

Cabinet

Minutes

Monday 18 July 2011

PRESENT

Councillor Stephen Greenhalgh, Leader
Councillor Nicholas Botterill, Deputy Leader (+Environment and Asset Management)
Councillor Mark Loveday, Cabinet Member for Strategy
Councillor Helen Binmore, Cabinet Member for Children's Services
Councillor Joe Carlebach, Cabinet Member for Community Care
Councillor Andrew Johnson, Cabinet Member for Housing
Councillor Greg Smith, Cabinet Member for Residents Services

ALSO PRESENT

Councillor Colin Aherne
Councillor Michael Cartwright
Councillor Stephen Cowan
Councillor PJ Murphy

19. MINUTES OF THE CABINET MEETING HELD ON 20 JUNE 2011

RESOLVED:

That the minutes of the meeting of the Cabinet held on 20 June 2011 be confirmed and signed as an accurate record of the proceedings subject to the following amendment:- delete the second sentence in paragraph 1 and replace with "Councillor Cowan agreed that the Council should not have engaged consultants to develop the proposals but was concerned at the lack of independent advice sought either from a senior academic or central government"; and that the outstanding actions be noted.

20. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Harry Phibbs.

21. DECLARATION OF INTERESTS

Councillor Stephen Cowan declared a prejudicial interest in item 6 (3rd Sector Investment Fund Allocation) as a director of Lyric Theatre.

Councillor Greg Smith declared a prejudicial interest in item 6 (3rd Sector Investment Fund Allocation) as a director of Lyric Theatre and Riverside Studios.

22. PETITION : DIVERT TRAFFIC FROM TOWNMEAD ROAD TO WILLIAM MORRIS WAY

In order to ensure the smooth running of the meeting, the Leader announced that Members will first hear the Petition related to the ongoing consultation on the South Fulham Riverside SPD which contains a proposal to divert traffic from Town mead Road to William Morris Way. Then the deputation request related to item 7 - Earls Court Redevelopment. All other reports will be considered in the order on the agenda.

Cabinet received a petition organised by Ms Jo Wright objecting to the proposed plan to divert traffic from Townmead Road to William Morris Way as part of the South Fulham SPD consultation.

Ms Wright stated that the proposal would cause distress to local residents particularly young children and the elderly who lived in the residential area. There were also safety and security concerns resulting from the significant increase in traffic volume. The diversion of buses into this residential area would increase the levels of noise and pollution making it an unpleasant environment to live in. The displacement of parking spaces would also cause great inconvenience to residents and visitors. If the proposal went ahead, the heavily used road by the Harbour Club members and Chelsea football club supporters could not sustain the proposed increased traffic. She was of the opinion that the method of gathering evidence via video and static cameras was flawed. The Council should not use its scarce resources to solve a problem that did not exist. She finally requested Cabinet to scrap the scheme which will cause danger, pollution and inconvenience for residents who live in an already congested and noisy area.

In response, the Deputy Leader noted that the proposal was not a scheme proposed by the Council. It was an idea within a consultation document drafted by a consultant. The Council had loudly and clearly heard the residents' views expressed tonight and at a widely attended public consultation meeting.

The Leader thanked Ms Jo Wright for attending the meeting.

RESOLVED:

That Cabinet note the views of the residents opposing the option to divert traffic from Townmead Road to William Morris Way.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

23. EARLS COURT REDEVELOPMENT

Cabinet received a deputation organised by Shirley Wiggins opposing the redevelopment proposals. She stated that the residents were proud of the estates and their community. They are steadfastly determined to stop the Council and the developers from wrecking their estates, destroying their community and separating neighbour from neighbour. She felt Capco's plans for Earls Court would be a disaster for the whole of Earls Court, West Kensington and North Fulham. The redevelopment would overwhelm the transport networks.

She noted that despite the Council's claims to residents that no decision had been made to include the estates in the scheme, letters have been received reporting that the Council's developer associates, EC Properties Limited had applied to demolish their homes. Residents were unable to access the planning applications on either the Council's or the developer's websites. She felt the Council's handling of the planning applications paid no regard to due process and law.

She further stated that the overwhelming majority of residents opposed the demolition plans and wanted community ownership. 80% of the residents have signed a petition opposing the proposal and two thirds of households intend to join the new association to take over their homes. She was of the view that the Council should organise a properly supervised ballot on the estates with an independent scrutineer - the residents will abide by its outcome. She stated that the Council had set itself against the whole thrust of Government policy which encouraged decisions affecting people's lives to be devolved to local communities so they can decide their future for themselves.

She was of the opinion that the Council's decision to take £15 million from the developer would be a conflict of interest with its role as a public and planning authority. The approval of an "exclusivity deal" will amount to a breach of Article 8 of the Human Rights Act 1998 which states that everyone has the right to respect for his/her home. She concluded that the deal was not lawful, democratic nor necessary. She requested Cabinet to act responsibly and say no to £15 million for demolition, give the residents the power to determine their own future in line with Government policy; and co-operate with them to take community control of their neighbourhood.

Maureen Way, a resident who had lived on the estate for 40 years, supported the redevelopment proposals. She observed that the area had been in decline over the past couple of years. The neighbourhood did not have any adult leisure facilities such as a cinema. Young children also did not have a decent open play area like their counterparts in other parts of the borough. There were no decent shopping facilities in the area resulting in the residents travelling long

distances for good shops. She objected to the idea of non residents running the estate via a community association. She pleaded for the proposal to go ahead so that decent homes, modern leisure and health facilities, and good play areas were made available to the residents and their children who would benefit from any new provision.

The Leader informed the meeting that the substantial redevelopment spanning across Hammersmith and Fulham and the Royal Borough of Kensington and Chelsea will take place. The important question was whether or not the West Kensington and Gibbs Green housing estates should be included as part of this development. The comprehensive regeneration of the area will offer the opportunity for the Council to secure major estate renewal across the West Kensington and Gibbs Green estates as well as the opportunity to deliver substantial benefits for local residents and the wider community. It is the duty of the Council to explore the potential benefits and improvement proposals offered to the Council.

He noted that significant amount of consultation was ongoing with EC properties Ltd and Capco over the inclusion of the West Kensington and Gibbs Green estates in a comprehensive regeneration scheme. The decision before Cabinet was not to sell the land nor consider a planning application. Disposal of any housing land will require the approval of the Secretary of State under section 32 of the Housing Act 1985. The decision taken by the Cabinet does not bind the Council to proceed to sale of the land. That decision, if required, falls within the powers of full Council.

In response to a request from the Opposition to address Cabinet, the Leader requested their contributions in writing in order for their views to be considered as part of the consultation process.

The Leader thanked Ms Wiggins, Ms Way and their supporters for attending the meeting.

RESOLVED:

That approval is given to enter into an Exclusivity Agreement with Capital and Counties Properties plc (Capco) to grant an exclusive right for Capco to continue negotiations with the Council around a possible Conditional Land sale Agreement for inclusion of the West Kensington and Gibbs Green Estates in a comprehensive redevelopment scheme.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

24. AWARD OF A FRAMEWORK AGREEMENT FOR AGENCY WORKER SERVICES

RESOLVED:

1. That approval be given to the award of the (Pan-London) Framework for Agency Worker Services, on behalf of the Council, to Pertemps Recruitment Partnership Ltd, to commence on 1 October 2011 for a period of 4 years.
2. That authority be delegated to the Leader, in conjunction with the Director of Finance & Corporate Services and the Assistant Director (Legal & Democratic Services), to award a call-off contract for 4 years to the new provider.
3. That officers arrange contract mobilisation meetings with the successful tenderer to ensure a smooth implementation.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

25. 3RD SECTOR INVESTMENT FUND ALLOCATION

RESOLVED:

1. That approval be given to the allocation of the 3rd Sector Investment Fund (as detailed in paragraphs 9 – 13 and appendix 2 a – e of the report) across the areas of:
 - Health & Wellbeing (adults)
 - Safer Communities
 - Arts, Culture & Sport
 - Homelessness Prevention & Home
 - Safety
 - Environment & Community Transport
2. That authority be delegated to the Cabinet Member for Community Care, in conjunction with the Director of Community Services, to allocate any balance of the grants budget.

Councillors Stephen Cowan and Greg Smith left the room during the discussions and did not vote on the item.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

26. REQUEST FOR FUNDS FOR SMARTWORKING PROJECT IN FINANCE AND CORPORATE SERVICES

RESOLVED:

1. That progress of the programme to date be noted.
2. That approval be given to draw down a sum of £103,000 from the Invest to Save fund, specifically to pay for the SmartWorking FCS project, including the required IT.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

27. TIED ACCOMMODATION AND DISPOSALS

RESOLVED:

1. That officers be authorised to agree and pay compensation payments to the tenants occupying the tied properties and to schools based on the scheme detailed in the separate report on the exempt Cabinet agenda.
2. That in the circumstances where the compensation payment exceeds the budget for disposal (4% of the capital receipt), this will be met from a revenue budget.

3. That authority be delegated to the Cabinet Member for Children's Services, in consultation with the Director for Children's Services, the Assistant Director Building and Property Management and the Assistant Director (Legal and Democratic Services) to declare the school keepers' houses referred to in this report and additional school keepers houses' as surplus to requirements and available for sale (subject to any requisite Secretary of State consent) as and when these properties are identified.
4. That authority is delegated to the Cabinet Member for Residents Services, in consultation with the Director of Residents Services, the Assistant Director Building and Property Management and the Assistant Director (Legal and Democratic Services), to declare the tied properties referred to in this report and additional tied properties held by Residents Services as surplus to requirements and (subject to statutory public notice) available for sale as and when these properties are identified (authority to include consideration of any objections duly received in response to any such notice).
5. That subject to the approval of recommendations 3 and 4 above, the Assistant Director (Legal and Democratic Services) and the Assistant Director of Building and Property Management are authorised to dispose of the properties in the open market for the best price reasonably obtainable and otherwise on such terms and conditions as they consider appropriate.
6. To confirm the policy outlined in paragraph 13 of the report that sets out the process for communicating with occupants of tied accommodation liable to be displaced or re-housed.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

28. TRANSFER OF S106 FINANCE FOR THE GLA TO TENDER FOR A DIF STUDY

RESOLVED:

That approval is given to the transfer of £120,000 from Hammersmith and Fulham to the Greater London Authority for the purposes of commissioning an appointed consultant (subject to tender) to undertake a Development Infrastructure Funding Study (DIFS).

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

29. PROJECT: MTC FOR RISK ASSESSMENT & REMEDIAL WORKS ON WATER SYSTEMS BOROUGH-WIDE IN NON-HOUSING PROPERTIES 2011-11 - 2015 - WORKS: RISK ASSESSMENT & REMEDIAL WORKS ON WATER SYSTEMS

RESOLVED:

1. That the acceptance of a tender for Risk Assessment & Remedial Works on Water Systems Borough-Wide in Non-Housing Properties (2011-2015) on terms outlined in the exempt report be approved.
2. That the contract is expected to commence from 1 October 2011 for a period of 4 years, with an optional extension of a further three years, as set out in the report, be noted.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

30. PILOT SCHEME FOR NEW WAYS OF WORKING

RESOLVED:

1. To note the work undertaken to date to the Outline Business Case for an Education Support Services employee led mutual.
2. That the further development of a full business case be approved.

3. To approve the commencement of a wider consultation on the proposal to set up an Education Support Services employee led mutual
4. To note the procurement timetable to identify a potential private sector partner to assist in the establishment of the employee led mutual and instruct officers to commence the procurement process for a partner for LBHF, RBKC and Westminster's School Support Services
5. To delegate to the Cabinet Member for Children's Services authority to approve the scope of the proposed contract and the Contract Notice to be published in the Official Journal of the European Union (OJEU).
6. To delegate the decision on the final partner to the Leader of the Council in consultation with the Cabinet Member for Children's Services and the Director of Finance and Corporate Services.
7. To approve the proposal to commission the Support Services from the mutual for a four year period.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

31. HAMMERSMITH PARK SPORTS FACILITY PROJECT - APPROVAL OF WORKS AND SERVICES CONTRACTOR TO APPOINTMENT AS PREFERRED BIDDER

RESOLVED:

That approval is given to appoint Sport and Leisure Group Ltd trading as PlayFootball.net as the preferred bidder to undertake the works and services contract for the redevelopment of Hammersmith Park sports facilities selected and agreed by the Tender Appraisal Panel on 9 June 2011.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

32. REQUEST FOR DELEGATED AUTHORITY TO AWARD CONTRACT FOR DRUG INTERVENTION PROGRAMME (DIP) AND OPEN ACCESS SERVICE

RESOLVED:

That authority be delegated to the Cabinet Member for Community Care, in conjunction with the Director of Community Services, to award the contract for the Drug Intervention Programme (DIP) and Open Access Service.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

33. REVIEW OF WALHAM GREEN COURT GARAGES

RESOLVED:

1. That (in the particular circumstance of Walham Court, having excellent access to public transport and a high proportion of void spaces) authority is given (subject to any necessary Secretary of State consent under the Housing Act 1985) to commercially lease the currently surplus parking spaces at Walham Green Court, SW6 2DE, on such terms as outlined in this report and otherwise on terms the Director of Housing and Regeneration, Assistant Director (Legal and Democratic Services) and Head of Valuation and Property Services consider appropriate.
2. That the net revenue raised from the lease arrangements is used to recover the costs involved, and is set aside for Housing and Regeneration purposes and to contribute to delivering a balanced HRA as part of the HRA MTFS programme be approved.
3. That the consultation programme with tenants on the further commercialisation of garages on Council estates and ancillary land be approved.
4. That authority be delegated to the Cabinet Member for Housing, in conjunction with the Director of Housing and Regeneration, to approve any necessary procurement arrangements to engage a managing agent for the letting and management of parking facilities at Walham Green Court, on

such terms as are indicated in this report and otherwise as the Director of Housing and Regeneration, Assistant Director (Legal and Democratic Services) and Head of Valuation and Property Services consider appropriate.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

34. TENDER ACCEPTANCE TO APPOINT A CONTRACTOR TO CARRY OUT RISK ASSESSMENTS AND ASSOCIATED REMEDIAL WORKS ON COMMUNAL HOT AND COLD WATER SYSTEMS IN HOUSING PROPERTIES

RESOLVED:

1. That approval be given to the acceptance of the most economically advantageous tender submitted by Severn Trent Metering Services Ltd.
2. To note that the contract is expected to start on 1 September 2011 for a period of 4 years, with an optional extension of a further three years.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

35. LEASEHOLDERS SERVICE CHARGE PAYMENT OPTIONS

RESOLVED:

1. To approve the proposal to bill leaseholders for future major works schemes, not yet consulted on, on an estimated basis.

2. To note the various proposed full payment options and agree in addition to the currently approved options :
 - a. That leaseholders may be afforded a 2.5% reduction of their major works bill should payment be received within 30 days of the invoice date.
 - b. An interest free repayment period for all major works charges paid within 36 months of the bill be issued subject to a signed payment agreement.
 - c. A 5 year repayment period, the first 3 years being interest free and the remaining 2 years' instalments accruing compound interest at 5% above Bank of England base rate, subject to a signed payment agreement.

That options b and c will not be available to non-resident leaseholders subletting their property (save, at officers discretion, in exceptional cases of under letting necessitated by mortgage arrears, secondment or hospitalisation, entry into a care home or circumstances of a similar nature). Nor will they be available to leaseholders who are resident but not occupying as their only or principal home, again save in such exceptional cases.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

36. REVIEW OF SHOPS PORTFOLIO

RESOLVED:

1. That authority be given to dispose of the twenty seven properties specified in the report (on such terms as are indicated in this report and otherwise as the Head of Asset Strategy and Portfolio Management and Assistant Director (Legal and Democratic Services) consider appropriate).
2. That the net capital raised from these disposals be used to recover the costs involved, set aside for housing and regeneration purposes and in so far as is possible to repay debt be approved.

3. That authority be delegated to the Cabinet Member for Housing, in conjunction with the Director of Housing and Regeneration, the Director of Finance and Corporate Services, the Assistant Director Building Property Management and the Assistant Director (Legal and Democratic Services), to tender out to source the property management for the remaining properties in the portfolio (on such terms as are indicated in this report and otherwise as the Head of Asset Strategy and Portfolio Management and Assistant Director (Legal and Democratic Services) consider appropriate).

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

37. FORWARD PLAN OF KEY DECISIONS

RESOLVED:

The Forward Plan was noted.

38. SUMMARY OF OPEN DECISIONS TAKEN BY THE LEADER AND CABINET MEMBERS, AND REPORTED TO CABINET FOR INFORMATION

RESOLVED:

The summary was noted.

39. SUMMARY OF URGENT DECISIONS TAKEN BY THE LEADER, REPORTED TO THE CABINET FOR INFORMATION

RESOLVED:

The summary was noted.

40. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the remaining items of business on the grounds that they contain information relating to the financial or business affairs of a person (including the authority)] as defined in paragraph 3 of Schedule 12A of the Act, and that the public interest in maintaining the exemption currently outweighs the public interest in disclosing the information.

[The following is a public summary of the exempt information under S.100C (2) of the Local Government Act 1972. Exempt minutes exist as a separate document.]

41. **AWARD OF A FRAMEWORK AGREEMENT FOR AGENCY WORKER SERVICES : EXEMPT ASPECTS (E)**

RESOLVED:

That the report be noted.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

42. **TIED ACCOMMODATION AND DISPOSALS : EXEMPT ASPECTS (E)**

RESOLVED:

That the report be noted.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

43. EARLS COURT REDEVELOPMENT : EXEMPT ASPECTS (E)

RESOLVED:

That the recommendations outlined in the exempt report be approved.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

44. PROJECT : MTC FOR RISK ASSESSMENT AND REMEDIAL WORKS ON WATER SYSTEMS BOROUGH-WIDE IN NON-HOUSING PROPERTIES 2011-2015 - WORKS : RISK ASSESSMENT AND REMEDIAL WORKS ON WATER SYSTEMS : EXEMPT ASPECTS (E)

RESOLVED:

That the recommendations outlined in the exempt report be approved.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

45. HAMMERSMITH PARK SPORTS FACILITY PROJECT - APPROVAL OF WORKS AND SERVICES CONTRACTOR TO APPOINT AS PREFERRED BIDDER : EXEMPT ASPECTS (E)

RESOLVED:

That the report be noted.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

46. REQUEST FOR DELEGATED AUTHORITY TO AWARD CONTRACT FOR DRUG INTERVENTION PROGRAMME (DIP) AND OPEN ACCESS SERVICE : EXEMPT ASPECTS (E)

RESOLVED:

That the report be noted.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

47. REVIEW OF WALHAM GREEN COURT GARAGES : EXEMPT ASPECTS (E)

RESOLVED:

That the report be noted.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

48. **TENDER ACCEPTANCE TO APPOINT A CONTRACTOR TO CARRY OUT RISK ASSESSMENTS AND ASSOCIATED REMEDIAL WORKS ON COMMUNAL HOT AND COLD WATER SYSTEMS IN HOUSING PROPERTIES : EXEMPT ASPECTS (E)**

RESOLVED:

That the recommendations outlined in the exempt report be approved.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

49. **REVIEW OF SHOPS PORTFOLIO : EXEMPT ASPECTS (E)**

RESOLVED:

That the report be noted.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

50. **SUMMARY OF EXEMPT DECISIONS TAKEN BY THE LEADER AND CABINET MEMBERS, AND REPORTED TO CABINET FOR INFORMATION (E)**

RESOLVED:

The summary was noted.

51. **SUMMARY OF EXEMPT URGENT DECISIONS TAKEN BY THE LEADER,
AND REPORTED TO THE CABINET FOR INFORMATION (E)**

RESOLVED:

The Summary was noted.

Meeting started: 7.00 pm
Meeting ended: 7.52 pm

Chairman