

Item No. 8.	Classification: Open	Date: 6 February 2023	Meeting Name: Cabinet
Report title:		Abbeyfield Estate – A Way Forward	
Ward(s) or groups affected:		North Bermondsey	
Cabinet Member:		Councillor Darren Merrill, Council Homes and Homelessness	

FOREWORD - COUNCILLOR DARREN MERRILL, CABINET MEMBER FOR COUNCIL HOMES AND HOMELESSNESS

The Abbeyfield Estate and Maydew House have a long history. This paper goes into that history and the efforts made to bring forward a refurbishment project for Maydew House. This has included adding on top of the Maydew to provide new homes but unfortunately after some detailed engineering calculation of the existing frame it has come to light that the existing frame would require a significant investment to bring it up to standard and would not provide value for money in terms of quality of home.

It's clear that the residents in the area want the council to come to a conclusion on Maydew House and its future. This paper sets out the reason for why the council have come to the conclusion that demolition of Maydew and the direction going forward. This paper sets out the consultation with residents and the Bede Centre and how we are purposing to work closely in the future to provide a scheme that benefits the local communities and meet their needs.

Demolition of any building is not the preferred option when it come to the climate emergency and in these terms I'm reassured that robust calculations have been done and any future plans will take these into account.

RECOMMENDATIONS

That the Cabinet.

1. Notes that in 2019 the refurbishment of Maydew House was costed at £42,173,573. By 2021 these costs had risen to £69,644,677, representing an increase of £27,471,104. This increase does not include further inflation cost and the further risks outlined in paragraph 32 of this report.
2. Note the constraints of refurbishing Maydew House and relative advantages of wholesale redevelopment, including larger homes, an increase in the number of homes, more accessible homes, set out from paragraphs 33 to 42 of this report.

3. Agrees not to proceed with the final stage 2 tender price proposal received in relation to the refurbishment of Maydew House and the replacement of the Bede Centre on the existing Abbeyfield site.
4. Agrees to procure a demolition contract for Maydew House which would be subject to a separate gateway approval.
5. Notes the Whole Life Carbon Assessment for the demolition of Maydew House and that this document will be updated as set out in paragraph 39 of this report with every effort being made to minimize and mitigate the carbon impact.
6. Agrees to undertake a detailed consultation and engagement process with residents of Damory House and Thaxted Court over options for the future of their estate and improving the quality of their housing and environment.
7. Agrees to amend the housing investment programme to include £4m for demolition works for Maydew House.
8. Reaffirms the council's commitment and support for the Bede Centre, Noting the update on temporary and permanent options for continued operation of this important community organisation.
9. Notes the outcome of the residents meetings on 9 November 2022 and 5 December 2022 and previous meetings with officers.

BACKGROUND INFORMATION

10. The implementation of self-financing to the HRA in April 2012 was intended to give more autonomy to landlord local authorities to let them retain the rental income so that strategic decisions could be made with regard to local circumstances and needs. However, there were a number of changes implemented by government subsequent to self-financing that have impacted on the council's business plan. For example, the Welfare Reform & Work Act 2016 required social housing landlords to reduce rents by 1% a year for four years from April 2016. This policy equated to a loss in rental income to the HRA when compared with the previous rental assumption of CPI+1% of £820m over the thirty years of the HRA business plan
11. The current economic uncertainty makes accurate financial forecasting less certain. The cost of living crisis, the rise in energy prices and and the Russia/Ukraine conflict has increased political and economic volatility and made financial projections extremely difficult to determine. For example, the government target for CPI is 2% but CPI rose by 10.7% in the 12 months to November 2022 which is obviously significantly higher than the government target. Social housing rents have been capped at 7%, much lower than CPI+1% which is normally the calculation mechanism. Build and repair costs have increased even more significantly and have

impacted on the monies available to finance the housing capital programme. The Building Safety Act 2022 has brought about legally compliant costs which have to be funded from within existing council resources. The council's move to carbon neutrality by 2030 will also incur costs not previously accounted for. The target to build 11,000 new homes by 2043 is unattainable due to the lack of financial resources, increased build costs and the increase in interest costs on additional borrowing, where the base interest rate has increased from 0.1% in March 2020 to 3.5% in December 2022.

12. All in all, the circumstances facing housing local authorities now are very different from those faced two years ago and the council has to adapt to meet the challenges, of increased capital spend priorities but insufficient resources to meet those needs.
13. Abbeyfield Estate includes a 26 storey tower at Maydew House (144 2 bed 4 person units) and two 4 storey blocks Damory House (35 homes) and Thaxted Court (24 homes) (see site plan in Appendix 1). Part of Maydew House is occupied by the Bede Centre in a 2 storey building.
14. Maydew House is currently vacant and stripped back to the structure. The building cannot be utilized for any form of accommodation in its current form. Damory House comprises 22 tenants and 13 leaseholders. Thaxted Court comprises 15 tenants and 9 leaseholders.
15. There was a first-floor concrete podium along the park boundary, connecting Maydew House with the Bede Centre. The podium, which is partly demolished, is accessed via a concrete ramp. The car parking garages below the podium have been hoarded off and have not been used for several years.
16. In March 2012 Cabinet considered options to develop the Abbeyfield Estate specifically considering an Options Appraisal for the Refurbishment of Maydew House, Thaxted Court and Damory House. Cabinet agreed to refurbish Maydew House and the neighboring buildings at Thaxted Court and Damory House. The project would have improved the decency of the block which suffered from several defects (damp, structural movement, cracks, asbestos and poor heating). The works involved necessitated all residents of Maydew House being rehoused in advance with the final leaseholder purchase taking place in 2014. 25 residents expressed an interest in returning to a refurbished home in Maydew House. Planning permission for the proposals was granted in 2018.
17. In support of this, under the councils partnering contract, Maydew House was stripped back to the existing frame by the council's contractor Engie. All soft and hard furnishings have been removed, services and windows have been removed and existing lifts have been partially decommissioned.

18. In March 2019 the council obtained an assessed refurbishment cost from its employers agent, Calford Seaden for the refurbishment of Maydew House (including roof top extension of 24 units) and the Bede Centre, of £38,812,627 excluding inflation (£42,173,573 including inflation based on BCIS indices as February 2019). This was supplemented by the cost to develop a further 87 units on site (the Bede Site Redevelopment or BSR development) of £22,205,388 excluding inflation (£27,620,794 including inflation based on BCIS indices in February 2019).
19. In September 2019 the council sought tenders under a two-stage tender process. The refurbishment including replacement windows and doors, new electrical supplies, concrete repairs, new external cladding, refurbishment of communal areas, new service plant and risers, new lifts and the complete fit out of flats including new kitchens, bathrooms, associated services and partition walls. The development proposals included landscape improvements to the front of Maydew House, with a new residential entrance at ground floor and residents' amenities at first floor together with a new Bede community facility at ground and upper ground floor levels. The Stage 1 tender was the pre-construction services agreement (PCSA) and was based on developing the design and pricing document that included a preliminaries breakdown and fixed rates for overheads and profits. The tendered figure was £38,658,364 excluding inflation for Maydew and £23,817,688 for the Bede Site Redevelopment.
20. On the 22 February 2021, Calford Seaden recommended the appointment of the successful tender and to commence the second stage tender with the successful contractor with binding and contractual figures as to the preliminaries rates, the Pre Construction Services Agreement (PCSA) value itself and the Overhead and Profit percentages.
21. In addition to the PCSA were agreed works to demolish the existing podium, design, extensions at ground and first floor levels of Maydew House for the Bede Centre accommodation including Halls, Offices, Community/Youth Centre, together with the infrastructure works, complete with all services, external works and connections to mains drainage, service mains and all requisite service diversions.
22. The design also included the construction and completion of a new 6/9 storey "U-Shaped" block on the Bede Site Redevelopment site providing 87 new dwellings. The block consists of flats and maisonettes, together with infrastructure works, all services, associated external works, connections to mains drainage and service mains and all requisite service diversions.
23. Due to subsequent structural concerns with Maydew House, it was agreed to relocate the 24 flats, originally as a rooftop extension to the existing tower in the new building (the Bede Site Redevelopment).
24. The contractor was also instructed to take possession of the site and secure it, incorporating COVID protection measures, to progress with the

early works surveys and detailed investigations needed prior starting the main works. It was agreed, due to the site possession requirement and to benefit of the final design to bring forward some additional works into the PCSA period. These figures are part of the contractor's proposed cost plan.

25. The contractor's second stage tender submission for the main construction works was received on 16 December 2021.
26. The overall cost for the Maydew House Residential Refurbishment and Bede Centre combined including inflation is £65,792,140, which equates to £456,889.86/unit. The cost for Bede Site Redevelopment was £42,897,211. The Cost Plan provided by the contractor for the Bede Site Redevelopment is based on current planning stage drawings. The price proposed excluding Inflation has been calculated as representing £3,199/m² or £323,694.74 per unit for the Bede Site Redevelopment new build development works less inflation.
27. In April 2022, the contractor considered further design changes as set out in paragraph 31 below and updated their End of Stage report, submitting a revised version inclusive of amended costs and notably excluding inflation. The revised tender for Maydew and Bede was £64,941,109.33 exclusive of inflation risk (it is estimated that with inflation the revised sum would be £69,644,677). Calford Seaden confirms the details provided by the contractor identify that 42% of the proposed contract sum has been sourced through a competitive process. The remaining 58% comprises adjustments made by the contractor to subcontract prices including plugged rates, additions for site overheads, fees, profit and risk.
28. The table below highlights the high cost of these works.

Adjustments:	Maydew House	Maydew House: Bede Centre Costs Omitted
Total £	64,941,109.33	55,987,694.02
Nr Dwellings	144	144
Gross Internal Floor Area	13,872	12,724
Cost £/Dwelling	450,979.93	388,803.43
Cost £/m ²	4,681.45	4,400.16

29. Due to the volatility of the construction market at the time the contractor has omitted inflation from their revised cost breakdown. The advice from Calford Seaden was that this tender was no longer fixed and that the council would carry the risk of inflationary increases.

30. In progressing the proposals to date the council has incurred and committed spend of £15.39m broken down as follows

Element	Cost to date (£)	Future spend (£)
Works and fees on refurbishment proposals and soft strip of Maydew	8,334,644.37	0
Heating infrastructure diversion	1,274,047.84	0
New sub-station	1,128,914	95,790
Demolition of podium	1,435,167.65	0
PCSA	2,673,279.43	0
Security	162,274.5	70,000
Monarflex sheeting	211,458.94	0
Total	15,219,786.7	165,790

The heating infrastructure and sub-station works would still have been required even if the proposal to demolish Maydew House were known at an earlier stage. The design fees and PCSA cost incurred to date on the refurbishment contract have allowed the financial and building related risks to be explored and have informed this report. In taking forward this proposal the council would be able to minimize future costs of securing the site. The podium demolition and soft strip of Maydew works would have been part of the demolition contract.

KEY ISSUES FOR CONSIDERATION

The limitations of Maydew House

31. During the second stage of the tender negotiation a series of technical and design challenges were identified as follows:
- a) **Structure:** Specialist structural engineers were commissioned in the summer of 2020 to undertake a full survey of the existing building in advance of the full 2nd stage tender. The survey was fully intrusive investigating the intersections between structural concrete members along with the condition of the existing concrete. As mentioned elsewhere in this report the existing building could not support the additional 5 storeys proposed on top. These issues were also discussed with another firm of structural engineers who were employed directly by the council to oversee and comment on the process.

- b) Stability and additional staircase:** The structural report led to concerns over the long-term stability of the existing building in certain weather conditions. The consequence of this was that not only would the existing structure require strengthening to key joints throughout, to provide lateral stability but also that an additional staircase core would be required opposite the existing stair/lift core.
- c) Concrete upstands:** Following investigations into the junction between the floor slab and the concrete upstands that formed the aprons below the windows, would have to be removed. The original intention was to retain these and clad over. This has extended the programme which together with the works has increased the costs.
- d) Deterioration of the concrete structure:** The original building was stripped out to shell and core by the council's framework contractor Engie around 6 years ago. The subsequent protracted procurement process has led to further degradation of the concrete.
- e) Increase to partitions/party walls to meet fire and acoustic requirements:** Since the original design was completed by the architects for the 1st stage tender, the requirements for fire protection and their implementation have evolved. The contractor had to consider these with their building control approved inspector and have increased the protection provisions throughout the building.
- f) District Heating Adaptation not previously included:** Works were undertaken to the adjacent heat network by Veolia through Engie on behalf of the council in 2017. This included diversion of the original network mains pipe from the rear to the front of Maydew House together with a construction of a new plant room in the adjacent Damory House. During the second stage tender period when the contractor consulted with Veolia it became clear that they would no longer support the current and future provision and would need to reassess their design which could lead to additional supplies being required from the main plant centre.

Costs of refurbishment and risks associated

- 32. As set out above there is a very high cost of refurbishing the building. The contractor appointed under the PCSA was unwilling to fix this price due to the volatility in the construction market. Given the nature of the construction, further future guidance on fire safety would lead to an increased cost.

Condition of Maydew and its homes

- 33. If refurbished, the majority of Maydew House would be 2 bed 4 person homes with internal stairs and no level access. The Bede Site Redevelopment would have provided a level of larger family sized homes.
- 34. A redevelopment of Maydew House and Bede would give the opportunity to

provide a higher level of larger family sized homes. Subject to resident consultation, in accordance with planning and council policy it is anticipated that a higher number of homes could be reprovided on the site.

35. The flats in the current Maydew block would be smaller at 65 m², as opposed to the current standard of 70 m² in new builds. New properties would be developed to higher standards of space, energy efficiency and accessibility.
36. If refurbished there would be a low level of private amenity space due to the design of the current building structure. A redevelopment of the site would enable private amenity space to be provided to current standards.

Housing investment programme

37. The housing investment programme is under significant pressure due to a combination of increasing construction prices, new building safety requirements and the condition of the existing housing stock. There is therefore a need for every proposal to demonstrate that it is value for money and represents the best approach to delivering quality homes for residents.

Impact on the area

38. Currently there is no visual or pedestrian link to Southwark Park from Raymouth Road. Although, a physical link to the Park was part of the Maydew House refurbishment and BSR proposal, a redevelopment option allows for a wider range of design options.

Carbon impact

39. A Whole Life Carbon Assessment of the proposed demolition of Maydew House and the Bede Centre has been undertaken. Unlike other projects such as Tustin and Ledbury, the full assessment of the impact of the redevelopment of the site can not yet be calculated as the details of the new design are not yet known. This assessment (attached as Appendix 2 to this report) therefore is a starting point and reflects the impact of the demolition works only. The new design will, in accordance with current good practice and policy, seek to maximize the on site carbon savings of the new development. Under similar projects, such as the rebuilding of the Tustin Estate, 95% of the existing building materials has been reused on site in order to reduce the carbon impact of the development. The Whole Life Carbon Assessment report identifies the building materials that comprise the structure of Maydew House and the level at which these materials are reusable for construction projects. On the site of Maydew House, a proportion of the existing material can be reused to cover the site as a base for future construction and infrastructure. Discussions are under way with developers of neighbouring developments over the potential to reuse material from this site on their developments. The Whole Life Carbon Assessment will continue to be updated as the proposals are developed.

40. Due to the scale of the works proposed (including the construction of an additional stair core) and the condition of the building, the refurbishment of Maydew House would have had a significant carbon impact. Although a number of measures including insulation and district heating could have been incorporated into the refurbishment of Maydew House contract there is increased scope to incorporate measures such as solar panels and green roofs into a new development.

Constraints on site development

41. Initial assessments have identified that the piles for Maydew House are very substantial and may impact on the ability to develop on the footprint of the current building. This position will be further assessed once the building is demolished.

Cost of securing the buildings

42. Currently the Maydew House site has 24 hour staffed security and CCTV in place which costs the council £12,000 per month. In addition the council is renting site cabins at a cost of £1,000 per month. These arrangements can be terminated once the site is handed over to a demolition contractor.

Bede Centre

43. The current condition of the buildings does not provide quality accommodation for this key community organisation. The Bede Site Redevelopment proposals, developed with the management commitment of Bede, would have provided modern spaces for the organisation. As a result of these discussions, Bede have already raised £900,000 towards the fit out costs of the building. The council commits to providing space within the new development of the site to meet the needs of Bede. Following consideration of temporary and permanent relocation options it is proposed that Bede remain in situ whilst the demolition of Maydew House takes place. A demolition contractor has confirmed that this position does not affect the potential to demolish Maydew House. The council will continue discussions with Bede about temporary and permanent relocation options. In the short term Bede are proposing a series of minor internal works to the building in order to increase the level of activities that can take place. It is assumed that the parts of the building housing Bede will be demolished at a later stage once a relocation option has been delivered. The Whole Life Carbon Assessment will be updated at that point.
44. Having assessed the factors above including value for money, the council does not believe that it is expedient or will achieve value for money or the best interest of the council to award any contract for the reasons detailed in this report. It is considered that the best way forward is the demolition of Maydew House. This site could then be redeveloped to provide new homes. Although the scheme needs to be designed and costed, the council can commit to the right to returnees from Maydew House having a priority for any new council homes on the site.

Damory House and Thaxted Court

45. Under recent proposals for Damory House and Thaxted Court, the council proposed full refurbishment of all homes, the construction of a 2 storey roof extension and the conversion of the undercroft in Thaxted Court to provide a further 28 council social rent homes. Following consultation and taking into consideration more stringent building regulations and rising construction costs the proposal is no longer being pursued.
46. A programme of works has been developed under the Quality Homes Improvement Programme in order to deal with immediate issues with the buildings and give the buildings a five year life. The works, which have been the subject of consultation, include roof repair, asphalt repair, facade repair, communal decorations, Fire Risk Assessment works and electrics. The costings for these works and is currently under negotiation with the contractor but with associated consultant fees is anticipated to be up to £1.57m. As the works are treated as a repair, leaseholders are liable for a contribution towards the cost. Given the potential lifespan of the buildings officers will seek to minimize these charges. It is anticipated that these works will start on site in Spring 2023 and complete in Spring 2024
47. Before making considerable additional investment into Damory House and Thaxted Court, there is a need to consider whether this approach is the best option in delivering the highest quality of housing accommodation and improvements to the neighbourhood. The alternative options to be considered in full consultation with residents are doing nothing other than QHIP, refurbishment, and wholesale redevelopment. The key principles underlying these options are:
- That all council tenants and leaseholders affected by the proposals have an option of moving to the new development
 - That a single move policy should be adopted (apart from for Maydew House right to returnees)

The council has recently successfully engaged the community in developing proposals for rebuilding the Tustin and Ledbury Estates. This model includes the production of a Resident Manifesto, the formation of a Resident Project Group, the appointment of an Independent Tenants and Leaseholder Advisor, the involvement of residents in consultant appointment, regular newsletters and exhibitions, the development of alternative design options on which residents vote and a formal GLA compliant ballot process on a preferred option. A similar approach would seem appropriate for taking forward proposals for Damory House and Thaxted Court and the sites of Maydew House and the Bede Centre. A draft Engagement Plan for the next six months is attached as Appendix 3.

48. Before commencing on the design work for these options, there is a need to identify the level of resources available in the investment programme both for the design work and implementation of the proposals. This

exercise will be carried out as part of the review of the Southwark Construction and Asset Management programmes.

49. Officers have consulted residents of Maydew House, Damory House, Thaxted Court and neighbouring blocks such as Bradley House for a number of years as the proposals have evolved. A public meeting on 9th November 2022 was attended by Councillor Merrill and the Strategic Director of Housing and Modernisation outlined the draft of the proposals set out in this report in order to gauge local opinion to inform this report. There was a positive response to the proposals and a desire from those present to be involved in future discussions. Following this meeting, Open Communities organised a meeting with residents on 5th December 2022 in order to discuss the next steps.
50. Officers have kept the management of Bede House updated on the proposals and the potential implications for the organisation at both an operational and strategic level. These discussions have informed both the position on demolition of property and the EQIA.

Policy framework implications

51. The overall objective of the proposal in accordance with the Housing Strategy is to improve the quality of housing accommodation in the Borough within the constraints of the funding available.
52. In considering options for Maydew House, the key carbon impact and equalities impact issues have been assessed and are attached as appendices to this report.

Community, equalities (including socio-economic) and health impacts

Community impact statement

53. The impact on the community is set out in the EQIA.

Equalities (including socio-economic) impact statement

54. Section 149 of the Equality Act 2010 lays out the Public Sector Equality Duty (PSED) which requires public bodies when taking decisions, to have due regard to the need to:
 - a) Eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it;
 - c) Foster good relations between those who share a relevant characteristic and those that do not share it.
55. The council through a process of regular review has been considering the impact on all protected groups throughout the development of the

council's proposals for all regeneration projects within the borough. This has led to the council developing rehousing policies for tenants and leaseholders affected by regeneration proposals in the borough.

56. These have identified that the council has a range of measures in place to mitigate any potential impacts of regeneration proposals, including:
 - a) Rehousing policies through the council which provide a range of local re-housing opportunities that enable residents to move locally (if they choose to do so) to a new home that meets the needs of their family and financial position.
 - b) A dedicated team of officers which supports both tenants and leaseholders through the rehousing process.
 - c) Providing support and guidance about a range of routes to all residents affected by regeneration but with particular focus on those that may be vulnerable or in need of additional support.
 - d) The development of new homes in the borough which will provide high quality homes to modern standards for residents in the borough to move to.

57. Therefore, the council considers that the potential impacts of the scheme are fully addressed through the operation of its rehousing policies and provision of dedicated support and guidance available through council officers and local independent organisations that provide support and guidance to Abbeyfield Estate residents.

58. Through the consultation process, the council has also sought to update its understanding of the makeup of individuals affected by the proposals. This has included a demographic information survey of the residents of Damory House and Thaxted Court. The Council will continue to monitor any resulting impacts. The council will also seek to update and expand upon this information throughout the ongoing process as it continues to discharge its public sector equality duty.

59. The management of the Bede Centre have sent the council relevant anonymized information on those with protected characteristics who both work and use the Centre. The Demolition Management Plan for Maydew House and any future Construction Management Plan will need to demonstrate the measures being put in place to mitigate the impact on this group.

60. An Equality Health and Impact Assessment (EqIA) (attached as Appendix 4) has been drafted by specialist consultants for the demolition works in order to ensure the impacts of the proposals for the estate have been independently assessed. The EqIA will be regularly updated as the wider options are developed. The EqIA identifies differential or disproportionate effects, both positive and negative, on those with protected characteristics from the development proposals and sets out mitigation or enhancement measures that the council can put in place. It will look at these factors ahead of confirming future decisions and policy. Relevant mitigation

measures will be identified and embedded into the programme. The EqlA has been carried out in accordance with the Equality Act 2010 and the council's Public Sector Equality Duty.

Health Impact Statement

61. The health impacts of the proposal are set out in the EqlA attached as Appendix 4 to this report.

Climate change implications

62. As set out in paragraph 39 above a Whole Life Carbon Assessment of the demolition of Maydew House has been drafted and is attached as Appendix 2 to this report.
63. As part of the development of options for Damory House and Thaxted Court and the sites of Maydew and Bede a series of measures will be considered in order to maximise the on site carbon saving. The connection to district heating will be incorporated into all of the options.

Resource implications

64. The estimated additional costs of taking these proposals forward is as follows

Element	£
Demolition and site works for Maydew House site	4,000,000
Total	4,000,000

Legal implications

65. See the concurrent from the Director of Law and Governance below.

Financial implications

66. The cost of demolishing Maydew House is estimated at £4m, and will be met from resources supporting the Housing Investment Programme. The proposal not to proceed with the refurbishment of Maydew House and the replacement of the Bede Centre on the existing Abbeyfield site will free up resources to support other areas of the Housing Investment Programme, which is already over-committed. Proceeding with the demolition will enable the council to terminate contracts for site security and rental of site cabins costing £13,000 per month.

Consultation

67. As set out in paragraphs 47, 49 and 50 of this report, officers have consulted local residents and the Bede Centre on the detail of the

proposal. A draft Engagement Plan is attached as Appendix 3. As part of the future engagement a Resident Project Group will be established.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

68. This report seeks the agreement of the cabinet not to proceed with the final stage 2 tender price proposal received in relation to the refurbishment of Maydew House and the replacement of the Bede Centre on the existing Abbeyfield site for the reasons summarised in paragraph 1 and 2 of this report and in the main body of this report.
69. Cabinet is also requested to approve the demolition of the Maydew House, which will be subject to separate Gateway approvals.
70. As a public authority, the council is required to carry out its duties in accordance with the principles of best value and achieve value for money. The outcome of the stage 2 tender process confirms that this procurement would not achieve best value and value for money and this would be a reason not to award the contract as highlighted in paragraphs 37 and 44 of this report.
71. As stated in section one of the tender pack, the council reserved the right to withdraw the tender at any time and to choose not to award a contract. The invitation to tender also stipulated that the council would not be responsible to pay bidder cost, including costs incurred as a result of an abortive tender process. The council may therefore cease the tender process under these provisions at any time before contract award.
72. This report also recommends that detailed consultation is undertaken with the residents of Damory House and Thaxted Court over options for the future of their estate. To meet legal requirements consultation must be undertaken when the proposals are still at a formative stage, include sufficient reasons for the proposals to allow any interested party the opportunity to consider the proposal and formulate a response and allow adequate time for interested parties to consider the proposal and formulate their response. Those responsible for taking decisions on proposals must take into account the product of consultation when making decisions on the matters concerned.
73. The cabinet is advised that a decision on the future of the Abbeyfield estate should be taken after careful consideration of consultation responses from interested parties. Paragraph 67 confirms that consultation has taken place and will continue to take place.
74. Regard must also be given to the public sector equality duty in section 149 of the Equality Act 2010. This requires the council, when taking decisions, to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation or other prohibited conduct
- b) Advance of equality of opportunity between persons who share a relevant protected characteristic and those who do not share it
- c) Foster good relations between those who share a relevant characteristic and those that do not share it.

75. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The duty also applies to marriage and civil partnership, but only in relation to (a) above.

76. Cabinet is specifically referred to the community, equalities (including socio-economic), and health impact statement at paragraphs 54 to 60 of this report setting out the consideration that has been given to equalities issues, which should be considered when approving the recommendations in this report.

Strategic Director of Finance and Governance (H&M 22/124)

77. This report is seeking Cabinet approval to discontinue with the proposals to refurbish Maydew House and replace the Bede Centre on the Abbeyfield estate for the reasons outlined in this report. In addition, Cabinet approval is also sought to procure a contract to demolish Maydew House and to consult with residents of Damory House and Thaxted Court over options for the future of their estate.

78. The cost of demolishing Maydew House and associated site works is estimated at £4m, which can be met from resources supporting the Housing Investment Programme. As outlined in this report, the Housing Investment Programme is under extreme financial pressure, and as a consequence it is not in a position fund the development of the estate in the immediate future. Any decisions made in the future about the estate will need to take into consideration the priorities of the overall Housing Investment Programme.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	Location Plan
Appendix 2	Whole Life Carbon Assessment of Maydew House demolition
Appendix 3	Draft Abbeyfield Estate Engagement Plan
Appendix 4	Equalities Impact Assessment

AUDIT TRAIL

Cabinet Member	Councillor Darren Merrill, Council Homes and Homelessness		
Lead Officer	Michael Scorer, Strategic Director of Housing and Modernisation		
Report Author	Neil Kirby, Head of Regeneration		
Version	Final		
Dated	24 January 2023		
Key Decision?	Yes		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
	Officer Title	Comments Sought	Comments Included
	Director of Law and Governance	Yes	Yes
	Strategic Director of Finance and Governance	Yes	Yes
	Climate Change and Sustainability Director	Yes	Yes
	Cabinet Member	Yes	Yes
	Date final report sent to Constitutional Team		24 January 2023