

is correspondingly larger so that the same number of new social rent homes are built over the two phases.

Phase 2 proposals

- 4.9** Phase 2 proposals, which will include the replacement kindergarten and a new park, are currently based upon the site of the two towers, nos 2-56 and nos 58-108, the games area (to be replaced in Phase 1) and the Sunnybank properties. Table 3 below shows the Bedroom Need for families currently occupying nos 110a, 112-128, 1-8B Sunny Bank, plus the Right of Return (tower nos 1-87 + early moves after 16 November 2022)

Table 3 – Bedroom Need for residents moving to Phase 2

Phase 2 Regina Road Unit Type/Size	No. of Units for Social Rent	No. of Units for Resident Leasehold	Total no. of Units
1-Bedroom	29	3	32
2-Bedroom	15	3	18
3-Bedroom	8	2	10
4 - bedroom	4	0	4
Total	56	8	64

*N.B - Leaseholder in tower 1-87 not included because buy-back progressing.
- 16 other resident leaseholders/freeholders in red line area who may choose leaseholder/freeholder product at existing occupation bedroom numbers*

- 4.10** Cabinet decided in July to build 200 new social rented homes and up to 25 leaseholder products. Taking account of Tables 2 and 3 above means that, under present circumstances and assuming all rights-of-return materialise, there is an estimated balance of 66 social rented homes and an estimated surplus of at least 9 leaseholder products that will arise in Phase 2. The bedroom mix of these will reflect general housing need so that the design and detailed costings can progress.
- 4.11** General housing need in Croydon indicates a strong need for new homes, especially as 2-bedroom and 3-bedroom homes, while there are also ageing smaller social rent properties nearby in South Norwood that will need replacement in due course. Accordingly, the estimated total balance of 75 social rented homes will be built to the following approximate mix – 17 x 1B, 24 x 2B, 24 x 3B and 10 x 4B – to add to the Council’s social rent housing stock in the Borough and to be available on completion of Phase 2.
- 4.12** Table 4 summarises the design mix for Phase 2 so that progress may be made on design, detailed design and procurement. The 39 x 2B homes have been further split, according to estimated housing need demand in Croydon, in the approximate ratio of 30/70 in favour of the larger 2 Bedroom/4 Person homes rather than the smaller 2 Bedroom/3 Person homes.

Table 4 – Design Mix for Phase 2 by Bedroom Size

Phase 2 Regina Road Unit Type/Size	No. of Units for Social Rent	No. of Units for Resident Leasehold	Total no. of Units
1-Bedroom	46	3	49
2-Bedroom/3 person	11	0	11
2 bedroom/4 person	28	3	31
3-Bedroom	32	2	34
4 - bedroom	14	0	14
Total	131	8	139

- 4.13** Over Phases 1 and 2 the Council will invest in building 225 new Council homes (a minimum of 200 social rented and up to 25 leaseholder products) at Regina Road to replace the existing 191 homes within the redline boundary. An estimated extra eight social rent homes will be built at Malton House as part of Phase 1. Overall, a net gain of an estimated 67 Council homes (225 + 8 – 191 and allow for 25 existing leaseholders/freeholders) from the Council’s investment.

Overall redevelopment proposals

- 4.14** It is not unusual to see increase in residential density when designing rebuilding schemes. These changes are made to satisfy a complex range of issues, including Planning, to make better use of land and to help ease the shortage of new homes while at the same time respecting the quality of the local environment.
- 4.15** There is also the key issue of financial viability to balance the extensive costs involved in, not only construction cost but also the cost of meeting Planning requirements and levies such as the provision of affordable homes and local infrastructure, unless exemptions can be agreed. Savills have been engaged to advise the Council on viability and have suggested that the Council could consider tripling the existing density from 191 homes to around 570 new homes. The Landlord Offer put to the Ballot of eligible residents suggested a range of approximately 380-450 new homes, subject to the Planning process and Planning Permission. The Landlord Offer was confirmed and approved by Cabinet on 26 July 2023.

Risks

- 4.16** The highest current risks relate to:
- The Council needs to finalise outstanding compliance issues on historic projects related to Brick-by-Brick – no GLA grant available until these issues resolved.

- The possibility of Compulsory Purchase Orders causing delay if negotiations to purchase fail
- The scheme requires planning permission(s) and will be determined against the London Plan 2021 and Croydon Local Plan 2018 unless material considerations indicate otherwise.
- Construction cost inflation

4.17 Future risks and their mitigation are covered within Section 5.

5 ALTERNATIVE OPTIONS CONSIDERED

5.1 There are two delivery options open for the Council to consider:

Option 1 – Developer lead/ Joint Venture with the Council

Option 2 – Direct delivery by the Council, with Phase 3 site of private housing sold

5.2 In considering which delivery option is likely to be the best, it is important to bear in mind the density of the redevelopment and which option is most likely to achieve a start on site in December 2024. This date is important, not only in terms of delivering new homes promptly to residents in accordance with the Landlord Offer, but also financially to maximise GLA and other funding that is currently available. The timescale is tight, but considered deliverable if action is taken now across the Council to facilitate progress.

5.3 The Pros and Cons of the two main options of Developer-led and Council-led are summarised below in Table 5. The Council also commissioned Savills to undertake an options appraisal, which is contained in the Part B report, Exempt Appendix B, and includes commercially sensitive information.

Table 5 – Pros and Cons of Alternative Delivery Options

OPTION	PROS	CONS/RISKS
Delivery Option 1 – Developer-led with Development Agreement	<ul style="list-style-type: none"> * Potential to achieve a better build price for the social rent housing as a result of a single development partner delivering across the whole site/economies of scale * Potential share of any profits resulting from the programme, by way of a planning and sales overage clause * Benefit from the expertise of a developer partner bringing 	<ul style="list-style-type: none"> * Extensive open procurement process takes time * Likely to require an element of Council subsidy over and above the cost of the affordable housing * Developer profit in this option may be between 20%-25% of cost (or 18.5% - 20% of Gross development Value) weighed against lower professional fees of 10% (although need to consider this against the likely

	<p>specialist resource to optimise the value from the scheme</p>	<p>higher professional fee costs in the Option B which could be significant)</p> <ul style="list-style-type: none"> * Council would less control over the social housing delivery * Council would still have some element of control over the social housing delivery, through signoff and approval gateways etc within the contract documentation. * Specification would need to be negotiated/agreed, and may result in less choice for residents * Although less direct risk, there remains the exposure to developer failure * Competent clienting resource needed to monitor Development Agreement * Potential that developers might not be interested in the opportunity * Potential longer procurement, lengthy negotiations & therefore longer timescale for replacement homes delivery * Complexity and cost of Development Agreement not to be underestimated * Developer may wish to secure more favourable Planning Permission, possibly by Appeal, before committing to Development Agreement * Negotiations with Developer may fail, causing serious delay * Developer may walk away due to adverse economic conditions * GLA grant route potentially more complex because Council likely to be claiming grant on homes being built by third party * Meeting GLA funding timescales would be difficult and might fall outside current funding round.
<p>Delivery Option 2 – Council-led process with a Design/Build tender of the</p>	<ul style="list-style-type: none"> * Direct control on timescale, quality and programme through main construction contractor 	<ul style="list-style-type: none"> * Could be a higher unit cost for the social housing due to fewer overall numbers * Need for a larger professional consultant team, with internal

<p>affordable housing only, and subsequent disposal of remainder of the site</p>	<ul style="list-style-type: none"> * Ability to provide early delivery * Bespoke home options possible for residents (although this would be budget dependent) * Ability to sell the remaining cleared site(s) with planning permission when market conditions improve, and receive a better land receipt compared to disposal now, when land value is nil * Funding already allocated in HIP * Phase 2 options can be explored to improve viability * Potential to package the remaining site(s) with other Council owned regeneration sites for a more attractive opportunity to the market * Potential to benefit from any profit associated with the market sale and (once the land is sold) through a planning and sales overage * Opportunity to mitigate contractor risk by main contractor procurement through Framework arrangements, standard contracts and financial assessment of contractor finances 	<p>project management resource to support the Council with competent clienting</p> <ul style="list-style-type: none"> * Professional fees (including framework levies) up to 18% * Risk of land remaining unsold * Risk of land remaining vacant after sale * Potential that some developers may not be interested in a fully market sale scheme, where they normally seek mixed tenure for a preferable cash flow profile * Some direct exposure to contractor risk, cost inflation and contractor failure risk
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In the selection of the best option for delivery, both the scale of each phase as well as each type of housing tenure are important.

5.4 Crucial to the financing of the social rented homes is the GLA grant. The GLA regard Regina Road as a key investment site in South London and regular contact with the GLA is being maintained. The GLA grant is potentially substantial. The grant will be secured following a bid to the GLA, assessment of the Council's ability to deliver a scheme, and restoration of Development Partner Status. The grant will not be released until the Council can demonstrate that key conditions are met such as legal ownership of land, an unconditional contract to build and can make a physical start on site. The start on site milestone if not met will put grant at risk and scheme viability as a consequence. It is therefore imperative that timescales agreed with the GLA are

achieved so the Council can benefit from the GLA investment and thereby have more resources to invest in other Council housing elsewhere in the Borough.

- 5.5 The programme for selecting a developer could be challenging in the current market until there is greater certainty on Planning regarding design and heights etc, but also greater certainty on ground conditions, trees, services, and other surveys. In the current market potential developers would see unknowns as risk and risk will almost certainly be priced pessimistically. Where gaps in information exist, this will create evaluation difficulties and could cause problems later in holding the selected developer to account. Developing the design through a professional team helps de-risk the project.
- 5.6 The current market is obviously in a difficult position. If the sales, and related profit margins, are the main motivation for developers, then sales in 4-5 years' time could be challenging. Plus, although there is clear potential, this project is not located in the most obviously valuable area in Croydon and the sales are at the end of the programme.
- 5.7 There is also the issue of visibility with residents on progress. Starting a Developer-led procurement will take time and there will be no visibility of progress to residents. A Council-led design process will be visible and continue the good work done to date.
- 5.8 Following an internal review supported by external advice and taking into considerations of today's market conditions, it is **recommended that Option 2 is the best delivery option to take forward the Council's investment in Phases 1 & 2.**
- 5.9 Option 2 covering Phases 1 & 2 represents a significant project representing approximately 50% - 65% of the Regina Road project build, depending upon the numbers of homes in Phase 3. This should attract a range of competent major building contractors able to start in December 2024.
- 5.10 The intention would be to use the new Phase 1 homes exclusively for decanting existing Regina Road residents, especially those in the two towers nos 2-56 and 58-108 in preparation for Phase 2. Phase 1, and all phases, may be subject to sub-phasing to enable maximum decanting of existing residents without the need to move off-site into temporary accommodation.
- 5.11 Savills have been advising on viability and delivery options. It is crucial that the Council takes the best possible investment decision. As previously reported in July, Savills have highlighted the challenge of designing a developer-led scheme that a developer would want to build without subsidy in the current market where the costs of construction can be greater than market value. This challenge is compounded by the scale of new social rent homes that the Council wishes to invest in for its own residents when compared with potentially fewer private sales homes feasible on the site, especially in current depressed market conditions. The private sales element is approximately 35% - 50% of the project.
- 5.12 The phased approach being proposed seeks to ensure that Phases 1 & 2 focus on investing in the delivery of Council owned homes first, taking full advantage of the current window for GLA funding support, followed by the market facing units.

- 5.13** In summarising the issues that the Council faces regarding choice of the best delivery option, it would appear unlikely that the deficit on a developer-led scheme can be eliminated in today's market, even with additional private sales. The complexity and cost of a Development Agreement that effectively secures the Council's best possible position should not be underestimated and can easily impact on timescales. It is also important to be aware of the added complexity of the GLA grant to the Council when a developer is involved.
- 5.14** The speed of delivering new homes for residents as well as quality and value-for-money are the key concerns for the Council. A Council-led Rebuild scheme for the first two phases shown above in Table 5 is the most practicable and quickest replacement option for investment, using a Design/Build approach whereby the Council obtains Planning Permission (in the context of an indicative Masterplan) and designs to RIBA Stage 4a to procure a main contractor who will then complete the detail design and build, monitored by the Council's agent.
- 5.15** The Council-led approach requires the creation of a Council team which is both skilled and competent. This is a key part of our approach to Regina Road and wider housing regeneration/ development in Housing. It addresses the key future risk, highlighted in Table 6 within this report and by Savills, that 'the Council will need a larger consultant team, and additional internal resource, to support the Council with competent clienting.' Delivering Housing Regeneration Projects require a particular skill set and on 26 July 2023 Cabinet made progress with Key Decision 4523EM in agreeing the external professional consultant resources to take forward Phases 1 & 2 of the Regina Road project over the next five years. The additional internal resource includes the employment of a small, experienced and competent project management team which will monitor the performance of the external team to pre-set time, budget and quality parameters. This is a cost-effective and efficient approach that will be funded from the capital budget. Additional internal resources have been recruited in recent weeks in preparation for an early start on site. In the medium term a new Regeneration Division is being created within Housing with a team possessing competent clienting skills and with experience of successfully delivering Housing Regeneration across all tenures working with all residents to make a lasting and positive impact to local areas.
- 5.16** Phase 3 works consisting of private sale homes would not be ready to start on site for several years, by which time market conditions may have recovered. The Council could consider this parcel of land for disposal at a future date. The advertising and disposal of this site is expected to involve a selection and negotiation process for a Developer-led Phase 3 scheme through a Development Agreement, which could be expanded to include other Council land elsewhere.
- 5.17** Treating the demolition contract as a separate phase provides maximum flexibility as to when demolition works could start on site. The first buildings for demolition are nos 1-87 tower and the adjacent nos 89-123 maisonettes. Once structural investigation of nos 1-87 is complete, demolition of the tower could start as early as Spring 2024.
- 5.18** For the main contractor procurement for Phases 1 and 2, it is proposed to procure using a Framework compliant with the Public Contract Regulations 2015. Work on the options analysis to select the optimal Framework is underway. It is proposed to

complete the procurement strategy for the contractor early next year by which time both the Architect and Quantity Surveyor will be in place and can scrutinise the procurement documents before launching the Framework competition. An award would be made in March/April which joins up with the forecast date of the submission of the application for Planning Permission. This would mean that both the contractor and professional services team would have 8 to 9 months working together collaboratively as a single unified team before the meaningful hand over of the site / breaking ground in December 2024. The procurement of the principal contractor and demolition contractor will be progressed in line with the Annual Procurement Plan.

6. CONSULTATION

- 6.1** Consultation with residents in accordance with the Residents Charter has been extensive and ongoing since July 2022, as detailed in previous reports, most recently to Cabinet on 26 July. A key element of the Landlord Offer agreed in July is the emphasis on resident engagement throughout the design and development process. Regular meetings with residents via the Residents Working Group have been ongoing since July.
- 6.2** Plans are also progressing to engage with the wide range of local businesses and organisations that will be impacted by the rebuilding of Regina Road.
- 6.3** The GLA are being kept informed of progress to ensure that they are fully aware that there is a buildable scheme capable of being delivered within the current grant window. The necessary applications are being progressed.
- 6.4** The Improvement & Assurance Panel (IAP) has been consulted on the approach in this report. They comment that 'IAP support the recommendation of direct delivery by the Council for Phase 1 works. There are many benefits to this approach including greater control over the timescale, quality of design, and easier access to GLA grant. However, the success of this approach will depend on the Housing Directorate having a skilled and well-resourced professional in-house team. The Panel would therefore want reassurance that in-house project management expertise exists or understand the plan to achieve this'.

7. IMPLICATIONS

7.1 FINANCIAL IMPLICATIONS

- 7.1.1** The Cabinet paper of 22 March and 26 July approved the gross costs of the project of £103m to allow for the purchase of and building out of properties for decant purposes. The sum also included a provisional for the demolition and Phase 1 costs.

7.1.2 The above is a gross costs budget and is prior to any grant or the use of other forms of funding. Funds would be borrowed by the HRA and then drawn down for each stage of the project as required.

7.1.3 Insert at the end of the section: Comments approved by Orlagh Guarnori on behalf of the Director of Finance. (Date 06/09/2023)

7.2 LEGAL IMPLICATIONS

7.2.1 The Landlord Offer was approved by the Executive Mayor in Cabinet on 26th July 2023. The legal comments set out in that report are relevant to the continuation of the Regina Road redevelopment project. The Council must continue to adhere to the approved Landlord Offer, which was subject to the planning process, and must continue consultation with tenants/ residents. This report confirms that recommended phasing proposals have been informed by guidance from the Local Planning Authority as part of the pre-application process, the housing need of existing tenants at Regina Road and consultation with residents.

7.2.2 The delivery options are considered in section 5 of this report and it is important to note that the delivery partner option would involve a procurement process in the circumstances. This is because, where the Council contracts with a developer to deliver works then, depending on the substance of those agreements and any relevant exemptions, this can be considered as a contract which falls under the scope of the Public Contracts Regulations 2015 (PCR). This is an area of law which has been litigated and case law principles should be assessed when considering if the PCR will apply to a proposed development agreement or similar agreement. If a Phase 3 delivery option considers a development partner, the PCR position will be considered further based on proposals at that time.

7.2.3 In relation to details in the report regarding the Local Planning Authority, it is important to note that the role and functions of the Local Planning Authority are distinct from the role of the Council. In the circumstances, the Council will be the applicant and, as such, it is important to maintain a clear separation of duties. The Council, as an applicant, will follow the usual planning procedure, which any developer would, and take into consideration the views/ recommendations of the Local Planning Authority through the pre-application process.

7.2.4 The Council have the power to do anything that individuals generally may do pursuant to section 1 of the Localism Act 2011 and the Executive Mayor has the power to exercise executive functions pursuant to s9E of the Local Government Act 2000.

7.2.5 Approved by the Head of Commercial & Property Law on behalf of the Director of Legal Services and Monitoring Officer. (Date 04/10/2023)

7.3 EQUALITIES IMPLICATIONS

7.3.1 The Council has a statutory duty to comply with the provisions set out in Section 149 of the Equality Act 2010. The Council must therefore have due regard to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.3.2 The department have sought to collate some data on protected characteristics at Regina Road and now hold some data on: ethnicity, sex, sexual orientation and religion. Over the course of the forthcoming months more data will be gathered on the remaining characteristics and efforts will be made to build trust which will support residents sharing their data. During the consultation efforts were made to pay due regard to all equality characteristics by ensuring that the consultation was accessible to all residents in particular those who may not have English as a first language and residents who are non-neurotypical.

7.3.3 An equality analysis has been carried out in respect of resident consultation at Regina Road. The data collected via the consultation at Regina Road indicates that the proposal will have a positive impact on age, disability, sex, race and religion and belief. This is a live document and will be updated with further data when available.

7.3.4 The department will continue to consider equality implications throughout the duration of the project including the needs of disabled residents affected through any transitions.

Comments approved by Naseer Ahmad on behalf of the Equalities Manager
(Date 14/09/2023)

8. APPENDICES

8.1 A - EQIA

9. URGENCY

9.1 A decision on the delivery model is essential at this meeting if the intention remains to start on site in December 2024 with building replacement homes for residents.

10. BACKGROUND DOCUMENTS

Cabinet, 16 November 2022– Regina Road Estate, Norwood, Key Decision: 5122 EM

Cabinet, 22 March 2023 – Regina Road Estate, Norwood, Outcome of Statutory Consultation and arrangements for a Ballot of residents on the Landlord Offer, Key Decision: 8622 EM

Cabinet, 26 July 2023 – Regina Road Project – Outcome of Ballot and Next Steps, Key Decision: 3823EM

Cabinet, 26 July 2023 – Procurement of Architectural Professional Consultancy Services for Regina Road Project, South Norwood, and Malton House, to the Grant of Planning Permission and production of technical design for contractor procurement and on-site works, Key decision: 4523EM