

Cabinet

Minutes

Monday 15 October 2012

PRESENT

Councillor Nicholas Botterill, Leader (+ Regeneration, Asset Management and IT)
Councillor Greg Smith, Deputy Leader (+ Residents Services)
Councillor Helen Binmore, Cabinet Member for Children's Services
Councillor Mark Loveday, Cabinet Member for Communications (+ Chief Whip)
Councillor Marcus Ginn, Cabinet Member for Community Care
Councillor Andrew Johnson, Cabinet Member for Housing
Councillor Victoria Brocklebank-Fowler, Cabinet Member for Transport and Technical Services

ALSO PRESENT

Councillor Stephen Cowan
Councillor Andrew Jones
Councillor PJ Murphy

62. MINUTES OF THE CABINET MEETING HELD ON 3 SEPTEMBER 2012

RESOLVED:

That the minutes of the meeting of the Cabinet held on 3 September 2012 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

63. APOLOGIES FOR ABSENCE

RESOLVED:

There were no apologies for absence.

64. DECLARATION OF INTERESTS

RESOLVED:

There were no declarations of interest.

65. THE GENERAL FUND REVENUE BUDGET 2012/2013 - MONTH 4 AMENDMENTS

RESOLVED:

That the changes to the General Fund revenue budgets as set out in Appendix 1 to the 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.

66. THE GENERAL FUND CAPITAL PROGRAMME - QUARTER 1 (MONTH 3 AMENDMENTS)

RESOLVED:

That the changes to the capital programme as summarised in the 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.

67. ECONOMIC DEVELOPMENT S106 EXPENDITURE

RESOLVED:

1. That the use of Section 106 funds for economic development purposes as set out in Section 3 and Appendix 1 of the report be approved.

2. That the update on the development of new priorities be noted and a report on progress made be submitted to Cabinet in September 2013.

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.

68. FUNDING REQUEST FOR 2012/13 TRI-BOROUGH COSTS

RESOLVED:

That £235,000 be given to fund additional short term staff requirements through to the end of March 2013 as set out in section 3 of the report to deliver required LBHF savings 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.

69. SHEPHERDS BUSH MARKET REGENERATION - COMPULSORY PURCHASE ORDER

Cabinet considered a report setting out progress to date on land assembly to facilitate a comprehensive Shepherds Bush Market regeneration scheme. The report also outlined grounds for approval to seek Compulsory Purchase Powers for the acquisition of all relevant interests required to support the implementation of the scheme.

In response to a question regarding why the Council had decided to use Compulsory Purchase Powers (CPP), the Leader said that the powers will be exercised if it is the only way to achieve the objective to assemble the parcels of land not owned by the developer and to support the regeneration of the market. The Compulsory Purchase Powers show all parties the ability to

acquire all the land required for the development to progress, and will only be used if necessary and not otherwise.

Councillor Cowan was of the view that if the project proceeded on a negotiated basis it would obtain the best price without disadvantaging the market trader or seller. He felt the Council had strengthened the hands of the developer by agreeing a Compulsory Purchase Order (CPO). In his view, the developers should be able to negotiate with the small traders and businesses to obtain a satisfactory outcome without the threat of a CPO. The Leader said that the development was in the best interests of the residents and the businesses in the area. Where there are fragmented interested parties, the best way to obtain best value for all parties concerned is through a CPO which is rarely carried through. The Council was not taking lightly the use of such powers.

Councillor Jones asked for more detail on the design of suitable accommodation for existing Goldhawk Road traders and businesses. He commented that the design of some of the new premises would not be suitable for some businesses such as the Pie and Marsh shop. He was informed by officers that traders will be assisted into alternative or temporary accommodation by the developer. Thereafter, as part of the section 106 agreement, the businesses and traders will have first refusal of returning to their existing parade. The developer would further assist them to move to a new location if required. The Leader agreed that the concerns regarding design will be relayed to the developer and officers will ensure that a dialogue commences on such issues. In response to a question, the meeting was informed that it would take between 2 to 3 years for the construction programme to be completed.

During the debate, the Members of the Opposition requested additional information on the scheme in the following areas:-

- Judicial Review - The legal spend to date and future provision including internal legal costs and officers' time spent.
- Professional fees – The extent to which professional fees would be covered.

RESOLVED:

1. That Cabinet agrees that the four conditions set out in the report considered by Cabinet on 14 October 2010 have now been met.
2. That Cabinet agrees that the proposed scheme for the regeneration of the Shepherds Bush Market area will contribute to the achievement of the economic, social and environmental wellbeing of the area.
3. That a compulsory purchase order be made and thereafter that confirmation be sought from the Secretary of State for the use of compulsory purchase powers for the acquisition of all relevant property interests (as set out in Section 2 of this report) required to facilitate the implementation of the proposed scheme of development and regeneration at Shepherds Bush Market be approved.

4. That the Council enter into a CPO Indemnity Agreement with Orion Shepherds Bush group of companies generally in the terms set out in this report and Appendix B be approved.
5. That the Orion Shepherds Bush group of companies will continue to negotiate to acquire all necessary land and rights by agreement pending the formal confirmation of compulsory purchase powers be noted.
6. That the Leader, in conjunction with the Executive Director of Housing and Regeneration, the Executive Director of Finance and Corporate Governance and the Director of Law finalises the Statement of Reasons and settles the final form of the indemnity agreement, and takes all necessary and procedural steps to seek confirmation and implementation of the CPO and to negotiate implementation arrangements to mitigate effects on persons affected by the CPO and makes a General Vesting Declaration to implement the CPO if confirmed by the Secretary of State 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.

70. EXECUTIVE RESPONSE TO THE FLOODING SCRUTINY REPORT

RESOLVED:

That the Executive Response to the Flooding Scrutiny report, as set out at Appendix 1, 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.

71. ANNUAL CHILD PROTECTION REPORT 1 APRIL 2011 TO 31 MARCH 2012

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.

72. HAMMERSMITH AND FULHAM LOCAL SAFEGUARDING CHILDREN'S BOARD (LSCB) ANNUAL REPORT 2011-12

RESOLVED:

That the Local Safeguarding Children's Board Annual Report be noted as a briefing on local multi agency safeguarding activity and for feedback to the Tri Borough LSCB.

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.

73. TROUBLED FAMILIES - DEVELOPING AND IMPLEMENTING A TRI-BOROUGH APPROACH

RESOLVED:

That the proposals for delivering the service as set out in the 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.

74. TRANSFER OF PUBLIC HEALTH FUNCTIONS TO LONDON BOROUGH OF HAMMERSMITH AND FULHAM

RESOLVED:

1. That the statutory transfer of public health functions to local authorities from 1 April 2013 be noted, and that the establishment of a single tri-borough Public Health service with Westminster City Council as lead authority be agreed.
2. That, subject to the PCT engagement process, the organisational structure for the tri-borough Public Health Service be agreed.
3. That officers be authorised to continue discussions with NHS bodies on the details of transition arrangements, particularly with respect to finance, staffing and contracts, and to report back to Cabinet later this year after the formal notification of funding allocation from the Department of Health.
4. That officers be authorised to begin discussions on the terms of a Section 113 Agreement between the three authorities relating to the new tri-borough service.
5. That the planned overspend on transitional costs is met from the Corporate Contingency in 2012/13 in H&F's accounts, to be returned in 2013/14 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.

75. ACTON CARE CENTRE CONTRACT EXTENSION

RESOLVED:

1. That the contract between London Borough of Hammersmith and Fulham and Catalyst Housing Association, for the provision of Nursing Care Beds, be extended for a one year period from 1 March 2013 to 28 February 2014 be approved.
2. That the Cabinet Member for Community Care, in consultation with the Tri Borough Executive Director of Adult Social Care, be authorised to negotiate any variations to the contract price that become necessary as a result of changes to the service levels that are required, but not exceeding a total of more than 10% of the contract sum subject to the necessary budget approvals.

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.

76. STRATEGIC REVIEW OF SHELTERED HOUSING STOCK AND THE PROVISION OF EXTRA CARE UNITS IN HAMMERSMITH AND FULHAM - PHASE 1 CLOSURE REPORT

RESOLVED:

1. That the content of the CBRE Executive Summary Report and its conclusion that conversion of existing stock to the specified level of Extra Care is not a practical possibility, be noted.
2. That recommendations 1-14 set out in this report and that their implementation be agreed.

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.

77. BUILDING A HOUSING LADDER OF OPPORTUNITY, INCORPORATING HOUSING STRATEGY, HOUSING ALLOCATION SCHEME, TENANCY STRATEGY, HOMELESSNESS STRATEGY

Cabinet received a report seeking approval and endorsement of the Housing Strategy, Housing Allocation Scheme, Tenancy Strategy, and Homelessness Strategy following public consultation with interested parties and the Mayor of London who is a statutory consultee. It was noted that the proposed changes will yield significant General Fund savings from 2014/15.

Michelle Bosc on behalf of the Housing Sub Group provided comments on the provision of housing for people with learning disabilities. She reported that the Sub Group had produced a paper as a response to the consultation suggesting a way forward and action plan for meeting the needs of people with learning disabilities in Hammersmith and Fulham. She implored the Council to follow the example of other local authorities that had addressed the specific needs of people with learning disabilities.

The Cabinet Member for Housing, Councillor Andrew Johnson, welcomed the group's work and noted that some of their suggestions and concerns had been addressed in the documents. He gave the reassurance that her comments would be considered during the implementation process which will involve ongoing discussions with interested parties such as Mencap.

RESOLVED:

1. That the Housing Strategy, Tenancy Strategy, Housing Allocation Scheme and Homelessness Strategy documents annexed to the report, be approved.
2. That delegated Authority be given to the Cabinet Member for Housing in conjunction with the Executive Director of Housing and Regeneration to consider an updated Equality Impact Assessment and to make such minor changes to the documents annexed to this report as they consider necessary.

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.

78. **MEASURED TERM CONTRACT FOR BOROUGHWIDE CYCLICAL PLANNED MAINTENANCE TO COUNCIL-OWNED HOUSING PROPERTIES 2012 – 2015**

RESOLVED:

1. That the new contract is expected to start on 29 October 2012 for a period of three years, with no option to extend, be noted.
2. That the actual value of the contract will vary depending on available budgets and contractor's performance be noted.
3. That approval be given to issue orders for the 2012/13 programme of work to be carried out under the contract, up to the maximum value of £4.690m, as detailed in this report, and to agree programmes for each package of works with the contractor, with regular progress updates presented to the Cabinet Member for Housing, with whom any amendments to the programme shall be agreed.
4. To note that further reports will be submitted to Cabinet requesting approval to proceed with the future years' programmed schemes to be instructed under the contract.

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.

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

RESOLVED:

The summary was noted.

80. **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.]

81. EXEMPT MINUTES OF THE CABINET MEETING HELD ON 3RD SEPTEMBER 2012 (E)

RESOLVED:

That the minutes of the meeting of the Cabinet held on 3rd September 2012 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

82. SHEPHERDS BUSH MARKET REGENERATION - COMPULSORY PURCHASE ORDER: EXEMPT ASPECTS (E)

RESOLVED:

That the recommendations contained within 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.

83. ACTON CARE CENTRE CONTRACT EXTENSION : EXEMPT ASPECTS (E)

RESOLVED:

That the recommendations contained within 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.

84. MEASURED TERM CONTRACT FOR BOROUGHWIDE CYCLICAL PLANNED MAINTENANCE TO COUNCIL-OWNED HOUSING PROPERTIES 2012-2015 : EXEMPT ASPECTS (E)

RESOLVED:

That the recommendations contained within 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.

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

RESOLVED:

The summary was noted.

86. 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: 7.50 pm

Chairman