

Cabinet

Agenda

MONDAY
15 OCTOBER 2012
7.00 pm

COURTYARD ROOM
HAMMERSMITH
TOWN HALL
KING STREET
LONDON W6 9JU

Membership

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

Date Issued
02 October 2012

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PUBLIC NOTICE

The Cabinet hereby gives notice of its intention to hold part of this meeting in private to consider items **20-25** which are exempt under paragraph 3 of Schedule 12A to the Local Government Act 1972, in that they relate to the financial or business affairs of any particular person, including the authority holding the information.

The Cabinet has received no representations as to why the relevant part of the meeting should not be held in private.

Members of the Public are welcome to attend.
A loop system for hearing impairment is provided, together with disabled access to the building

DEPUTATIONS

Members of the public may submit a request for a deputation to the Cabinet on non-exempt item numbers **4-18** on this agenda using the Council's Deputation Request Form. The completed Form, to be sent to David Viles at the above address, must be signed by at least ten registered electors of the Borough and will be subject to the Council's procedures on the receipt of deputations. **Deadline for receipt of deputation requests: Wednesday 10 October 2012.**

COUNCILLORS' CALL-IN TO SCRUTINY COMMITTEES

A decision list regarding items on this agenda will be published by **Wednesday 17 October 2012**. Items on the agenda may be called in to the relevant Scrutiny Committee.

The deadline for receipt of call-in requests is: **Monday 22 October 2012 at 3.00pm**. Decisions not called in by this date will then be deemed approved and may be implemented.

A confirmed decision list will be published after 3:00pm on **Monday 22 October 2012**.

Cabinet Agenda

15 October 2012

<u>Item</u>		<u>Pages</u>
1.	MINUTES OF THE CABINET MEETING HELD ON 3 SEPTEMBER 2012	1 - 14
2.	APOLOGIES FOR ABSENCE	
3.	DECLARATION OF INTERESTS	
	<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.</p>	
4.	THE GENERAL FUND REVENUE BUDGET 2012/2013 - MONTH 4 AMENDMENTS	15 - 17
5.	THE GENERAL FUND CAPITAL PROGRAMME - QUARTER 1 (MONTH 3 AMENDMENTS)	18 - 23

6.	ECONOMIC DEVELOPMENT S106 EXPENDITURE	24 - 36
7.	FUNDING REQUEST FOR 2012/13 TRI-BOROUGH COSTS	37 - 41
8.	SHEPHERDS BUSH MARKET REGENERATION - COMPULSORY PURCHASE ORDER	42 - 146
9.	EXECUTIVE RESPONSE TO THE FLOODING SCRUTINY REPORT	147 - 197
10.	ANNUAL CHILD PROTECTION REPORT 1 APRIL 2011 TO 31 MARCH 2012	198 - 213
11.	HAMMERSMITH AND FULHAM LOCAL SAFEGUARDING CHILDREN'S BOARD (LSCB) ANNUAL REPORT 2011-12	214 - 292
12.	TROUBLED FAMILIES - DEVELOPING AND IMPLEMENTING A TRI-BOROUGH APPROACH	293 - 311
13.	TRANSFER OF PUBLIC HEALTH FUNCTIONS TO LONDON BOROUGH OF HAMMERSMITH AND FULHAM	To follow
14.	ACTON CARE CENTRE CONTRACT EXTENSION	312 - 316
15.	STRATEGIC REVIEW OF SHELTERED HOUSING STOCK AND THE PROVISION OF EXTRA CARE UNITS IN HAMMERSMITH AND FULHAM - PHASE 1 CLOSURE REPORT	317 - 338
16.	BUILDING A HOUSING LADDER OF OPPORTUNITY, INCORPORATING HOUSING STRATEGY, HOUSING ALLOCATION SCHEME, TENANCY STRATEGY, HOMELESSNESS STRATEGY	339 - 523
17.	MEASURED TERM CONTRACT FOR BOROUGHWIDE CYCLICAL PLANNED MAINTENANCE TO COUNCIL-OWNED HOUSING PROPERTIES 2012 – 2015	524 - 539
18.	SUMMARY OF OPEN DECISIONS TAKEN BY THE LEADER AND CABINET MEMBERS, AND REPORTED TO CABINET FOR INFORMATION	540 - 549
19.	EXCLUSION OF PRESS AND PUBLIC	

The Cabinet is invited to resolve, under Section 100A (4) of the Local Government Act 1972, that the public and press be excluded from the meeting during the consideration of the following items of business, on the grounds that they contain the likely disclosure of exempt information, as defined in paragraph 3 of Schedule 12A of the said Act, and that the public interest in maintaining the exemption currently outweighs the public interest in disclosing the information.

20. EXEMPT MINUTES OF THE CABINET MEETING HELD ON (E)
21. SHEPHERDS BUSH MARKET REGENERATION - COMPULSORY PURCHASE ORDER: EXEMPT ASPECTS (E)
22. ACTON CARE CENTRE CONTRACT EXTENSION : EXEMPT ASPECTS (E)
23. MEASURED TERM CONTRACT FOR BOROUGHWIDE CYCLICAL PLANNED MAINTENANCE TO COUNCIL-OWNED HOUSING PROPERTIES 2012-2015 : EXEMPT ASPECTS (E)
24. SUMMARY OF EXEMPT DECISIONS TAKEN BY THE LEADER AND CABINET MEMBERS, AND REPORTED TO CABINET FOR INFORMATION (E)
25. SUMMARY OF EXEMPT URGENT DECISIONS TAKEN BY THE LEADER, AND REPORTED TO THE CABINET FOR INFORMATION (E)

Agenda Item 1

London Borough of Hammersmith & Fulham



Cabinet

Minutes

Monday 3 September 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 Colin Aherne
Councillor Elaine Chumnerly
Councillor Stephen Cowan
Councillor Lisa Homan
Councillor PJ Murphy

32. PIOTR MIKIEWICZ

The meeting observed a minutes silence in memory of Piotr Mikiewicz. Piotr, who worked as a street cleaner, had tragically passed away the previous week after being stabbed whilst trying to prevent a burglary in Shepherds Bush.

33. MINUTES OF THE CABINET MEETING HELD ON 23 JULY 2012

RESOLVED:

That the minutes of the meeting of the Cabinet held on 23 July 2012 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

34. APOLOGIES FOR ABSENCE

There were no apologies for absence.

35. DECLARATION OF INTERESTS

There were no declarations of interest.

36. THE GENERAL FUND REVENUE BUDGET 2012/2013 - MONTH 2 AMENDMENTS

RESOLVED:

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

37. TREASURY MANAGEMENT OUTTURN REPORT

RESOLVED:

1. To note that the Council has not undertaken any borrowing for the period 1 April 2011 to 31 March 2012.
2. To note the investment activity for the period 1 April 2011 to 31 March 2012.

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.

38. EARL'S COURT REDEVELOPMENT AND STATUTORY AND WIDER CONSULTATION

The Cabinet gave detailed consideration to a report which set out the terms of a Conditional Land Sale Agreement (CLSA) which would grant an option to the Capital and Counties Properties PLC group of companies (Capco) to include Council owned land including the West Kensington and Gibbs Green estates in a comprehensive redevelopment scheme. At the same time Members also received and considered the final analysis of consultation responses and the equalities impact assessment in respect of the proposals.

The Chairman invited the Executive Director of Housing and Regeneration, Melbourne Barrett, to introduce the report.

Mr Barrett emphasised that the decision before Members was very significant for the Authority. Recommending that the Cabinet should agree that it was willing to enter into the Conditional Land Sale Agreement, Mr Barrett acknowledged the disturbance and disruption to residents but considered that this needed to be balanced against the very significant benefits to the local community and the wider area provided by such a major opportunity for growth and development. The 10m sq ft mixed use development would yield 7,500 new homes, including 760 new replacement homes, 2m sq ft of commercial space, 36,000 temporary construction jobs and 9,500 permanent jobs, a park, playgrounds and other facilities for children. The development was expected to bring in £99m pa of additional expenditure in the local economy.

Mr Barrett outlined details of the CLSA and the advantages and safeguards for tenants and leaseholders. It was noted that the Conditional Land Sale Agreement provided for the transfer of the Council's land in phases with replacement homes provided by the developer prior to any transfer. It was anticipated that the first phase of replacement housing would be provided on Capco's land at Seagrave Road, facilitating a 'one move only' approach. Existing Council tenants, resident leaseholders and freeholders would be guaranteed a brand new replacement home within the development, compliant with the Mayor of London's design guidance standards.

Tenants would remain secure tenants of the Council paying Council rents. They would also receive a statutory home loss payment of £4,700, a disturbance payment to cover moving costs and new white goods, carpets and curtains. Resident leaseholders/freeholders would receive market value plus 10% statutory home loss payment (subject to a maximum £47,000) and a further 10% early purchase discount on a replacement property. If necessary the Council would bridge the gap in value between the resident leaseholders and freeholders old and new properties and hold the value as equity so no additional borrowing would be required.

It was emphasised that as the housing stock was not being transferred there was no requirement for a tenant ballot. The phased nature of the development would enable whole communities to be moved together. Dedicated re-housing officers would be available on site to offer advice and support to residents on a one to one basis.

Mr Barrett explained that the proposals also offered substantial benefits to the Council, enabling existing housing stock to be replaced on a new for old basis, avoiding significant maintenance liabilities on the estates and allowing the 16% of existing tenants who were overcrowded to be re-housed in homes with sufficient bedrooms to meet their needs. The use of private sector finance through the developer meant that this could be achieved without recourse to scarce public funding. The design and method of construction was safeguarded by a requirement that the Council approve each phase of replacement housing.

Mr Barrett emphasised that the Council had retained expert external advice in this matter which had confirmed that the proposed transaction would be highly beneficial for the Council and its residents. Richard Budge, attending the meeting on behalf of legal advisers SNR Denton, informed Members that the terms now presented were consistent with the provisional terms endorsed by the Cabinet in April and that the Council could terminate the agreement if Capco failed to deliver up to 50% of the social rented units within 10 years. Christopher Pratt of Jones Lang Lasalle (JLL) was able to confirm that the commercial terms were also substantially unchanged and the 760 new replacement homes and £105m remained best consideration for the Council's land. Jon Webber of PricewaterhouseCoopers (PWC) advised that financial due diligence on the project had been satisfactorily undertaken.

The Cabinet was informed of details of the 9 week public consultation exercise undertaken in respect of the proposals. It noted that 30,000 information packs and feedback forms had been distributed. Some 1,405 responses had been received, 779 from 516 properties on the estates and 626 from the wider area. The majority of those objecting to the proposals were residents of the estates while the majority of favourable responses were drawn from the wider area. For the purposes of the statutory consultation under section 105 of the Housing Act, which related only to those named on tenancy agreements, 324 (55%) of the 584 eligible secure council tenants responded, with 103 (32%) in favour of the proposal, 213 (66%) in opposition to it, 1 expressing concerns and 7 (2%) did not express an opinion. It was noted that of those Council tenants eligible to participate in the section 105 consultation, 260 (45%) did not do so.

Mr Barrett informed Members that the consultation had illustrated there was still a lack of understanding amongst individual residents about what would happen to them if the redevelopment went ahead. This would be addressed through one to one meetings designed to fully inform residents and deal with individual concerns.

The Cabinet noted that the Analysis of Responses to Consultation at Appendix 5 of the report contained Officer comments on the points raised in the consultation together with correspondence from and response to the TRAs' submission, a letter from Mr Andrew Slaughter MP and additional representations. It was noted that the TRAs' preference was for no comprehensive development and a stock transfer away from the Council. Members noted that this would mean the loss of the regeneration and economic development benefits of the project. It was unclear how the stock transfer would be funded in terms of paying for the initial transfer of homes, clearing the existing debt associated with the housing stock, future improvements and maintenance obligations. Mr Barrett advised that in the view of Officers a stock

transfer would be premature. The Council would acquire a 995 year lease (virtual freehold) on the new replacement homes and could consider transfer of its virtual freehold in this manner following completion of the redevelopment scheme, once the regeneration benefits had been realised.

Mr Barrett also appraised the Cabinet of the outcome of the Equalities Impact Assessment undertaken on the proposals. It had been found that the impact of moving home could be greater for elderly residents or those with disabilities. The maintenance of existing support networks and the assistance of re-housing Officers would be particularly important for these groups. There could also be a negative impact for people under-occupying properties. A single person with a three bedroom home would, for example, be allocated a two bedroom home by way of replacement. This would be balanced by the positive impact on families who were currently overcrowded. A Tenants Needs Analysis would ensure that they were allocated sufficient bedrooms to more appropriately meet their needs. An above average number of residents from black and minority ethnic communities would feel any adverse impact of the scheme because a higher proportion in those groups lived on the estate compared to Borough wide or London averages.

The Cabinet received three deputations on the proposals, from Richard Osband, a West Kensington Estate Resident, Keith Drew of West Kensington and Gibbs Green Residents Group and Maureen Way of the West Kensington and Gibbs Green Steering Group.

Richard Osband raised concerns about the nature of the relationship between the Council's advisors PWC and JLL, and Capco, claiming that they were the same companies which certified Capco's accounts and valuation of the scheme. Mr Osband questioned whether it was right for Capco's three executive directors to take bonuses averaging £575,000 for what he felt was the destruction of residents homes and Earls Court. He noted that Transport for London, as the freeholder of the Earls Court Exhibition Centre, had yet to consider the scheme and could, by forcing Capco to keep the Centre open, effectively block the plans. In his view this made any decision on a CLSA premature. Mr Osband queried whether an alternative plan could have been realised by the Council working with TfL and their own development partner.

Finally, Mr Osband expressed concern at the involvement of Thomas and Raymond Kwok, who had purchased 50% of Seagrave Road from Capco and were currently facing bribery and corruption charges in Hong Kong. Questioned by Councillor Cowan as to why he no longer considered the scheme good value, Mr Osband replied that he was disturbed at the 20 year option agreement for Capco and at apparent promises that residents would be prioritised for an early move to the new Seagrave Road properties if they supported the scheme.

The Chairman, in response to Mr Osband's presentation, emphasised that it was not possible to comment on the position in respect of the Kwoks prior to trial but assurances had been received from Capco that alternative sources of funding would be available if the deal with the Kwoks could not be realised.

Mr Drew informed the Cabinet that residents were scared that they were going to lose their homes, their communities would be disrupted and they would be subjected to physical and emotional upheaval. He felt that the Council had not given sufficient consideration to the consultation response, which he considered showed strong opposition to the scheme, or responded properly to major flaws identified by residents. Mr Drew was of the view that the residents should be given the opportunity to own and manage their own estates and had been denied a ballot on a stock transfer. He suggested that the scheme sought to derive party political advantage and transfer poorer residents away from the area. He was concerned that despite apparent promises to residents in respect of priority for homes in the Seagrave Road development, no properties had yet been allocated.

Finally, Maureen Way spoke in favour of the proposals, emphasising that they were the best thing that could happen to residents. She and her fellow residents had been working on the scheme with the Council and the developer for three years and they felt that the best possible outcome had now been achieved for tenants, leaseholders and freeholders. She felt that the proposals would improve children's play facilities, bring economic benefit and put life back into Fulham.

Following the presentations and deputations the Chairman provided each Member present with the opportunity to ask questions of Officers and the Council's advisors.

In response to questions from Councillor Colin Aherne, the Chairman confirmed that the scheme would be unable to proceed without TFL's consent but emphasised that it was appropriate to bring the proposals before the Cabinet at this stage, prior to Planning consent, because there needed to be a starting point and the approvals process contained sufficient checks and balances. The Chairman and Mr Barrett refuted suggestions that residents had been misled into believing that the new homes would be larger than the existing units, highlighting that of the 9 comparative room sizes contained in the report, 7 were larger in the new properties. Some of the bedrooms would be smaller but the typical layout of properties had changed in the 40 years since the existing homes had been built and it was now more common for living areas to be larger.

Mr Barrett recognised that there were strongly held views on the consultation, as expressed by Councillor Aherne, but emphasised that whilst the majority of the statutory Section 105 consultees who responded were against the proposals, a significant number, some 45%, had not supplied any comment.

Councillor Stephen Cowan enquired about the nature of the working relationship between the Council and Capco. He was informed that the relationship was close but not inappropriate. Officers sought to represent the best interests of the Council and were supported in negotiations by top quality advisors.

Councillor Cowan asked a series of questions concerning the existence of a list of supporters of the proposals who it was alleged had been promised priority in the allocation of the new housing units and efforts to investigate the matter. Mr

Barrett informed the Cabinet that decisions on the allocation of housing would be made in accordance with the Earls Court/West Kensington Local Lettings Policy, as described in Appendix 7 of the report, which would be overseen by the Director for Housing Options. He was not in a position to confirm the precise date he had first become aware of claims of the existence of such a list but once the allegation had come to his attention he had taken briefings from Project Officers and confirmed, for the avoidance of any doubt, that the approach to housing allocation would be as set out in Appendix 7. Mr Barrett confirmed that he had exchanged correspondence with Councillor Cowan to this effect.

Mr Barrett advised that there was no list of residents who would be prioritised for an early transfer to the new properties, merely an informal record of the views of some residents as expressed to the Project Officer. The timing of transfers would be dependent on phasing and the needs of individual tenants in accordance with the Local Lettings Plan.

In response to further questions the Cabinet was informed that the involvement of a third party, in this case PWC, to examine Capco's asset base was standard practice. As due diligence only ever provided a snapshot, the request of updated financial information by PWC was also customary. Members were informed of the safeguards and guarantees that were in place in the event that Capco was wound up and it was re-emphasised that no land transfer would take place before the construction and handover of the new homes. Given the scale of the transaction the Council had retained a large firm with experience of large scale transactions. There were a limited number of firms who advised in relation to these large scale transactions. It was therefore not surprising that PWC also had a relationship with Capco as auditor but internal arrangements were in place to ensure confidentiality and probity.

Following a five minute adjournment of the meeting by the Chairman under Council Procedure Rule 21(e) at 8.25pm to allow for the restoration of order in the public gallery, the meeting resumed with further questions from Members.

In answer to questions from Councillor Lisa Homan concerning the scope and evaluation of the consultation process and the rent guarantees to tenants, Mr Barrett commented that although the secure Council tenants had a specific statutory status, the assessment of the consultation had taken all responses into account. He agreed to provide Councillor Homan with details of the total expenditure on the estates over the previous 10 years, including the Decent Homes programme. Residents would remain tenants of the Council paying Council social rents rather than 'affordable rents' that could be up to 80% of market value.

Councillor P.J. Murphy enquired about the financial benefit of the scheme. It was confirmed that the estimated £99m annual benefit to the local economy on completion of the comprehensive redevelopment excluded the Council's anticipated cash receipts of between £34-88m after costs. The Exclusivity Agreement with Capco had been extended to the end of January 2013 as agreement on final terms had been thought to be close. Capco's phased payments were due to be uprated in accordance with RPI rather than land

values because the former was considered to be more certain. Capco would be liable to pay compensation if payments were delayed.

Mr Barrett was asked how the needs of those tenants who were currently overcrowded would be safeguarded. He confirmed that closer to the relevant phasings a Tenant Needs Analysis would be undertaken to ensure that individuals were allocated appropriate homes. Whilst there would always be exceptions in the case of very large families (for example, more than six children), the vast majority of the households on the estates that were overcrowded would be provided with more appropriate housing. An initial desktop exercise confirmed that there was headroom to provide sufficient built accommodation.

Councillors Victoria Brocklebank-Fowler and Helen Binmore enquired about the meaning of the CLSA and the consultation process respectively. It was confirmed that the transfer of land to Capco was conditional upon the company undertaking a variety of things to the Council's satisfaction, most notably the construction of replacement homes. It was guaranteed that no land sale would take place if the homes were not provided. Mr Barrett informed Members that the consultation process had been designed to ensure as wide a range of views were heard as possible. No tenant ballot had been undertaken because it was only required in instances where there was to be a stock transfer to a new landlord.

Councillor Mark Loveday sought clarification on whether the scheme benefits indicated at the meeting of Cabinet in April remained applicable. Mr Barrett was able to confirm that they were, reaffirming the figures given earlier in the meeting in respect of the number of homes to be provided by the scheme, the guarantees that residents would remain tenants of the Council, and the park, play areas and school to be provided. Mr Barrett also highlighted the economic benefits, including the £99m pa of additional expenditure in the local economy and the number of temporary and permanent jobs. It was expected that some 2,650 of those jobs would be for local residents, mostly those living within Hammersmith & Fulham.

Similarly, Mr Barrett was able to reconfirm for Councillor Andrew Johnson that tenants would continue to pay Council rents, and leaseholders would benefit from a minimum 5 year cap on service charges. Those Council tenants who preferred to pursue home ownership options would be supported in doing so. As the amount of replacement housing would be more than required in each phase it would be possible to prioritise those in housing need and those residents who wished to remain in the area through the Local Lettings Plan.

Having considered the report and accompanying papers before it, and the discussion during the course of the meeting, the Cabinet

RESOLVED:

1. That the Cabinet note and consider the Analysis of Consultation Responses (Appendix 5) regarding the recent statutory and wider consultation.

2. That the Cabinet note and consider the Equalities Impact Assessment (Appendix 12) prepared in respect of the proposed decisions which are the subject of this report.
3. In light of the Analysis of Consultation Responses and the Equalities Impact Assessment and having regard to the regeneration benefits summarised in this report, that the Cabinet should agree that it is willing to enter into a Conditional Land Sale Agreement (CLSA) and relevant associated documents as set out in paragraph 6.12 of this report, with EC Properties LP, part of the Capital and Counties Properties plc group of companies (referred to as Capco within the report) to include the West Kensington and Gibbs Green Estates (the Estates) in the proposed comprehensive redevelopment scheme.
4. That approval is given to include the Tenant and Leaseholder/Freeholder Assurances within the agreed CLSA.
5. That the Council approve the disposal to EC Properties LP (Capco) of land formerly occupied by Gibbs Green School within the overall CLSA on terms set out in this report, with the disposal proceeds to be applied to a replacement educational facility.
6. To approve the disposal to EC Properties LP (Capco) of land at 11 Farm Lane within the overall CLSA, as set out in the report.
7. To authorise the Executive Director of Housing and Regeneration to prepare an application for the Secretary of State's consent for the necessary disposal of Housing Revenue Account (HRA) land, for submission to Full Council and appoint supporting advisors necessary to help secure such consent.
8. To give delegated authority to the Executive Director of Housing and Regeneration in consultation with the Executive Director of Finance and Corporate Governance to purchase leasehold and freehold interests situated on the land (Estates), included within the CLSA, by agreement up to a cumulative value of £15m funded from the Decent Neighbourhoods Fund and appoint advisors to support these acquisitions.
9. To approve the 4 year budget as set out in section 9 funded from the Decent Neighbourhoods Fund and provide the Executive Director of Housing and Regeneration with delegated approval to finalise the allocation of resources within this budget envelope.
10. That capital receipts arising from the CLSA are used to cover costs of disposal and those incurred in delivering the project and that the portion received in respect of land and properties currently held within the Housing Revenue Account is reinvested (so far as lawfully possible) in housing and regeneration, including:
 - To fund capital expenditure on area-based improvements that help the Council achieve its corporate objectives;
 - To develop or acquire new affordable housing to meet identified housing needs, including where appropriate by the extension of properties;

- To fund tenant incentive initiatives (qualifying as capital expenditure) that free up council housing which is in demand for those in housing need (e.g. for larger family accommodation);
- Subject to the Council ensuring that its statutory housing responsibilities to meet housing needs are performed, to use receipts to reduce HRA or General Fund debt where this is identified as a priority, and where repayment of the debt is of net financial benefit to the Council's HRA or General Fund;
- To invest in capital expenditure on planned maintenance of the Council's current housing stock until this is fully funded by the HRA revenue account.

11. To authorise the Executive Director of Housing and Regeneration to consult on the draft Earl's Court Local Lettings Plan and Re-housing policy.

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.

39. MAYOR OF LONDON'S CYCLE HIRE SCHEME

RESOLVED:

1. That authority be delegated to the Cabinet Member for Transport and Technical Services, in conjunction with the Executive Director for Transport and Technical Services, to enter into an agreement with Transport for London to extend the Mayor of London's Cycle Hire Scheme into the borough.
2. That the Council makes a contribution of up to £2 million to the extension, to be recovered by developer contributions, as detailed in Section 4 of the agenda report.

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.

40. STRATEGY FOR THE PROVISION OF CARER SERVICES ACROSS THE CITY OF WESTMINSTER, THE LONDON BOROUGH OF HAMMERSMITH AND FULHAM, AND THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

RESOLVED:

1. That approval be given to the re-let strategy for the contract for provision of carer services across the three boroughs as set out in this report.
2. That the tender be comprised of the following lots:
 - Lot 1 – A Carers’ Hub - Advice, Information, Advocacy and Support Service
 - Lot 2 – A Young Carers’ Support Service
 - Lot 3 - A Home Support and Short Breaks Service for Adults, and Children with Disabilities
3. That Westminster City Council (WCC) lead the procurement of a new Tri-Borough Carers’ Services Contract and award the contract, which will come into effect in October 2012 in replacement of the current carers’ services.

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.

41. FORWARD PLAN OF KEY DECISIONS

The Forward Plan was noted.

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

The summary was noted.

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

The summary was noted.

44. 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.]

45. EARLS COURT DEVELOPMENT: 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.

46. PROJECT: RELEASE OF RESTRICTIVE COVENANT AT 70-72 HAMMERSMITH BRIDGE ROAD (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.

47. STRATEGY REPORT FOR THE PROVISION OF CARER SERVICES ACROSS THE CITY OF WESTMINSTER, THE LONDON BOROUGH OF HAMMERSMITH AND FULHAM AND THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA : 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. SUMMARY OF EXEMPT DECISIONS TAKEN BY THE LEADER AND CABINET MEMBERS, AND REPORTED TO CABINET FOR INFORMATION (E)

The summary was noted.

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

The summary was noted.

Meeting started: 7.00 pm
Meeting ended: 9.20 pm

Chairman

Cabinet

15 OCTOBER 2012

LEADER

*Councillor Nicholas
Botterill*

**THE GENERAL FUND REVENUE BUDGET
2012/2013 – MONTH 4 AMENDMENTS.**

**Wards:
All**

The purpose of this report is to seek approval for changes to the 2012/13 Revenue Budget.

CONTRIBUTORS

All Departments

Recommendation:

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

**HAS A EIA BEEN
COMPLETED?
N/A**

1. EXECUTIVE SUMMARY

- 1.1 This report sets out proposed amendments to the 2012-13 Revenue Budgets as at month 4.
- 1.2 Two General Fund virements totalling £0.785m are proposed. The largest virement £0.685m is required to realign Housing Department divisional budgets. There is also a transfer of £0.1m budget from Centrally Managed Budgets to Environment, Leisure and Residents services to realign budgets as a result of the Cabinet Decision not to close the Phoenix Centre.
- 1.3 HRA virements totalling £0.185m are required to realign the HRA finance team budgets.
- 1.4 It is not considered that the adjustments to the revenue budget would have any impact on one or more protected group(s) and so there are no equality implications arising as a result of this report and an EIA is not required.

2. REVENUE BUDGET ADJUSTMENTS

- 2.1 The total adjustments to revenue budgets is £0.97m (Appendix 1).
- 2.2 There are virements totalling £0.785m to general fund budgets. The largest virement £0.685m is required to realign Housing Department divisional budgets. There is also a transfer of £0.1m budget from Centrally Managed Budgets to Environment, Leisure and Residents services to realign budgets as a result of the Cabinet Decision not to close the Phoenix Centre.
- 2.3 There are virements totalling £0.185m required to realign the HRA finance team budgets.

3. EQUALITY IMPLICATIONS

- 3.1 The Revenue Budget was set on 29 February 2012 at a meeting of Full Council and was informed by an Equality Impact Assessment ('EIA'), which assessed the reduction in Council Tax on the relevant protected groups.
- 3.2 The report of 29 February and the accompanying EIA noted that where particular policy proposals would have an impact on protected groups, further work would be undertaken.
- 3.3 It is not considered that the adjustments to the revenue budget would have any impact on one or more protected group(s) and so there are no equality implications arising as a result of this report and an EIA is not required.

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS**

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department
1.	Revenue Monitoring Documents	Gary Ironmonger Ext. 2109	Corporate Finance Room 38 , Town Hall
Responsible officer : Gary Ironmonger, ext. 2109			

APPENDIX 1 - VIREMENT REQUEST FORM

BUDGET REVENUE MONITORING – PERIOD 4

Details of Virement	Amount (£000)	Department
Transfer £100k from Corporate reserves regarding the reversed decision of the closure of the Phoenix Centre. This decision was made by Cabinet and has resulted in a £100k shortfall on an old year MTFS savings target.	100/(100)	ELRS/CMB
A virement is required between divisions following a reconfiguration of senior management responsibilities.	685/(685)	HRD
This relates to the realignment of Finance & Resources budgets within the HRA.	185/(185)	HRA
Total of Requested Virements (Debits)	970	



Cabinet

15 OCTOBER 2012

LEADER
Councillor Nicholas Botterill

**THE GENERAL FUND CAPITAL PROGRAMME – Wards
QUARTER 1 (MONTH 3 AMENDMENTS) All**

The purpose of this report is to seek approval for changes to the Capital Programme for 2012/13.

CONTRIBUTORS

All Departments

Recommendation:

That the changes to the capital programme as summarised in this report be approved.

HAS A PEIA BEEN COMPLETED?

N/A

HAS THE REPORT CONTENT BEEN RISK ASSESSED?

N/A

1. EXECUTIVE SUMMARY

1.1 This report sets out proposed amendments to Capital budget estimates (as approved at Budget Council) as at quarter 1. The net proposed increase to the capital programme is £28.191m (table 1). This increase is primarily attributable to the notification of additional external funding, most notably the Basic Needs grant allocation of £18.757m from the Department for Education. While this report seeks approval for the slippage of some mainstream-funded schemes from 2011-12 into the current year, there is no additional call on the use of capital receipts and as such the debt reduction programme is unaffected by the changes proposed in this report.

2. GENERAL FUND CAPITAL PROGRAMME

2.1 Table 1 summarises the proposed amendments to the 2012/13 General Fund capital programme and is detailed in Appendix 1.

Table 1 – Summary of Proposed Amendments to the General Fund Capital Programme

Service Area	Budget at Council 29 th Feb. 2012	Slippage	Additions/ (Reduction)	Revised Budget at Quarter 1	Net Movement
	[a]	[b]	[c]	[a+b+c]	[b+c]
	£m	£m	£m	£m	£m
Children's Services	57.174	(0.799)	17.331	73.706	16.532
Adult Social Care Services	1.467	0.414	0.459	2.340	0.873
Transport and Technical Services	9.645	5.316	0.424	15.385	5.740
Finance and Corporate Services	0.750	1.383	0	2.133	1.383
Environment, Leisure and Resident's Services	3.686	0.408	3.255	7.349	3.663
Total	72.722	6.722	21.469	100.913	28.191

2.2 Movement in Expenditure

2.2.1 Children's Services

The budget movement from when the programme was approved at Budget Council in February 2012 is a net increase of £16.532m in quarter 1. This relates mainly to Local Authority additional Basic Needs grant allocation of £18.757m from the Department for Education in respect of 2012/13. This is offset by slippages into 2013/14 and future years.

2.2.2 Adult Social Care Services

A net increase of £0.873m is reported in quarter 1. This relates to a slippage of £0.414m mainly in respect of :-

- Adult Social Care Grant – DOH £0.158m
- Grants to Social Landlords funded from mainstream resources £0.128m
- Supporting Your Choice – £0.027m
- Wormwood Scrubs Prison grant from PCT – £0.098m

- Other slippage - £0.003m

Additional grant of £0.459m for Disabled Facilities Grant is reported in this period.

2.2.3 Transport and Technical Services

The budget movement from when budget was approved at budget council results in a net increase in quarter 1 budget of £5.740m. The main reason for the increase is due to a slippage of £5.316m in respect of :-

- Footways and Carriageways – mainstream funded £0.150m
- Corporate Planned maintenance/DDA – mainstream funded £2.500m
- Transport for London funded schemes £0.660m
- Developer contributions funded schemes £1.433m
- Other slippage £0.573m

Net additions of £0.424m is also being reported in this period and these are detailed in the appendix.

2.2.4 Environment, Leisure and Resident's Services

There has been an increase of £3.663m in budget due mainly to a slippage of £0.408m from 2011/12 and an additional external funding of £3.255m as detailed in the appendix.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department
1.	Capital Monitoring Documents	Isaac Egberedu Ext. 2503 Jade Cheung Ext. 3374	Corporate Finance 2 nd Floor HTH ext.

APPENDIX 1

General Fund – Summary Capital Monitor

	Budget at Council 29th Feb. 2012	Slippage	Additions/ (Reductions)	Revised Budget at Quarter 1
Department	£'000	£'000	£'000	£'000
Children's Services	57,174	-799	17,331	73,706
Adult Social Care Services	1,467	414	459	2,340
Transport and Technical Services	9,645	5,316	424	15,385
Finance and Corporate Services	750	1,383	0	2,133
Environment, Leisure and Residents Services	3,686	408	3,255	7,349
Total Expenditure	72,722	6,722	21,469	100,913

Children's Services

	Budget at Council 29th Feb. 2012	Slippage	Additions/ (Reductions)	Revised Budget at Quarter 1
Schemes	£'000	£'000	£'000	£'000
Targeted Capital	0	46	-46	0
Lyric Theatre Development	8,850	1,624		10,474
Kitchens	0	0	0	0
Early Years	0	21	0	21
Primary Capital Programme	642	935	-1,192	385
Devolved Capital to Schools	293	0	0	293
Other Capital Schemes	0	10	0	10
Schools Capital Programme	47,389	-3,936	18,569	62,022
Free Schools	0	501	0	501
Total Children's Services	57,174	-799	17,331	73,706

Adult Social Care Services

	Budget at Council 29th Feb. 2012	Slippage	Additions/ (Reductions)	Revised Budget at Quarter 1
Schemes	£'000	£'000	£'000	£'000
Adult Social Care Grant	0	158	0	158
Grants to Social Landlords to Improve Hostels	0	128	0	128
Supporting Your Choice (Social Care Reform) (DOH)	60	27	0	87
Adults' Personal Social Services Grant	957	0	0	957
Wormwood Scrubs Prison (Grant from PCT)		98	0	98
Disabled Facilities Grant	450	3	459	912
Total Community Services	1,467	414	459	2,340

Transport & Technical Services

	Budget at Council 29th Feb. 2012	Slippage	Additions/ (Reductions)	Revised Budget at Quarter 1
Schemes	£'000	£'000	£'000	£'000
Footways and Carriageways.	2,100	150	0	2,250
Planned Maintenance/DDA Programme	3,238	2,500	123	5,861
River Wall Repairs	0	40	0	40
Transport For London Schemes	2,529	660	468	3,657
Parking Reserve/ Revenue Contributions	700	106	-220	586
Developer Contribution Funded	1,078	1,433	-147	2,364
Efficiency Reserve Fund	0	0	0	0
West London Grant	0	341		341
Other Capital Schemes	0	86	200	286
Total Environment Services	9,645	5,316	424	15,385

Finance and Corporate Services

	Budget at Council 29th Feb. 2012	Slippage	Additions/ (Reductions)	Revised Budget at Quarter 1
Schemes	£'000	£'000	£'000	£'000
Contributions to Invest to Save	750	1,383	0	2,133
Total Finance and Corporate Services	750	1,383	0	2,133

Environment, Leisure and Residents Services

	Budget at Council 29th Feb. 2012	Slippage	Additions/ (Reductions)	Revised Budget at Quarter 1
Schemes	£'000	£'000	£'000	£'000
Parks	500	140	832	1,472
Bishops Park	830	112	0	942
Shepherds Bush Common Improvements	2,356	142	0	2,498
Recycling	0	14	0	14
CCTV	0	0	617	617
Hammersmith Library Refurbishment	0	0	1,650	1,650
Linford Christie Outdoor Sports Centre	0	0	156	156
Total ELRS	3,686	408	3,255	7,349



London Borough of Hammersmith & Fulham

Cabinet

15 OCTOBER 2012

LEADER

Councillor Nick Botterill

ECONOMIC DEVELOPMENT S106 EXPENDITURE

**Wards:
All**

This report updates Cabinet on current economic development workstreams and seeks approval for the use of Section 106 funds to achieve key outcomes in the short term.

The report also signals work commencing to establish new high-level economic development priorities which respond to the borough's longer term economic growth and regeneration vision.

CONTRIBUTORS

Head of Economic
Development, Learning
& Skills
Director for Housing
Options, Economic
Development & Skills
EDH&R
EDFCG
DoL

Recommendations:

- 1. That approval be given to the use of Section 106 funds for economic development purposes as set out in Section 3 and Appendix 1 of this report.**
- 2. That Cabinet notes the update on the development of new priorities and that a report on progress made will be submitted to Cabinet in September 2013.**

**HAS A EIA BEEN
COMPLETED?**

**HAS THE
REPORT
CONTENT BEEN
RISK
ASSESSED? YES**

1. ECONOMIC DEVELOPMENT UPDATE

- 1.1. A key ambition for the Council is the renewal and regeneration of deprived parts of the borough as set out in the Borough of Opportunity vision within the Council's Community Strategy 2007-14.
- 1.2. Alongside this, the Economic Development Strategy 2007 -12 clearly sets out the actions needed to bolster economic enterprise, investment and growth. The strategy states that the Council aims to:

'secure and support inward investment to stimulate growth within new sectors of the economy and create new jobs for residents, whilst ensuring that the existing business base is also supported to compete and flourish in the changing competitive climate, both locally and farther afield.'

- 1.3. The strategy has three broad workstreams
 - Social regeneration reducing welfare benefits dependency (worklessness)
 - Creating opportunity through learning and skills
 - Economic regeneration - job creation.
- 1.4. This report requests members' approval to utilise Section 106 (S106) funds to finance existing work streams during 2012/13 and 2013/14 as well as signals work commencing to refresh the strategic economic development priorities. It is envisaged that new workstreams can be agreed by Cabinet which closely correspond with the borough's longer term regeneration ambitions and economic growth aspirations. In this way maximum benefit for residents and borough businesses, particularly in the White City Opportunity Area and the Earls Court & West Kensington Opportunity Area, can be assured.

2. SECTION 106 BUDGETS

- 2.1. The Council has approved S106 agreements with land developers which resource economic development activities particularly employment and training initiatives to tackle local unemployment and low vocational skills.
- 2.2. S106 economic development funding has supported a number of results-driven projects including:
 - resourcing the WorkZone, a dedicated recruitment and retail training facility in Shepherds Bush library which in 2011/12 secured 360 jobs for Westfield London based businesses, nearly 40% of which were residents from the local area;
 - enabling the Council to establish an in-house business administration apprenticeship scheme which, now embedded

and in its 3rd year, is fully financed by employing service departments (over 55 Apprentices to date);

- supporting business sector engagement activities through town centre management in Fulham and Shepherds Bush. Funded posts have delivered initiatives to boost trade, footfall and commerce and have successfully led a vast array of events, promotions and business support activities including an annual 'Celebrating Fulham' annual festival, H&F's inaugural Brilliant Business Awards Night, 'I love Shepherds Bush' shop local campaign, bi-monthly business forums and initiatives to support small/med sized enterprises and smaller shopping parades.

3. EXPENDITURE PLANS

- 3.1 Appendix 1 to this report sets out detailed expenditure plans for the 18 month period from October 2012 to March 2014, together with a series of measurable outputs and outcomes. It is intended that the expenditure funds existing workstreams pending the refresh of priorities set out in this report.
- 3.2 Members should note that proposed expenditure in this report totals £1,069,000. If agreed this would leave unallocated economic development S106 balances of £2.4m which members can allocate in due course in line with the refreshed priorities. In addition ongoing and significant S106 contributions are in negotiation on major sites across the borough.
- 3.3 It is anticipated that the review of economic development priorities will produce detailed expenditure plans over the longer term in line with major regeneration schemes, and these plans will be reported to Cabinet for approval in September 2013, following consultation with Overview & Scrutiny Board.
- 3.4 The table below summarises the intended profile and source of the funding requested.

Table 1: Proposed use of Section 106 funds: Oct 2012 - Mar 2014

Section 106 Agreement	Initiative	2012/13 £000s	2013/14 £000s	Total £000s
Westfield	Training & Employment Contribution	117	100	217
Westfield	Regeneration & Employment	212	80	292
Westfield	Childcare Matters Fund	193	107	300
Quayside Lodge Hammersmith	Promoting enterprise	144	21	165
Palais	Promoting enterprise	5	0	5
Seagrave Road	Training & Employment Contribution	34	56	90
Total		705	364	1,069

3.5 Key Outcomes and Outputs from proposed use of Section 106 funds will include.

3.5.1 Outputs

- 915 residents secure employment
- 1,100 pre-employment training places
- 630 residents achieving a level 2 qualification
- 120 borough employers supported to fill vacancies
- £1m European investment for employment support activities.
- 8 community based jobs fairs/ employment support events and an annual bi-borough jobs fair (with RBKC)
- 60 residents into unpaid work placements/volunteering
- 51 residents secure apprentice positions with LBHF
- 77 external apprenticeship placement opportunities
- 14 bursaries that aim to provide residents with qualifications to become child care professionals
- 200 new businesses to be engaged in Enterprise Clubs
- Two major 'Meet the Buyer/Supplier' events

3.5.2 Outcomes

- Maximising S106 and CIL economic development gains from land development and regeneration.
- A S106/CIL monitoring and delivery data information system,
- Monitoring and evaluation of Developers' fulfilment of planning obligations, to ensure borough residents and businesses benefit from new developments.
- Letting and facilities management of business units to maximise income.
- Management of business engagement, investment and enterprise activity to ensure economic growth.
- Development, delivery and/or commissioning a business support service focused on increasing economic and entrepreneurial activity in the borough, with a particular focus on SMEs.

- Secure economic growth through development, retention and inward investment activities in order to showcase the borough's potential as a business and tourist location.
- Develop initiatives across the Borough to support investment ambitions through; area management, enterprise support, procurement opportunities and business events.
- Purchase of key data required for HF local economic assessment updates.

3.5.3 Corporate Benefits

The expenditure plans include initiatives which will yield wider corporate benefits for the borough and members are asked to note the value for money benefits from synergising initiatives; for example:

- At least 60 residents will be recruited into unpaid work experience opportunities and 'Volunteering in Our Libraries' will be a twin focus together with 'Volunteering to increase work experience'.
- Expenditure on employability support activities to assist residents to secure paid work will focus on unemployed residents in temporary accommodation, on the Home Buy list and other priority groups in order to bolster the Council's housing ambitions promoting community contribution and working households.
- The Childcare Matters initiative will offer 14 bursaries that will provide residents with qualifications to become child minders and child care professionals in order to fill an identified shortfall of workers in a growth sector for the borough.

4. ECONOMIC DEVELOPMENT PRIORITIES REFRESH

4.1 The Head of Economic Development, Learning & Skills will undertake a review of economic development priorities in order to ensure that:

- priorities are aligned with key council priorities
- employment and business sector growth opportunities arising from physical regeneration schemes are fully planned and forecasted
- partnership opportunities are fully exploited to increase co-commissioning and rationalised resourcing options.

4.2 It is not anticipated that a major review will be undertaken as the Council's ambition to foster economic growth and investment is explicit. However this work will enable officers to consider Census 2011, HF Local Economic Assessment and other demographic data together with the outcomes of existing successful economic development initiatives in order to establish priorities beginning in 2014 – 2015

5. RISK MANAGEMENT

- 5.1 The expenditure plans set out required levels of investment and expected outcomes and are based on income detailed in the S106 Agreements of approved planning applications. Where proposals include the funding of salary costs, these have been projected for fixed term appointments only thereby minimising employer risk.

6. COMMENTS OF THE DIRECTOR OF PLANNING

- 6.1 The agreements referred to were entered into with the purpose of promoting economic development and training skills opportunities in the Borough.
- 6.2 The funds have not as yet been committed to any other projects, and as such remain with the Council to use within the terms of the agreement.
- 6.3 The proposed uses comply with the original intended uses for the funds, and will enable the Council to continue these projects.

7. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

- 7.1 Cabinet approval is requested to utilise specific Section 106 resources to fund spending plans during 2012/13 (£705,000) and 2013/14 (£364,000) for initiatives which address the existing strategic priorities of the Economic Development function.
- 7.2 Officers in Housing & Regeneration have consulted closely with planning obligations colleagues in Transport and Technical Services to ensure funding availability and that expenditure plans are within the terms of each agreement.
- 7.3 The schemes for which approval is requested are to be coded on the RHQxxx range of cost centres within the REGSUM summary centre.

8 EQUALITY IMPLICATIONS

- 8.1 These priorities seek to bolster economic growth, investment and prosperity across the borough, with targeted initiatives aimed at young people, unemployed job seekers, learners and deprived areas of the borough.
- 8.2 These priorities have high positive impacts for unemployed residents and job seekers who are not supported through current provision such as the Single Work Programme.

- 8.3 The initiatives will also help address the barriers faced by people who wish to secure sustainable employment, for example childcare affordability, training and skills deficits, debt and financial competence, work inexperience and lack of pre-employment support.
- 8.4 An equalities Impact Assessment is available electronically.

9 COMMENTS OF THE DIRECTOR OF LAW

- 9.1 Local authorities were given power to pursue economic well-being under the Local Government Act 2000, Chapter 22 Part I – Promotion of Economic, Social or Environmental well-being section 2 of the 2000 Act. In exercising this power the Council can set the overall strategic direction and long-term vision for the economic, social and environmental well-being of a local area.
- 9.2 Where Local Authorities receive financial contributions in accordance with the terms of agreements under section 106, Town and Country Planning Act 1990, the Authority is obliged to ensure that all monies spent from the contributions are spent strictly in accordance with the purpose laid down within the Agreement.
- 9.3 It is confirmed that the expenditure proposed within this report falls within the terms of the relevant section 106 Agreements.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Economic Development Strategy 2007- 2014 (published August 2007)	Kim Dero ext 4229	HRD/Economic Development, Learning & Skills
4	Local Economic Assessment	Lee Fitzjohn ext 5799	FCSD/Performance, Planning & Review
CONTACT OFFICER: Head of Economic Development, Learning and Skills, Regeneration and Housing Strategy Division Housing and Regeneration Department		NAME: Kim Dero x 4229	

Appendix 1

2002 - Westfield London (2002 Scheme) Childcare Matters Fund - Expenditure Plan

Usage stipulated in S106 Investment Agreement: specifically for childcare costs and training to enable LBHF residents to secure employment at Westfield London, the retail sector and wider employment opportunities.

Description: Initiatives and activities which deliver:

- Social regeneration reducing welfare benefits dependency (Worklessness) - increasing childcare affordability
- Creating Opportunity through Learning and Skills - training & support for job seekers, particularly young people and parents returning to work following children's early years care.
- Economic regeneration - job creation;

In addition we will promote the availability of childcare funding from the Childcare Matters (Westfield London S106) which offers unemployed residents moving into employment, support for childcare

Descriptor	Financial Year April 12 - March 13	Financial Year April 13 - March 14	Sub-total	Outcomes and Outputs
Direct childcare costs				
- White City Bursaries (£200 per week x 26 weeks)	8 x £5200 £41,600	6 x £5200 £31,200	£72,800	There is a projected shortage of 400 childminders/child care places in the borough over the coming years. This initiative will provide a minimum of 14 bursaries that aim to provide residents with qualifications to become child minders and child care professionals in order to fill an identified shortfall of workers in a growing sector and assist workless residents into sustainable self employment
Staffing				
- Employment Opportunities Officer (contribution)	£20,000	£20,000	£40,000	Contribution to salary costs, post will: Lead on the delivery of borough wide, with a focus on housing estate based, employment support events. Specific to this area of work it will: Support the management of a minimum of 14 bursaries (over two years) that aim to provide residents with qualifications to become qualified child minders and child care professionals Lead on the recruitment of a minimum of 12 resident apprenticeship placement opportunities with external child care organisations
- 12 Apprenticeship posts	£14,000 x 8 = £112,000	£14,000 x 4 = £56,000	£168,000	12 Child care apprentice placements will be created to provide real opportunities for residents to enter sustainable employment in a growing sector where there is projected shortfall in workers over the coming two years. Apprentices will be hosted by private sector child care providers giving them real work experience in the private sector
Running costs				
Delivery of estate based employment support	£12,900	£0.00	£12,900	Publicity and delivery of housing estate based employment support to attract workless residents in White City into childcare industry inc contribution to White City Job Shop costs
Beneficiary costs				
- Self employment Accountancy/book-keeping support and external courses	£6,000	£0	£6,000	for the delivery by specialist trainers and organisations of accountancy/book-keeping support and external training courses
Year total:	£192,500	£107,200		

TOTAL: £299,700

Westfield London (2010 Scheme) Training & Employment Contribution - Expenditure Plan

S106 Investment Agreement: Employment and Training regeneration initiatives

Descriptor - Initiatives and actions which deliver:

- Social regeneration reducing welfare benefits dependency (Worklessness)
- Creating Opportunity through Learning and Skills
- Economic regeneration - job creation.

Descriptor	Financial Year April 12 - March 13	Financial Year April 13 - March 14	Sub-total:	Outcomes & Outputs
Staffing				
- Employment Opportunities Officer (contribution)	£20,000	£40,000	£60,000	Contribution to salary costs, targets include: Successfully manage the tender process, contract letting and programme management for the LBHF ESF employment support programme (value £2m - target jobs secured 543), priority groups unemployed residents in temporary accommodation, on the Home Buy list and living in social housing. Delivery of two community based jobs fairs/ employment support events by December 2102 Manage the recruitment of a minimum 60 residents into unpaid work placements/volunteering ('Volunteering in Our Libraries' will be a twin focus together with 'Volunteering to increase work experience') Support the recruitment of minimum 50 residents into apprentice positions with LBHF Lead on the recruitment of a minimum of 40 resident apprenticeship placement opportunities with external organisations
- Work Zone Manager (Westfield London recruitment centre)	£40,000	£60,000	£100,000	Secure Employment for at least 350 residents pa Fill vacancies for at least 120 borough employers (inc large and small employers) Manage a team of Job Opportunity Brokers and secondees from JCP and Ealing, Hammersmith & West London College and secure in-kind and financial support from other partners/investors To Maximise the benefits of Retail Skills Academy status by securing recruitment and training commissions from minimum 5 retailers
- Regeneration Projects Officer	£45,000		£45,000	To develop the planning gains work of the EDLS team with a view to maximising S106 and CIL economic development gains from land development and regeneration. Specifically to develop a s106/CIL monitoring and delivery data information system, that; monitors Developers fulfilment of planning obligations; demonstrates added benefit to local stakeholders including members and residents; sets out s106 expenditure levels and builds best practice and evidence to help articulate the value of future gains.
Running costs				
- Training/Running costs	£5,000		£5,000	To support the delivery of employment services through annual staff subscriptions and licences (Advice & Guidance membership), stationary and telephony costs and contribution to service charges at the Work Zone.
- Marketing/publicity (aimed at local job seekers)	£7,000		£7,000	For the promotion of employment support and training services including delivery of bi-borough jobs fairs, estate based outreach work shops and for accompanying banners, mailshots, leaflets and website content
Year total:	£117,000	£100,000		

Westfield London (2007 Scheme) Regeneration and Employment Initiatives - Expenditure Plan

**Usage stipulated within S106 Investment Agreement: Employment and Training and regeneration initiatives;
Initiatives to provide training for people resident within LBHF and to ensure provision of local employment to enable local people to compete effectively for employment.**

Descriptor: Initiatives and activities which deliver

- Social regeneration reducing welfare benefits dependency (Worklessness)
- Creating Opportunity through Learning and Skills
- Economic regeneration - job creation: apprenticeship development in key growth sectors; Work Placements; Job Brokerage

Descriptor	Financial Year April 12 - March 13	Financial Year April 13 - March 14	Sub-total	Outcomes & Outputs
European Social Fund match funding - Payment by Results Jobseekers employment support programme (ESF requires 50% LBHF match funding to release same, total fund £2 million)	£80,000	£80,000	£140,000	This contribution to a large scale ESF initiative will be matched to ESF funding for early engagement of residents onto a targeted £2m employment support programme. Outcomes for this programme include 543 residents into jobs, 380 sustainable jobs secured; 1,100 jobseekers supported with pre-employment training and 630 residents achieving a level 2 qualification
<u>Work placements and site experience</u>				
- Trainees/apprentices (salaries)	5 x £10,000 = £50,000	£0	£50,000	A minimum of five paid trainee/apprenticeships to be created for young people who would otherwise find it difficult to compete for employment (3 Construction and 2 Customer Services). Construction Trainees will gain construction site qualifications including a trainee Construction Skills Certification Scheme (CS CS) card to enable them to work on all construction sites. Developers and subcontractors will host the trainees as part of their planning obligations
<u>Skills Plan</u> (development of labour demand forecasts and necessary skill/qualifications toolkit targeted at young people & job seekers)	£20,000	£0	£20,000	Production of a skills plan for individual development areas as well as borough wide labour market future planning
<u>Staffing</u>				
- Apprenticeship Development Officer (contribution)	£39,100	£0	£39,100	Contribution to salary costs - post will promote apprentice opportunities to residents at jobs fairs and housing estate based events across the borough as well as to council managers and employers. Post will lead on the recruitment of a minimum 60 residents into unpaid work placements/volunteering (Volunteering in Our Libraries and to increase work experience will be the twin focus) lead on the recruitment of minimum 50 residents into apprentice positions across the council Support the recruitment of a minimum of 40 resident apprenticeship placement opportunities with external organisations
<u>Training</u>				
- National Skills Association (NSA) membership (essential to deliver fee paying NSA retail courses)	£15,000	£0	£15,000	Annual membership charge for WorkZone National Retail Skills Academy status; Benefits include nationally negotiated employer agreements to recruit staff for large employers and to access fee paying workforce training for employers upskilling their staff
<u>Running costs</u>				
- Work Zone service charge contribution (SB library)	£13,000	£0	£13,000	This is an ongoing 7% contribution to the running costs of the WorkZone recruitment facility located within the Shepherds Bush Library. Includes utilities, service charge and cleaning costs. The WorkZone facility is critical to securing job vacancies for residents, particularly retail vacancies at Westfield London.
<u>IT/Computer system</u>				
- Management Information system (one-off data management cost)	£15,000		£15,000	This will be critical to maximising job and training opportunities that materialise from developments across the borough over the coming years. It will allow target monitoring and reporting of job and training outcomes and outputs to be readily available. For the provision of a bespoke client management system that improves the customer experience through better data and case load management. To provide staff with the ability to upload job vacancies, search and manage client data To provide a system for monitoring and managing employer/service provider/customer engagement activity. The system will be scalable so that new developments can be added as they become live.

Quayside Lodge (Townmead Road) - Expenditure Plan

S106 Investment Agreement: specifically this agreement yields quarterly rental income until 2016 to be used "towards the provision of business and training opportunities and/or facilities and the provision of starter business units for the Benefit of the Borough and its residents".

Descriptor - Economic regeneration - job creation.

'H&F means Business' - Promoting the borough as a place of enterprise, and a good location to trade and invest.

These will include:

- market and manage existing and new business starter units in the Borough (including existing sites at Townmead, Sullivan, BBC)
- promote good procurement advice and practice aimed at business looking to buy or supply locally,
- offer business start-up and enterprise advice,
- support the trading environment and keep it competitive through activities to increase town centre footfall and consumer spending;
- management of the Council's business portal 'The Business Desk' and associated guidance for businesses and investors looking to do business in borough

Descriptor	Financial Year April 12 - March 13	Financial Year April 13 - March 14	Sub-total	Outcomes and Outputs
Staffing				
- Principal Business Investment Officer	£11,000	£11,275	£22,275	Successfully manage the letting and asset management of business units under the management of the Economic Learning & Skills service. Evaluate the economic development gain potential of planned physical development in order to ensure borough residents and businesses benefit from new developments. Management of business engagement, investment and enterprise activity to ensure economic growth. Target to ensure that the 64 business units are fully let.
- Business Administration Apprentice	£16,000	£0	£16,000	The creation of one apprenticeship for a borough resident. To provide administrative support to Economic Development Learning and Skills, specifically with regard business investment and engagement projects. This post is one year and will provide an unemployed borough resident with a full Apprenticeship framework and an NVQ 2 in Business Administration. Post holder to carry out general administrative functions, and provide good customer service to internal customers and colleagues and/or external customers.
- Business Growth Officer	£30,900	£0	£30,900	Continuity for the business support service focused on increasing economic and entrepreneurial activity in the borough, with a particular focus on SMEs; specifically 200 new businesses/entrepreneurs engaged in the the Enterprise Clubs
- Business Engagement Officer	£46,114	£0	£46,114	To develop business engagement initiatives across the Borough; combining area management, business support, collaborative activities, inward investment, co-financing opportunities, supply chain work and enterprise support. Secure economic growth through development and retention of businesses, demonstrated by % change in VAT registered/PAYE businesses to be achieved in line with national trends. Targets to be achieved through development and delivery; enterprise clubs, business engagement activities, business events and procurement activity. Target of two major 'Meet the Buyer/Supplier' events in the next 18 months.
Running costs				
- Supply Chain initiatives	£10,000	£0	£10,000	To support the delivery of a procurement service that will work with land Developers and their key contractors and sub-contractors to ensure that procurement opportunities are provided locally. The procurement service will assist Developers to produce tenders that have packages for smaller contractors; and that tenders provide community benefit; by ensuring 10% of contract is procured locally
- Enterprise /business support activities	£10,000	£0	£10,000	For the promotion of business engagement and investment activities including seasonal town centre activities, business engagement forums, business support workshops, estate based outreach workshops and for accompanying banners, mailshots, leaflets and website
Beneficiary costs				
- Master Classes in procurement	£10,000	£10,000	£20,000	Delivery of master classes and other training activity for small and medium sized enterprises to assist them in getting ready to tend for major projects, including the delivery of a Meet the Buyer and Meet the Supplier programmes due for completion before major tenders are issued from physical developments.
- Enterprise Club enterprise courses	£10,000	£0	£10,000	Delivery of a monthly Enterprise club to assist aspiring entrepreneurs in getting their ideas to market. Master Classes in business planning and the legalities of both registering intellectual property and setting up a business will be provided.
Year total:	£144,014	£21,275		

TOTAL: £165,289

Hammersmith Palais - Expenditure Plan

S106 Investment Agreement:

Hammersmith Palais; Local Employment and Training initiatives and Visitor development materials

Descriptor: Economic regeneration - job creation.

'H&F means Business' - Promoting the borough as a place of enterprise, and a good location to trade and invest.

These will include: local procurement, engagement of local workforce, production of local visitor attractive materials in line with the anticipated student occupiers to increase visiting friends and family to visit and spend locally

Descriptor	Financial Year April 12 - March 13	Financial Year April 13 - March 14	Sub-total	Outcomes and Outputs
Staffing				
Experian Data Purchase	£4,800		4800	Contribution to the purchase of key data required for HF local economic assessment updates. Total cost £13,000
Year total:	£4,800	£0		

TOTAL: £4,800

Seagrave Road - Expenditure Plan

Usage stipulated within S106 Investment Agreement: specifically Work place co-ordinator, Apprenticeship training costs and the development of a procurement initiative to increase number of local businesses winning contracts.

- Social regeneration reducing welfare benefits dependency (Worklessness)
- Creating Opportunity through Learning and Skills
- Economic regeneration - job creation.

Descriptor	Financial Year April 12 - March 13	Financial Year April 13 - March 14	Sub-total	
Staffing				
- Work place co-ordinator (securing jobs for residents)	£0	£0	£0	No cash income. The developer will employ a WorkPlace Coordinator to match construction site vacancies with local residents - total S106 employment support value is £350K
- Apprenticeship training contribution	£21,423	£42,859	£64,282	Support and training costs for potential and successful apprentice.
Procurement				
- Procurement Initiative (helping local businesses to win local contracts)	£13,000	£13,010	£26,010	To support the delivery of a procurement service that will work with Developers and their key contractors and sub-contractors to ensure that procurement opportunities are provided locally. The procurement service will assist Developers to produce tenders that have packages for smaller contractors; and that tenders provide community benefit; by ensuring 10% of contract is procured locally
Year total:	£34,423	£55,869		

TOTAL: £90,292

Agenda Item 7



London Borough of Hammersmith & Fulham

Cabinet

15 OCTOBER 2012

LEADER

FUNDING REQUEST FOR 2012/13 TRI-BOROUGH COSTS

**Wards:
All**

This report requests funding for the H&F share of the necessary additional staff costs, identified to date, that need to be incurred in order to secure the delivery of the Tri-borough proposals and associated benefits. These include £17 million savings for H&F by 2015/16.

CONTRIBUTORS

EDFCG
Marie Snelling
Martin Nottage
DLDS

Recommendation:

That approval of £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.

HAS A EIA BEEN COMPLETED?
N/A

HAS THE REPORT CONTENT BEEN RISK ASSESSED?
N/A

1. BACKGROUND

- 1.1. The three Councils agree that it is in their collective interest to keep to a necessary minimum the additional costs they each incur in order to deliver Tri-borough and secure the £40m savings alongside other benefits, such as protecting front line services. The H&F share of these savings is £17 million to be delivered by 2015/16.
- 1.2. The Councils have therefore undertaken wherever possible to adjust the priorities of existing staff in order to undertake Tri-borough work; and thereby to avoid the need for additional spending.
- 1.3. However, in certain cases there is a requirement to create specific posts in order to secure the successful delivery of Tri-borough.
- 1.4. The Chief Executives of the 3 Councils agreed the principle to share the additional costs of filling these posts between the 3 Councils (or 2 Councils in the case of Bi-borough work). For the purposes of this report, the H&F cost share is simply calculated as either one third for Tri-borough or half for Bi-borough work.

2. REQUIREMENT FOR ADDITIONAL STAFF

- 2.1 The main additional requirement is for programme and project management staff, to work alongside Exec Directors and Senior Managers with the skills and capacity to drive implementation and thus to ensure that the Councils are able to secure the planned savings and other benefits.
- 2.2 The criteria used to determine additional staff costs are:
 - Where a post has necessarily been created specifically to secure the delivery of the Tri-borough implementation and associated benefits; and
 - A Council has incurred additional costs as a result.
- 2.3 Aggregate costs incurred by each Borough will be calculated and reviewed by the Chief Executives on a regular basis. Any payments necessary to distribute these costs fairly across the three boroughs will be made.

3. COSTS

- 3.1 Cabinet approved funding of £238,000 for 2012/13 as recommended in a report to Cabinet on 10 October 2011. The paper indicated that additional, short term programme and project requirements would be required to deliver the savings required of the key tri-borough programmes and that further costs and their link to savings targets would be outlined in early 2012/13. Cabinet is now asked to approve funding for these costs.
- 3.2 The total cost of the H&F share of the additional costs for April 2012 to March 2013 is £473,000. Taking into account the previously approved funding of £238,000, Cabinet are asked to approve funding of £235,000 for the remaining 2012/13 costs.
- 3.3 In totality, the resources will directly enable delivery of 2012/13 and 2013/14 savings whilst also progressing the plans and initiatives required to deliver savings through to 2015/16 (table 1).

Table 1 LBHF savings to be delivered (£ 000)

Service/ Programme	12/13 costs (£ '000)	H&F savings (£'000) ¹		
		12/13	13/14	15/16
Children's Services	93	1,940	2,287	1,080
Adult Social Care	32	1,026	3,005	1,272
Libraries	31	197	74	0
Corporate Services	236	0	0	2,333
Managed Services	81	0	0	2,000
TOTAL	473	3,163	5,366	8,434
Funding approved October 2011	238			
Funding requested September 2012	235			

¹ Figures taken from report to Tri-borough Leaders 25th May 2012

- 3.4 It should be noted that the costs shown for Corporate Services cover:
- Corporate costs to enable tri-borough working e.g. for ICT and Finance;
 - Costs associated with the Corporate Services programme up until 31 July 2012 (costs for the next phase are set out in a separate Cabinet report).

4. RISK MANAGEMENT

- 4.1 Responsibility for Tri Borough Programme risk management resides within the governance structure outlined in the February 2011 Cabinet report and the proposal document 'Bold ideas for Challenging Times'. Further detail is set out in the document 'Tri-borough Risk Management' published to the H&F Overview and Scrutiny Board 21 September 2011.

5. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

- 5.1 The Tri-borough programme will deliver £17 million savings for Hammersmith and Fulham by 2015/16. Upfront investment is required if such savings are to be realised. Approval is now required for this authority to contribute £235,000 in 2012/13 toward the additional staff resources needed to take forward the programme. This will be met from the Efficiency Projects Reserve.

6. EQUALITY IMPLICATIONS

- 6.1 Under the Equality Act 2010, the Council must consider its obligations with regard to the Public Sector Equality Duty (PSED). It must carry out its functions (as defined by the Human Rights Act 1998) with due regard to the duty and its effect on the protected characteristics in relevant and proportionate way.
- 6.2 In this case, none of the protected characteristics is relevant to, and none will be impacted by, the creation of posts or attributing costs to each borough, as these will have no effect on service users. H&F will comply with its own policies and procedures when recruiting to the posts.

7. COMMENTS OF THE DIRECTOR OF LAW

- 7.1. The Council's powers to enter into Tri-borough arrangements have been set out in earlier reports.

8. COMMENTS OF THE DIRECTOR FOR PROCUREMENT AND ICT STRATEGY

- 8.1 There are no procurement implications.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Bold Ideas for Challenging Times – Feb 2011 - PUBLISHED	Martin Nottage x3542	FCS
2.	Tri-borough Implementation Plans – Cabinet paper June 2011 - PUBLISHED	Kayode Adewumi x2499	FCS



London Borough of Hammersmith &
Fulham

Cabinet

15 OCTOBER 2012

LEADER

*Councillor Nicholas
Botterill*

**SHEPHERDS BUSH MARKET
REGENERATION – COMPULSORY
PURCHASE ORDER**

**Ward:
Shepherds
Bush Green**

This report sets out progress to date on land assembly to facilitate a comprehensive Shepherds Bush Market regeneration scheme and sets out grounds for Cabinet approval to seek Compulsory Purchase Powers for the acquisition of all relevant interests required to support the implementation of the market regeneration scheme.

A separate report on the exempt part of the Cabinet agenda relates to exempt information in connection with the acquisition of Lime Grove Hostel.

CONTRIBUTORS

HRD
EDFCS
DoL

HAS A EIA BEEN COMPLETED? YES
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Recommendations:

- 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 considers 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.

- 4. That approval be given to 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.**
- 5. To note that 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.**
- 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.**

1. BACKGROUND

1.1 Introduction

- 1.1.1 Shepherds Bush Market (SBM or the 'Market') is identified in the Core Strategy and the White City Opportunity Area Planning Framework (OAPF) as a priority location for town centre regeneration. The Market is currently in the ownership of London Underground Limited (LUL) and is managed by Transport for London (TfL). It has been in decline for a number of reasons, but principally as a result of a lack of investment in its upkeep, promotion and improvement over many years.
- 1.1.2 The Council has encouraged a scheme to be brought forward through the assembly of adjoining land at Market Lane (being land owned by Peabody and Broadway Homelessness) and land to the rear of Pennard Road (now owned by the Council, and acquired by it as part of its aspiration to regenerate the area), as well as other land, including certain shop units on the Goldhawk Road, that will form a viable comprehensive development to catalyse the regeneration of the Market. Full details of this approach are set out in the report 'Shepherds Bush Market Regeneration' that was considered and approved by Cabinet on 14th October 2010.
- 1.1.3 This report provides an update on progress since that report and sets out the case for and terms of a resolution by Cabinet to make a Compulsory Purchase Order.

1.2 Update

- 1.2.1 The October 2010 Cabinet report identified the key property interests required to assemble a developable site in the area bounded by the Market to the west, the rear of the Pennard Road houses to the east, Shepherds Bush Library (now the Bush Theatre) to the north and Goldhawk Road to the south. Cabinet approved a 'Preferred Route' that included authority to proceed with a land option in favour of Orion Shepherds Bush Limited (OSBL) and an acknowledgement that the use of Compulsory Purchase Powers might be required.
- 1.2.2 OSBL, (which we use to include Orion Shepherds Bush (no.2) Limited and Orion Shepherds Bush (no.3) Limited) whose details are as set out in the previous report, has now assembled Agreements in relation to three of the principal land interests (as detailed in section 1.4 of this report). However, it is apparent from its' contact with owners of other parts of the site that assembly of the remainder of the site by agreement is unlikely in the foreseeable future.
- 1.2.3 Following the entering into of a section 106 agreement (s106) with the Council an outline planning permission was granted on 30th March 2012, for a scheme of development that contains 212 new residential

units and sets out a fully committed S106 programme of repairs and improvements to the Market together with business support and funding, and investment in affordable housing at Lime Grove. A summary of the S106 Agreement is set out in section 1.3 of this report.

- 1.2.4 The grant of the planning permission followed more than two years of public consultation by OSBL, including extensive engagement with Market traders' to prepare a Design Guide for Market upgrades and to agree business protection arrangements. The consultation programme also extended to residents in Pennard Road and Lime Grove, shopkeepers on Goldhawk Road and residents and representatives from the wider community.
- 1.2.5 The next steps are for OSBL to facilitate the refurbishment of the hostel owned by Notting Hill Housing Trust (NHHT) in Lime Grove ('the Lime Grove Hostel') (see paragraph 1.4.1(c)(e) for further details on this property) and submit for approval of Reserved Matters.
- 1.2.6 However, in order to facilitate the full assembly of the site it is appropriate for the Council, underwritten by OSBL as explained below, to make a Compulsory Purchase Order in order to ensure that all land interests necessary to implement the planning permission and delivery of the regeneration of the Market can be brought into a single ownership.
- 1.2.7 The Planning Applications Committee report of 8th February 2012 identified the OSBL application as meeting the Council's major regeneration objectives for the location. In particular, that it will enhance and strengthen the town centre at Shepherds Bush and make a significant contribution to the economic revitalisation of the area. The improvement of local well-being is a significant objective of the Council's policies in this location. Despite the success of Westfield, local shops and facilities have been seen to continue to decline and the Shepherds Bush Market project – together with improvements to the Green, is expected to have a catalytic effect by stemming decline and increasing activity, confidence and investment - with consequent benefits for local services; the protection and attraction of small businesses; and the improvement of local employment prospects. The Market is viewed by the Council as central to these ambitions, and the assembly of the land necessary for the implementation of the consented scheme is the basis and justification for the proposed CPO.
- 1.2.8 The draft Statement of Reasons (see Appendix A) sets out more fully the reasons the Cabinet is recommended to proceed with the CPO and Cabinet is requested to endorse that appendix.
- 1.2.9 Therefore the Cabinet is being asked to consider and, if considered appropriate, to resolve that it will allow the compulsory purchase process to commence by making the Order.

1.3 Planning

1.3.1 On 8th February 2012 the Planning Applications Committee resolved to grant consent for an outline scheme of development submitted by OSBL. In summary, that scheme contained the following components:

- 212 residential units including 194 flats, 5 live/work units and 13 mews houses.
- 14,052 m² of non-residential floorspace comprising 6,000m² of Class A1 uses, 4,000m² of Classes A3/A5 uses and 4,052m² of Market servicing and ancillary facilities.
- Market regeneration (including, Market expansion; additional units; improved safety, lighting and street furniture; new landscaped spaces; improved stalls; etc) through a committed programme of S106 obligated funding.
- New shops along the Goldhawk Road frontage with first options in favour of displaced Goldhawk Road businesses.

1.3.2 In addition to the physical works, the S106 captures a detailed series of obligations made in favour of protecting continuity of trade within the Market during the period that works are undertaken. These include rent assurances, Business Continuity Support (for which £500,000 has been committed by OSBL) and offers to Goldhawk Road shopkeepers of first calls on the new units on the Goldhawk Road if they wish to return to trading positions in that location.

1.3.3 The S106 also obligates OSBL to part fund the refurbishment of Lime Grove Hostel, which will allow the relocation of homeless support services from the Peabody London facilities at Market Lane.

1.3.4 The grant of the planning permission for OSBL's scheme is currently the subject of an application for Judicial Review. Leading Counsel's advice has been taken on whether this should be an impediment to progressing the compulsory purchase procedures. Counsel's advice is that it should not. The CPO process requires the Council to establish that there are no obvious reasons why planning permission should be withheld, and does not require there to be a particular planning permission in existence.

1.4 Land Assembly

1.4.1 The October 2010 Cabinet report set out details of each of the land interests that are required to assemble the full regeneration site. The updated position for each is as follows:

a. The Market – London Underground Limited ('LUL')

Officers have been advised by OSBL and TfL that they have now agreed principal heads of terms on price and the ownership

structure for OSBL to acquire a controlling interest in the Market. This will comprise a long leasehold (125-year) interest in the air rights in the viaduct arches and 3-metre strips either side of the structure and the freehold of all remaining land and premises either side of this area. They are targeting December 2012 to exchange contracts. However in the absence of a contract with LUL it will be necessary to include this land in the proposed CPO. Unless the LUL land is included in the CPO the Council will not be able to show its ability to assemble the whole site to achieve the regeneration objectives.

Furthermore without the certainty that a CPO gives there may be interests in the CPO land that could delay or frustrate the project if the only powers available are those that OSBL would have after acquiring the land by agreement from LUL. The inclusion of the LUL land will mean that the interests of the traders are subject to the CPO.

b. The Broadway London Day Centre – Broadway Homelessness and Support

Officers are advised that OSBL has entered into an option agreement with Broadway to acquire the Day Centre premises at Market Lane. This facility currently provides service to the adjoining Peabody residents and to a wider client base, many of whom are able to access the Day Centre on a 'drop-in' basis.

The option agreement allows for Broadway's departure from the site to be coordinated with the relocation of accommodation from Peabody's buildings and forms part of a wider review of homeless services that disperse provision to a number of new locations.

As with the LUL land this site will be included in the CPO to secure the Council's ability to assemble the whole regeneration site.

c. Peabody Residential Buildings at Market Lane – The Governors of the Peabody Trust

OSBL has informed the Council that it has exchanged conditional contracts with Peabody to purchase the Peabody site and buildings immediately to the north of the Day Centre. There are two buildings on site; one a hostel containing 15 bed spaces, and the other a block of 12 small flatlets.

The purchase is conditional upon Peabody acquiring the consent of the Tenant Services Authority to the sale which has apparently been given, and vacant possession being obtained.

Vacant possession will be achieved through the relocation of residents and services to the Lime Grove Hostel, which will be

refurbished by NHHT with circa £1.2m of funding from OSBL (via s106) and £228k from the Council (from the Supporting People programme) or refurbished by the Council using the same funding should terms fail to be agreed with NHHT resulting in the property being acquired by the Council under the CPO. It is expected that Broadway will manage this facility under its Supporting People contract (currently extended by 3 years to November 2015) with some of its services to its wider homeless client group being relocated to new premises elsewhere in the borough.

As with the LUL land this site will be included in the CPO to secure the Council's ability to assemble the whole regeneration site.

d. The former Laundry Site on Pennard Road – London Borough of Hammersmith & Fulham

OSBL has also entered into an option agreement with the Council to acquire the former laundry site, subject to planning permission being obtained, which has now been granted. The council acquired this site in 2010 from Octavia Housing after the Westfield Affordable Housing obligation was allocated to an alternative site.

As with the LUL land this site will be included in the CPO to secure the Council's ability to assemble the whole regeneration site and extinguish any interests which could frustrate the project.

e. Lime Grove Hostel

Negotiations with NHHT have yet to secure a formal agreement for the proposed refurbishment of the hostel to relocate the Broadway facility. Officers have not been able to identify any other potential relocation site for the facility. The availability of the Lime Grove Hostel is therefore seen as an important element of the overall regeneration project in particular to the social well being of the present and potential future residents of that facility. It is considered necessary to include this site in the CPO to secure the Council's ability to assemble the whole regeneration site.

f. Third Party Lands

As set out in the October 2010 Cabinet report there are further interests within and outwith the regeneration site boundary that it is necessary to acquire in order to fully assemble the regeneration site, including the 12 units on Goldhawk Road, the service road to the rear of that parade and a group of private units at the northern end of the Market. In addition there are certain other interests (e.g. substations) and incorporeal rights (e.g. easements, restrictive covenants and rights to light) that need to be acquired or extinguished to secure the Council's ability to assemble the whole

regeneration site. These interests are the subject of the Compulsory Purchase proposals set out in this report.

- 1.4.2 In addition to these sites a number of further interests outside the potential CPO boundary and one, the former Library, which straddles the boundary were referred to in the October 2010 report. Council acquisition of these two sites is not considered essential to the regeneration project and not included in the CPO. The updated positions for these are as follows:

g. Old Shepherds Bush Library

The Council successfully negotiated terms with the Church Commissioners to release certain restrictions on user that had prevented non-library use of the building. Subsequently a tenancy was granted to the Bush Theatre who fundraised to carry out a refurbishment allowing them to move the entire operation from its former base on Shepherds Bush Green. The move is widely seen as a great success and has improved the profile of the Bush Theatre and added to the cultural offering of Shepherds Bush.

The former garden to the west of the library building has been retained by the council in order to allow a more generous public space to be created on the Uxbridge Road as a setting for the Bush Theatre and an announcement of the entrance to the Market. These works will form part of OSBL's implementation of the planning permission.

h. New Shepherds Bush Market ('NSBM')

The owners of NSBM, which adjoins SBM have expressed an interest in redeveloping their market but the viability of this has yet to be established. OSBL has continued to keep the owners informed of progress of the regeneration proposals for the Market and they have raised no objections at any point.

Improvement of NSBM remains a general objective for the Council and this is likely to be encouraged through implementation of the consented scheme at SBM.

2. COMPULSORY PURCHASE

2.1 Order Land

- 2.1.1 The Order Lands include the LUL property comprising the main market, the terrace of freehold Market units, numbered 9 to 20 Shepherds Bush Market, located on the eastern boundary of the Market, the LBHF, Peabody and Broadway ownerships, the parade of shops with basements and upper parts at nos 30-52 (even) Goldhawk Road and

the service road to the rear of the parade as well as the electricity substations and Lime Grove Hostel. See Appendix C for the draft CPO Plans.

- 2.1.2 In order to obtain the most accurate schedule possible of the lands, interests and rights to be acquired, the Council has carried out a full land referencing exercise including issuing requests for information to all parties known to have interests in, or whom it is considered may have interests in or likely to be affected by, the CPO area.

2.2. Process

- 2.2.1 The purpose of a Compulsory Purchase Order is to secure powers that will enable the Council to progress the assembly of land and third party rights so that the comprehensive scheme of regeneration envisaged by the outline planning consent may be fully implemented.

- 2.2.2 In order to achieve this, the Council must follow a prescribed process. This requires the Council to set out details of its reasons for making a CPO and a Schedule of the interests required. The process allows full opportunity for objectors to set out their grounds for opposition, including making representations to an independent Inspector at a public inquiry who will report to the Secretary of State for Communities and Local Government with whom a final decision as to whether the CPO should be confirmed rests.

- 2.2.3 The Council's costs in this matter – including future payments for all land compulsorily acquired (other than Lime Grove Hostel) and disturbance compensation to claimants will be fully indemnified by OSBL in return for the Council's undertaking to transfer the land so acquired to OSBL. This indemnity will be given in substantially the form described below and as appended to this report (See Appendix B). OSBL's development partner Development Securities PLC (DevSec) will be guaranteeing OSBL's liabilities under this agreement. DevSec are a major developer and investor of international standing and are considered to be a secure guarantor for this purpose.

It is hoped that the arrangement previously agreed with NHHT (but not yet legally contracted) will deliver the Lime Grove Hostel as relocation for Broadway, but if it proves necessary for the Council to acquire that land funding has been identified from within the Decent Neighbourhoods Fund to meet those costs.

- 2.2.4 The October 2010 Cabinet report set out four conditions in relation to a formal Resolution by the Council, as follows:

a. 'The developer providing a cost undertaking agreement under which the developer shall undertake to pay on demand all costs incurred by the Council (including compensation disbursements payments loss payments legal and surveyors costs whether internal or external) and

such indemnity agreement to be backed up by way of bank guarantee and/or parent company guarantee.'

These requirements are now contained in the draft CPO Cost Indemnity Agreement attached at Appendix B. This Agreement obliges OSBL to indemnify the Council in relation to the conduct of the CPO process up to and including a public inquiry should this prove to be necessary. This level of cover is initially in the sum of £500,000, which will be kept under review and can be increased if necessary.

OSBL has confirmed that it is in a position to make and protect a full indemnity for all of the costs associated with running the CPO process and for all of the acquisition costs (excluding Lime Grove Hostel) that would flow from full implementation of a confirmed Order. This will be achieved through the Council requiring a Corporate Guarantee to be put in place by DevSec, underwriting OSBL's obligation to meet all compensation costs including underwriting CPO liabilities arising from the service of any valid Blight Notices following the Order being made.

b. 'The developer being obliged under contract to acquire immediately from the Council any land compulsorily acquired or acquired following service of a blight notice.'

This obligation now forms part of the CPO Cost Indemnity Agreement (Appendix B) and requires the developer to take immediate ownership of land acquired under the exercise of Compulsory Purchase powers (except Lime Grove Hostel). This mirrors the developer's obligation to meet in full the costs of such acquisitions.

c. 'The Council's approval of the development scheme'.

This approval was given by the Planning Applications Committee on 8th February 2012 and the planning permission was issued when the S106 Agreement was completed on 30th March 2012.

d. 'There being in the Council's opinion a realistic prospect of any such Compulsory Purchase Order being confirmed by the Secretary of State.'

The Council does not have an automatic entitlement to the use of Compulsory Purchase powers; they must be confirmed by the Secretary of State. The case for such powers must be established in each individual circumstance. However, there are guiding principles and precedents, which assist a judgment of the strength of the case in any given situation.

In general terms there must be a compelling case in the public interest and the Council must be satisfied that the purposes justify interfering with the human rights of those with an interest in the land affected.

In this case there is a clearly defined scheme and boundary, as set out in the planning consent. The main freehold interests in the land required have already been secured through agreement and the CPO represents the balance needed to implement the consent.

OSBL has been making efforts, and will continue to make such efforts, to reach agreement through negotiation wherever possible. Each property owner and tenant has been formally approached by OSBL in person and in writing on a number of occasions and invited to enter voluntary negotiations to sell their interests. OSBL has indicated that it has so far provisionally agreed terms for the acquisition by agreement of one of the freehold premises on Goldhawk Road and is in negotiation with a number of other interests in the parade. However, it does not appear that any concluded agreement has been reached as yet.

OSBL has also made formal approaches to owners and tenants in the private units at the northern end of the Market and will continue to do so whilst the CPO process proceeds.

Preliminary advice has been sought from David Elvin QC on the procedures being adopted by the Council which has been incorporated in this report.

2.2.5 The Council will need to satisfy the Secretary of State that the scheme warrants the use of statutory powers, having taken into account the views of objectors.

2.2.6 The CPO process follows a series of stages as set out below:

- a. *Formulation*. This is the determination of an area of land for a relevant purpose – in this case the regeneration of Shepherds Bush Market and its immediate surroundings. This process has followed the October 2010 Cabinet decision.
- b. *Resolution*. This is the purpose of this report and is the formal decision of the authority to make and thereafter seek the confirmation of CPO by the Secretary of State.
- c. *CPO Indemnity Agreement*. As referred to earlier, OSBL as developer is undertaking the development and will therefore be meeting the costs of the CPO process and the acquisitions. This agreement will be entered into prior to any of the following elements of the process being undertaken.
- d. *Land Referencing*. This is the process of preparing a detailed Schedule of all land and rights that are to be acquired under the Order. A provisional Schedule has been produced which will be fully updated through the use of 'Requisitions for Information', which letters have been sent to owners and occupiers requiring details of

all interests. Many of the premises on Goldhawk Road, for instance are owned by an individual or company and let to tenants who, in turn, have granted sub-tenancies of parts of the properties. An accurate Schedule is essential in order to establish all of the interests to be acquired and all of the parties who may be entitled to compensation. Information gained from those requisitions has informed the EQIA and Human Rights advice in this report.

- e. *The Draft Order.* This is a composite document containing a number of elements as follows.
- *The Order.* This will set out the name and date of the CPO and the statutory basis for its preparation, which in this case will be (The Planning & Compulsory Purchase Act 2004).
 - *CPO Schedule.* This will comprise a list of all known interests.
 - *CPO Plan.* This illustrates the land included within the CPO.
 - *Statement of Reasons.* This is a formal statement of the Council's reasons for seeking powers to make the acquisitions listed in the Schedule. The draft Statement is attached as Appendix A.
- f. *Public Notices.* Prior to submission of the Order the Council is required to publish a public notice in prescribed form for two successive weeks in one or more newspapers circulating in the local area. In addition public notices must be fixed on or near to the land that is the subject of the Order.
- g. *Individual Notices.* The Council as acquiring authority must also serve notices on every 'qualifying person'. This means every person or company with a qualifying interest in, or who holds rights in, the land covered by the Order.
- h. *Objections.* Objections received in writing must be formally noted and efforts will be made to address the basis of objection through negotiation where this can be accommodated. Where objections are not withdrawn the Secretary of State will arrange for these to be formally addressed either through a public inquiry. If there are no objections the Secretary of State may authorise the Council to confirm the Order itself.
- i. *Decision.* After the process has been completed, the Secretary of State will decide whether to confirm, modify or reject the CPO. The duration of the entire process will depend upon a number of factors including the number of objections to be dealt with and whether written representations or a public inquiry is needed. Generally the process will take between 9 and 18 months.

- j. *Implementation.* There are a number of ways in which the CPO, once confirmed, may be put into effect. Normally this is done by one or other – or a combination – of services of Notices to Treat and execution of a General Vesting Declaration. The most likely approach in this case would be a General Vesting Declaration. This requires service of requisite notices resulting in the vesting of all land in the acquiring authority. The timing of implementation of the confirmed Order would be agreed with OSBL following Secretary of State confirmation. The authority may then take possession of the various Order lands and all previous interests are effectively converted to rights to receive compensation calculated in accordance with the statutory provisions. However, as noted elsewhere in this report, this is very much a last resort and would apply only to those interests that had not been acquired through the continuing process of negotiation over the course of the formal procedure.

3. RISK MANAGEMENT

- 3.1 There are risks associated with compulsory purchase process and the potential of delays in implementation should objections be filed. The process also raises a risk of Secretary of State's involvement through the objection and confirmation process. Section 2.6.6 of the report sets out the likely CPO process and potential timeframe of up to 18 months.

4. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

- 4.1 With regard to the Council seeking Compulsory Purchase Powers for the acquisition of all relevant property interests required to support the implementation of the proposed scheme of development and regeneration at Shepherds Bush Market, OSBL is proposing to indemnify the Council for the following in return for the Council's undertaking to transfer the land acquired to OSBL:
- in relation to the conduct of the CPO process up to and including a public inquiry should this prove to be necessary to an initial sum of £500k or such higher reasonable sum as the Council may reasonably specify from time to time.
 - for all of the costs associated with running the CPO process (disturbance compensation to claimants, loss payments legal and surveyors costs whether internal or external) and for all of the acquisition costs that would flow from full implementation of a confirmed Order.

- 4.2 The indemnity agreement (see Appendix B for the full text) would be secured through a Corporate Guarantee to be put in place by Development Securities PLC, underwriting OSBL's obligation to meet all compensation costs including underwriting CPO liabilities arising from the serving of any valid Blight Notices following the Order being made.
- 4.3 Development Securities PLC, the provider of the Corporate Guarantee is listed on the London stock exchange. The group balance sheet included within the audited financial statements for the 14 months to 29th February 2012 shows net assets of £313m. Although the group reported a loss before income tax of £10.2m for the period this was mainly due to finance costs, retained earnings as at 29th February 2012 were £106m.
- 4.4 Vacant possession of the part of the site owned by Peabody will be achieved through the relocation of residents and services to the Lime Grove Hostel, which will, should agreement be reached, be refurbished by NHHT with circa £1.2m of funding from OSBL and a budgeted £228k from the Council. The £228k contribution from the Council will be funded from the supporting people programme and is in addition and separate from the costs indemnified. Should the timing of the works at Lime Grove slip it will be possible to carry forward this budget. As noted in the main report it is expected that Broadway will manage this facility under its Supporting People contract (currently extended by 3 years to November 2015).
- 4.5 Further comments are in the exempt report.

5. COMMENTS OF THE DIRECTOR OF LAW

- 5.1 The legal powers to be used by the Council for the compulsory acquisition of land are contained within section 226 (1) Town and Country Planning Act 1990 and section 13, Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land 1981 for the making of the compulsory purchase order. Compensation payments made for the acquisition of interests in land and for the acquisition of new rights in land within the compulsory purchase order or acquired outside the compulsory purchase order area to give effect to and/or implement the order are made in accordance with the compulsory purchase compensation code pursuant to the Land Compensation Acts 1961 and 1973, the Compulsory Purchase Act 1965 and case law.
- 5.2 Section 226(1), Town and Country Planning Act 1990 (as amended) enables the Council (on being authorised by the Secretary of State) to acquire by compulsory purchase any land needed to facilitate the carrying out of the development, redevelopment or improvement on or in relation to land. The Council must also consider that the specified

development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well being of the area. In deciding whether to make a CPO using planning powers, the Council would be required to demonstrate that there is sufficient justification for acquiring the land compulsorily and that there is a compelling case for CPO. The procedural requirements of the Acquisition of Land Act 1981 will then apply to the compulsory acquisition.

- 5.3 In addition, the relevant government guidance (Circular 06/2004) states that any programme of land assembly must be set within a clear strategic framework. The framework will need to be founded on an appropriate evidence base. Furthermore, Cabinet when making the CPO will be required to have regard in particular to whether the purpose for which the land is being acquired fits within the adopted planning framework for the area.
- 5.4 Whenever a compulsory purchase order is made, it is necessary to carry out a “balancing exercise” to judge whether there is a compelling case in the public interest to make a CPO in view of the interference to the Human Rights of the individual. The Secretary of State will need to be satisfied that there is comprehensive justification in the benefit to the well being of the community gained by the scheme. The impact of any harm is lessened by the rights of objection and a statutory compensation regime which includes payments to compensate for the involuntary nature of the process.
- 5.5 The acquisition of land designed to facilitate a development that will promote the economic, social or environmental; well-being of an area is an acceptable use of compulsory purchase powers under the planning legislation

Human Rights Act 1998 implications

- 5.6 The Act effectively incorporates the European Convention of Human Rights into UK law and requires all public authorities to have regard to the rights contained within the Convention. When making the decision, Members must therefore have regard to the Convention. The rights that are of particular significance are those contained in Article 8 (right to home life) and Article 1 of Protocol 1 (peaceful enjoyment of possessions)
- 5.7 Article 8 provides that there should be no interference with the existence of the right except in accordance with the law and, as necessary in a democratic society, in the interest of the economic well being of the country, protection of health and protection of the rights and freedoms of others. Article 1 of the 1st Protocol provides that no-one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law although it is qualified to the effect that it should not in any way impair the right of a state to

enforce such laws as it deems necessary to control the uses of property in accordance with the general interest.

- 5.8 As set out in paragraphs 17 and 18 of the CPO Circular, in determining the level of permissible interference with enjoyment, the courts have held that any interference must achieve a fair balance between the general interest of the community and the protection of the rights of individuals. There must be reasonable proportionality between the means employed and the aim pursued. The availability of an effective remedy and compensation to affected persons is relevant in assessing whether a fair balance has been struck.
- 5.9 The Developer has committed through the S106 agreement to provide accommodation in the development suitable to relocate any of the businesses displaced by the CPO who wish to remain on site or to assist those who do not wish to take a new lease to relocate to suitable premises elsewhere. Whilst it cannot be guaranteed that displaced business will take up these offers the availability of premises will serve to reduce the impact on many of the displaced businesses.
- 5.10 If any of the premises are occupied by individuals as their homes, then the rehousing provisions of the Land Compensation Act will apply where no suitable alternative accommodation is available to them.
- 5.11 In deciding whether to proceed with the recommendations, Cabinet needs to consider the extent to which the decision may impact upon the Human Rights of the landowners and residents and to balance these against the overall benefits to the community which the redevelopment would bring. Members will need to be satisfied that any interference with the rights under Article 8 and Article 1 of Protocol 1 is justified in all the circumstances and that a fair balance would be struck in the present case between the protection of the rights of individuals and the public interest.

6. EQUALITIES IMPACT ASSESSMENT

- 6.1 The Council's statutory duty under the Equality Act 2010 applies to decision-making as set out in this report. The protected characteristics to which the Public Sector Equality Duty ("PSED") applies now include age as well as the characteristics covered by the previous equalities legislation applicable to public bodies (i.e. disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex).
- 6.2 The PSED is set out in section 149 of the Equality Act 2010 ("the Act") provides (so far as relevant) as follows:

(1) A public authority must, in the exercise of its functions, have due regard to the need 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.

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

6.3 Case law has established the following principles relevant to compliance with the PSED which the Cabinet will need to consider:

(i) Compliance with the general equality duties is a matter of substance not form.

(ii) The duty to have "due regard" to the various identified "needs" in the relevant sections does not impose a duty to achieve results. It is a duty to have "due regard" to the "need" to achieve the identified goals.

(iii) Due regard is regard that is appropriate in all the circumstances, including the importance of the area of life of people affected by the decision and such countervailing factors as are relevant to the function that the decision maker is performing.

(iv) The weight to be given to the countervailing factors is in principle a matter for the authority. However in the event of a legal challenge it is for the court to determine whether an authority has given "due regard" to the "needs" listed in s149. This will include the court assessing for itself whether in the circumstances appropriate weight has been given by the authority to those "needs" and not simply deciding whether the authority's decision is a rational or reasonable one.

(v) The duty to have "due regard" to disability equality is particularly important where the decision will have a direct impact on disabled people. The same goes for other protected groups where they will be particularly and directly affected by a decision.

(vi) The PSED does not impose a duty on public authorities to carry out a formal equalities impact assessment in all cases when carrying out their functions, but where a significant part of the lives of any protected group will be directly affected by a decision, a formal equalities impact assessment ("EQIA") is likely to be required by the courts as part of the duty to have 'due regard'. The EQIA is attached and will need to be

read and taken into account in reaching a decision on the recommendations in the report. Additionally, the equality implications are summarised at paragraph 6.5 of the report.

(vii) The duty to have “due regard” will normally involve considering whether taking the particular decision would itself be compatible with the equality duty i.e. whether it will eliminate discrimination, promote equality of opportunity and foster good relations. Consideration must also be given to whether, if the decision is made to go ahead, it will be possible to mitigate any adverse impact on any particular protected group, or to take steps to promote equality of opportunity by, for example, treating a particular affected group more favourably.

- 6.4 An Equality Impact Assessment (EIA) has been prepared and is attached to this report (Appendix D).
- 6.5 There are negative impacts on age, disability, pregnancy and maternity and those with small children which are likely to result from the construction works associated with this scheme. There are negative impacts through the scenario of relocation or loss of the hostel service on age, race, disability and sex (gender). There are negative impacts on businesses and stall owners on age, race, disability, sex (gender) and religion/belief through the building and disruption and the potential serving of the CPO.
- 6.6 Whilst these impacts on businesses and stall owners would not advance equality of opportunity or foster good relations, they are not unlawful. The Statement of Intent and the Policy of Relocation attached to the draft Statement of Reasons provides a level of mitigation of the impact on businesses and stall owners.
- 6.7 There are negative impacts on freeholders, leaseholders and social and private rented tenants living in the area from the construction works and the potential serving of the CPO. There are identified potential negative impacts on worshippers at the mosque due to the construction work which affects religion/belief. The Section 106 agreements sets out a number of measures that the developer will need to take to mitigate these negative impacts during the construction period.
- 6.8 It is considered that in the long term the development facilitated by the CPO would have a positive impact on those with protected characteristics, delivering benefits in terms of improved public realm, improved business premises and housing.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Planning Permission and s106 PUBLISHED	Matt Butler x3493	Environment, Planning
2.	Cabinet report – October 2010 PUBLISHED	Matin Miah x3480	HRD
CONTACT OFFICER:		NAME: Matin Miah EXT. 3480	

Appendix A

LONDON BOROUGH OF HAMMERSMITH & FULHAM (SHEPHERDS BUSH MARKET) COMPULSORY PURCHASE ORDER 2012

DRAFT STATEMENT OF REASONS

Town and Country Planning Act 1990 – Section 226(1)(a)
Acquisition of Land Act 1981

1. Introduction

- 1.1 This is the Statement of Reasons of the Council in support of the London Borough of Hammersmith & Fulham (Shepherds Bush Market) Compulsory Purchase Order 2012 (the “Order”).
- 1.2 The primary purpose of the Order is to facilitate the redevelopment and regeneration of Shepherds Bush Market (the “Market”), and adjoining area to contribute towards significant social, economic and environmental improvements. This will be achieved through the assembly and development of the Market area and the immediately adjoining commercial interests in Goldhawk Road (the “Order Lands”) which will support the enlargement and improvement of the Market and improve its setting by bringing vacant brownfield land into beneficial use.
- 1.3 The Market itself is a mix of retail trading units beneath and running alongside the Hammersmith and City tube line viaduct between Shepherds Bush Market station and Goldhawk Road station. It is owned by London Underground Limited and managed by Transport for London. It is widely accepted that the Market has been in decline for more than a decade.
- 1.4 The Council is the freehold owner of the former Spring Grove Commercial Laundry site, which lies between Pennard Road and the eastern edge of the Market. The Council has entered into a contractual option agreement with Orion Shepherds Bush Limited (the Developer) to sell this site to secure the redevelopment of this area as one element within a programme of land assembly to be undertaken by the Developer.
- 1.5 The Developer has already secured outline planning consent for a scheme of development on the Order Lands (Planning Applications Committee decision 8th February 2012 – planning permission issued 30th March 2012) and has entered into contractual arrangements in relation to two other sites within the Order Lands boundary. Although this consent is currently subject to an application for judicial review, the Council does not consider there is any obvious reason why planning permission for the project should be withheld if it were necessary to determine the issue.
- 1.6 The Council is now seeking to secure ownership of all the Order Lands to ensure that the consented scheme may be implemented.
- 1.7 Although the Developer has contractual control over the freehold interests in the majority of the Order Lands, the implementation of the redevelopment proposals requires the acquisition of all property interests currently owned by third parties, including a number of freehold and leasehold interests as well as other rights, and easements.
- 1.8 The Council, in association with the Developer, has and will continue to take steps to consult and negotiate with third party owners to acquire their’

interests by agreement but it is clear that compulsory purchase powers will need to be employed to ensure the full programme of development may be achieved within a reasonable timeframe and in order to achieve the intended regeneration benefits.

- 1.9 The Council believes that the proposed scheme of regeneration, taken as a whole, has the potential to bring very substantial economic, retail and social benefits to Shepherds Bush. Shepherds Bush Market is one of the defining elements of the location, representing almost one hundred years of continuous trading by small businesses located within its arches, stalls and shops. Its retention and regeneration is a very high order priority for the Council as a means of maintaining the distinctive history and identity of Shepherds Bush and of protecting and enhancing the local character of retailing in the Market alongside the successful operation of the large-scale Westfield centre.
- 1.10 The majority of the Market is owned by London Underground Limited ("LUL"). Many of the trading units are in the arches beneath the viaduct carrying the railway and the station [or on a service strip adjoining the viaduct, all of] which is claimed as operational land. The Council considers that the objectives of regeneration can be achieved without interfering with the operational requirements of LUL.

2. Enabling Powers

- 2.1 Section 226(1)(a) of the 1990 Act (as amended by the 2004 Act) enables a local authority to exercise compulsory purchase powers if it thinks that acquiring the land in question will facilitate the carrying out of development, redevelopment, or improvement on, or in relation to, the land being acquired.
- 2.2 Section 226(1A) of the 1990 Act (as amended by the 2004 Act) requires a local authority not to exercise its powers under section 226(1)(a) unless the local authority thinks that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of its area.
- 2.3 The Council intends to acquire the land so that it can be comprehensively regenerated for retail and housing purposes and the Market improved in accordance with the scheme for which planning permission was granted on 30 March 2012 or such other scheme as may subsequently be approved.
- 2.4 The Council is confident that the proposed redevelopment will result in social, economic and environmental improvements to the Market, to Shepherds Bush town centre and to the London Borough of Hammersmith & Fulham. It will also secure new, well-designed housing and retail units on brownfield land, thereby securing an improvement in the choice, quality and quantity of housing within the Shepherds Bush area.

- 2.5 In particular securing the long term future of the Shepherds Bush Market and Goldhawk Road frontage will secure the social and economic wellbeing of the area by safeguarding existing employment and providing new employment and enterprise opportunities whilst protecting and enhancing the diversity of retail offer in the area. The provision of better public spaces and movement within the land and the integration of the land with neighbouring properties will improve the environmental wellbeing of the area.
- 2.6 The Council wishes to secure the future of the specialist housing facility provided by Broadway within the site and the Lime Grove Hostel currently owned by Notting Hill Housing Trust has been included in the Order. This hostel has been identified as available and suitable for the Broadway relocation requirements.

3. Description of Order Lands

- 3.1 The Order Lands include the Market and land lying immediately to the east and west of Shepherds Bush Market, within the London Borough of Hammersmith & Fulham.
- 3.2 The Order Lands comprise approximately 2.1246 hectares of land comprising:
- the Market and land immediately adjoining the Market.
 - the terrace of Market units, numbered 9 to 20 Shepherds Bush Market, located on the eastern boundary of the Market, which comprise small sites in individual freehold ownerships.
 - the parade of shops with basements and upper parts at numbers 30-52 (even), Goldhawk Road in individual ownerships.
 - the service road to the rear of the parade which is in unknown ownership
 - the former Spring Grove Laundry site
 - Market Lane Hostel and Flats
 - Market Lane Broadway Day Centre
 - Lime Grove Hostel
 - Electricity substations which will need to be relocated as part of the Development.
- 3.3 The majority of the Development Site by area is contracted to the developer as follows:
- Market Lane Hostel and Flats – freehold owned by The Governors of the Peabody Trust and contract for sale exchanged with the Developer.
 - Market Lane Day Centre – freehold owned by Broadway Homelessness and Support – sale option agreement entered into with the Developer.

- Former Spring Grove Laundry site, Pennard Road – freehold owned by the Council – sale option agreement entered into with the Developer.
- 3.4 In addition the developer has agreed preliminary terms for acquiring the Shepherds Bush Market – freehold owned by London Underground Limited – sale of a mixture of freehold land and long leasehold interest agreed with the Developer.
- 3.5 None of the CPO land comprises listed buildings and no part is within a conservation area.

The Surrounding Area

- 3.8 The immediate surrounding area is residential in character along Pennard Road to the east and Lime Grove to the west. The Pennard Road properties are characterised by predominantly 2-storey Edwardian terraces, and those along Lime Grove comprise a mix of 2 and 3-storey terraced houses and 3-storey modern build residential blocks. The London College of Fashion is also located to the western and eastern sides of Lime Grove respectively.
- 3.9 The properties along Pennard Road form part of the Shepherds Bush Conservation Area and those along Lime Grove are designated as part of the Coningham and Lime Grove Conservation area. The former Shepherd's Bush Library and Pennard Road mansions to the north and south of the site respectively are both identified on the Council's Register of Buildings of Merit.
- 3.10 Commercial businesses are characteristic of development along Goldhawk and Uxbridge Roads, occupied by a mix of retail, café and restaurant uses.
- 3.11 Shepherd's Bush Market falls within the White City Opportunity Area and a designated Town Centre. The area encompasses three main retail 'anchors' which are the Westfield shopping centre, West 12 shopping centre and Shepherd's Bush market. Westfield has brought vastly increased footfall to Shepherd's Bush and is now the dominant retail feature of the area. Proposals to further extend Westfield have recently been submitted and the sale of BBC Television Centre is likely to encourage further change in the north of the Opportunity Area.
- 3.12 The site is within a short walking distance of 15 bus routes. The closest tube stations are Goldhawk Road directly to the south of the site and Shepherd's Bush Market directly to the north of the site. Both stations serve the Hammersmith and City Line. A short walk to the east is the Shepherd's Bush tube and overland rail station, which serves Central Line, and Overground and mainline rail services from Clapham Junction to Milton Keynes.

4. Project Background – The need for regeneration

- 4.1 The Market has traded continuously since its establishment in 1916. By the late 1980's over 200 businesses were trading within the Market, but over the subsequent decades the Market has visibly declined in size, performance and physical condition.

- 4.2 The Market is considered by the Council to be a vitally important component of Shepherds Bush and its underperformance through lack of investment has a detrimental impact on the economic and social performance of the town centre as a whole.
- 4.3 The Council promoted the regeneration of the market as a way of protecting and ensuring the long term survival and success of this landmark feature of the town centre.
- 4.4 The Market offers a retail environment that is polarised to that offered within the highly successful Westfield development. The Market provides both a retail and social function to the local community, it is ethnically diverse in its nature and offers the opportunity for independent businesses to trade in an affordable environment.
- 4.5 The Council has been fully briefed on independent research that was commissioned by the Developer that identifies the local affection for the market. However, but this sits alongside a local wish to see the market regenerated to deliver a more inviting visitor environment offering a wider range of goods and services. The Council appreciates the unique offer of the Market and has worked closely with the Developer to ensure that the regenerated market continues to provide a resource for local people whilst improving the appeal and accessibility to a wider range of potential visitors and shoppers.
- 4.6 In 2008, the Council commissioned a survey of the Market by Parsons Brinckerhoff, which concluded that the overall condition of the units within the trading area was 'poor to fair'. The report identified at least £2.3m of remedial works to upgrade to a 'B' standard of condition (i.e. compliance with regulatory standards) with a greater sum necessary to achieve comprehensive regeneration. It is considered that since 2008 there has been no improvement in the condition or operation of the Market and, therefore, the need for strategic regeneration remains.
- 4.7 In December 2010 a wide-ranging survey (Marketlink Dec 2010) of traders', customers' and residents' opinions on the Market confirmed both the perception and the reality of continuing decline.
- 4.8 The Market owner, London Underground Limited, remains unable to justify the level of investment required to address the causes of decline and no alternative route to improvement through reinvestment has emerged. The Council has therefore promoted a regeneration strategy based on the coordinated development of adjoining land holdings to enable wider physical, economic and social benefits to be brought to the area. It is the Council's view that a refurbished and regenerated Market will significantly increase the attractiveness of Shepherds Bush generally as a destination for local shopping and leisure use, and will improve the economic and social well-being of the area for the benefit of residents, local businesses and visitors to the area.

- 4.9 There is an identified need in the White City Opportunity Area Framework and the Hammersmith & Fulham Core Strategy for new housing within this locality in order to increase the range and availability of high quality homes for residents of Shepherds Bush who, in turn, will add to the vitality of the town centre and increase the demand for services within the Market and adjoining areas. Therefore the development alongside the Market will itself achieve strategic objectives in relation to the generation of new housing and the efficient redevelopment of brownfield land.
- 4.10 This strategy has led to the Council entering into an option agreement with the Developer on the basis of the Developer securing the two other large landholdings (the Peabody and Broadway properties) and pursuing further acquisitions by agreement where possible.

5. Planning Position

- 5.1 The Council first resolved to make a Shepherds Bush Market Compulsory Purchase Order on 14th October 2010, subject to four conditions. Subsequently, on 15 October 2012 the Council made an unconditional resolution on the basis that the conditions had been met. Two of the conditions related to the Developer providing undertakings as to the costs of the CPO process and acquisitions, and a third related to the Council being advised that there was a realistic prospect of an Order being confirmed by the Secretary of State. These requirements have now been met.
- 5.2 The fourth condition was 'the Council's approval of the development scheme'. On 8th February 2012 the Council's Planning Applications Committee resolved to grant outline planning consent for the application made on respect of 'Shepherds Bush Market, Peabody and Broadway Centre, Nos. 1-14 Market Lane, Former Laundry Site rear of Nos. 9-61 Pennard Road, Land adjoining Former Shepherds Bush Library and Nos. 30-52 Goldhawk Road, W12. As noted above this planning permission is currently subject to an application for judicial review.
- 5.3 The planning application was considered against a range of national, regional and local planning policy considerations as follows:
- National Policy – the National Planning Policy Framework (NPPF) was published on 27th March 2012. The scheme is consistent with the 'Town Centre First' emphasis in the NPPF and its promotion of customer choice and a diverse retail offer which reflects the individuality of town centres.
 - London Plan – application meets the requirement under the White City Opportunity Area Framework (consultation version) to promote the vitality of Shepherds Bush as an identified Metropolitan Town Centre and achieve optimum intensity of use compatible with local context and strong public transport.
 - Hammersmith & Fulham Core Strategy – the application meets the requirement to address the Market as a Strategic Site and therefore a priority

element in improving the attractiveness of the town centre as well as a catalyst for the greater integration of the Westfield complex into the traditional town centre.

Details of Consented Scheme

- 5.4 Outline planning permission was issued on 30th March 2012 for a access, layout and scale (with appearance and landscaping reserved) for the phased redevelopment of Shepherds Bush Market and adjoining land comprising the demolition of existing buildings, the refurbishment and enhancement of the Market, and the construction of new buildings ranging from 2-9 storeys in height (plus basement) to provide up to 212 residential units (up to 27,977sq.m); and up to 14,052sq.m of non-residential floorspace comprising up to 6,000sq.m of market/retail floorspace (Class A1), up to 4,000sq.m floorspace of Food and Drink Uses (Classes A3/A%), and up to 4,052sq.m of associated servicing facilities and ancillary uses; including provision of landscaping and amenity/public space; access and parking (up to 85 vehicular spaces), up to 457 cycle parking spaces and associated works.
- 5.5 The 212 residential units are proposed as 194 flats, 13 mews houses and 5 live/work units.
- 5.6 In addition, the consent is accompanied by a completed s106 Agreement, with a value of £6,900,000, obligating the Developer to provide, inter alia, the following planning benefits:
- Funding support of up to £1,200,000 to be paid towards the conversion and refurbishment of Lime Grove Hostel
 - Fund and carry out a programme of Shepherds Bush Market Works
 - Highway Improvements and Highway Works
 - A Financial Viability Review mechanism to allocate any additional funds generated from the scheme to the provision of affordable housing
 - The S106 Agreement also contains various measures intended to protect businesses within the Market and the Goldhawk Road terrace. These measures include:
 - Provisions set out in the Shepherds Bush Market Charter 2010 to protect Market Traders and commitments relating to the enlargement and improvement of the Market
 - Arrangements to ensure active trader participation in the future management of the Market.
 - A Business Continuity Fund of £500,000 to support traders affected by the carrying out of the Market Works.
 - Arrangements to assist Goldhawk Road businesses to maintain their trading operations and to support relocations back to the Goldhawk Road frontage on terms, where this is the wish of the business.

- 5.7 The Mayor of London has supported the decision to grant outline planning consent and has endorsed the Council's prioritisation of s106 funds in favour of Market expansion and improvement in order to achieve the regeneration objectives more particularly set out in Section 6 of this report.

Planning Policy Context

- 5.8 The National Planning Policy Framework was published on 27th March 2012 after a period of consultation. This new framework for the planning system is aimed at safeguarding the environment while meeting the need for sustainable growth. Advises the planning system should: a) plan for prosperity by using the planning system to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure; b) plan for people (a social role) use the planning system to promote strong, vibrant and healthy communities, by providing an increased supply of housing to meet the needs of present and future generations; and by creating a good quality built environment, with accessible local services that reflect the community's needs and supports its health and well-being; and c) plan for places (an environmental role) - use the planning system to protect and enhance our natural, built and historic environment, to use natural resources prudently and to mitigate and adapt to climate change, including moving to a low-carbon economy. The draft Framework also underlines the need for councils to work closely with communities and businesses and actively seek opportunities for sustainable growth to rebuild the economy; helping to deliver the homes, jobs, and infrastructure needed for a growing population whilst protecting the environment.

- 5.9 In particular the NPPF contains at paragraph 23 advice that local planning authorities should, in drawing up Local Plans, should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local

planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;

- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

5.10 The London Plan (2011) identifies White City as an Opportunity Area (WCOA) and allocates Shepherds Bush as a Metropolitan Town Centre and as part of its strategic policy direction states '.....Development should promote the vitality of the town centre, particularly in the Shepherds Bush Market Area, and complement the viability of other west and central London centres. The London Plan also seeks to ensure that proposals achieve the optimum intensity of use that remains compatible with the local context and is well served by public transport.

5.11 The Market is designated within the Core Strategy as a Strategic Site (White City Opportunity Area 3 (WCOA 3) - Shepherds Bush Market and adjacent land). It also forms the western boundary of the Shepherd's Bush Town Centre as designated in the Core Strategy.

5.12 The Core Strategy states that the regeneration of the Shepherd's Bush Market is a priority which will improve the attraction of Shepherd's Bush Town Centre and act as a catalyst to further integration of the Westfield centre with the older part of the Town Centre. The Core Strategy envisages that the reinvigoration of the market will help to revive the economic and cultural health of the Town Centre and position the market as a major attraction in the area.

5.13 The White City Opportunity Area policy encourages the regeneration of the Market area so that it provides an enhanced focus and destination in the western part of the Town Centre.

5.14 The Core Strategy site policy states that the Market is an important and distinctive part of the town centre's offer. It attracts trade from a wide area and nearly a quarter of shoppers in Shepherd's Bush visit the town centre to buy specialist ethnic food products and 8% to specifically visit the Market.

5.15 The Council considers that if the market is to continue as an important feature it requires improvement. This will not only ensure the long term viability of the market, but also contribute to the regeneration of Shepherd's Bush town centre.

5.16 The Strategic Site policy also outlines that the regeneration of the market and other adjacent land should create a vibrant mixed-use Town Centre

development of small shops, market stalls, leisure uses, residential and possibly offices. Development should encourage small independent retailers and accommodate existing market traders.

- 5.17 The market operates on a cramped site and there are opportunities to consider combining it with other land to produce a scheme with wider regeneration benefits. The core strategy indicates that the core site should be the TfL market, former Pennard Road laundry site, Peabody Trust housing land and Broadway centre. Shop properties on Goldhawk Road should be included provided there are opportunities for relocation of the shopkeepers to new premises within the scheme. The scope for including land to the west of the market off Lime Grove, together with the privately owned market, must also be considered. The former Shepherds Bush library should be used for cultural purposes.
- 5.18 The primary regeneration objectives of the Shepherds Bush Market scheme allow residential development, to assist in the renovation and enhancement of the existing Market in terms of the physical fabric of the trading units and stalls, the public realm and railway arches, servicing arrangements and security & safety. The aim of this is to increase footfall and support a mix of trading opportunities to sustain the traditional role of the market in the community, its long term viability and its vibrant diversity.
- 5.19 The market is an important feature of Shepherds Bush Town Centre and it is important to protect the essence of the historic Market as a catalyst for greater vibrancy, energy and wealth for the area through additional retailing, leisure and business provision.

6. Purpose and Justification for use of Compulsory Purchase Powers

- 6.1 The scheme proposed in the outline planning permission issued on 30th March 2012 represents a comprehensive approach to the regeneration of the Market and its immediate surroundings by bringing forward an adjoining mixed-use scheme of development that directly supports a programme of regenerative upgrades to the Market, which have been secured as obligations through a completed S106 Agreement. The scheme, described in Section 5 above, will provide a good range and mix of housing in a sustainable location with identified new housing needs, close to local amenities and with excellent public transport connectivity.
- 6.2 This consented scheme includes the enlargement of the Market to incorporate approximately 14,000 sq m of new trading and service support areas; upgrades to Market surfaces and shop-fronts; enhanced lighting and security; new open spaces within the Market; and, improvements to Market stalls, canopies and services. All of the existing businesses can be accommodated within the scheme and the developer has committed to keeping the Market open and operational throughout the development period. Furthermore, the expansion of the Market will create opportunities for additional new businesses to become established in the locality and thereby assist the growth of the local economy and widen the scope of services and facilities available to local people. In total, these measures, together with the mixed-use redevelopment of the adjoining brownfield lands, are considered

by the Council to be sufficient to achieve the intended regeneration objectives.

- 6.3 The Council has given careful consideration to the need for each parcel of land included in the Order lands. The Council is satisfied that the redevelopment of the Order lands will result in an improvement to the economic, social and environmental well being of its area.
- 6.4 Due to the number of third party interests within the Order lands, it is unlikely that it will be possible to acquire all the necessary interests by private agreement within a reasonable timescale. Uncertainty as to this timescale would hinder the regeneration proposals.
- 6.5 Therefore, the Council has made the Order to acquire the interests required to enable implementation of the proposed development. Negotiations will continue with owners of relevant interests who are willing to dispose of them by private agreement.
- 6.6 Compulsory purchase will enable the regeneration to take place in accordance with a managed programme, providing certainty for site assembly and the implementation of the scheme. This will enable the Council's regeneration objectives for the Order Lands and the Borough to be achieved. The use of compulsory purchase powers is therefore considered by the Council to be necessary and justifiable in the public interest.

The Market including the LUL Freehold

- 6.7 This is the core area of the market as well as being in part LUL operational Land. The CPO will exclude from the area to be acquired the entire structure of the viaduct and all operational apparatus on or attached to the viaduct and the airspace above the viaduct. The Council has no intention to interfere with the safe and efficient operation of the railway and will continue to negotiate with LUL to settle an agreement on the manner in which the CPO would be implemented to secure the regeneration of the area without interfering with LUL's legitimate interests.
- 6.8 The LUL freehold includes the footprint of the market stalls and the compulsory purchase order will allow the Council to take whatever steps are expedient in relation to the leases, licenses and rights of the traders to secure the regeneration project. As a primary purpose of the CPO is to secure the continuity, character and viability of the existing market the Council does not propose to use to the CPO to require existing traders to move away from the market and except in exceptional circumstances existing traders who are complying with the terms of their leases will be offered alternative accommodation within the market. The Council intends to only implement the CPO in respect of market stalls and shops if the developer cannot secure expedient arrangements with traders to facilitate the project. A general undertaking is offered to the traders (see the annex to this statement) and specific agreements will be settled with traders who wish to negotiate with the

Council.

9-20 Shepherds Bush Market.

- 6.9 This land lies in a core area of the Market and is in a number of fragmented (non-LUL) ownerships. The layout of the units themselves do not follow a uniform pattern, are of very old design and build, and suffer from a lack of investment and maintenance. Also, without the arrangements the owners currently have in place with London Underground Limited, the land would be landlocked.
- 6.10 If the whole of this land was not included then it would not be possible to provide the live/work units that form part of the consented scheme. These new units will provide renewed and up to date retail facilities in keeping with the reinvigorated market. Also, the acquisition of these units will facilitate the widening of market lane to improve the retailing environment, where at present the market is cramped and viewed as uninviting and difficult to negotiate.
- 6.11 The Council is aware that the Developer has been actively pursuing a line of dialogue with the unit owners to ensure they understand the intention to reinvigorate the market and how this will impact upon them, as well as holding discussions with them on acquiring their interests by private treaty as an alternative to compulsory purchase.

30-52 Goldhawk Road

- 6.12 These properties lie at the southern end of the market and are in a number of fragmented ownerships; they consist of ground floor retail with residential accommodation above. Some are owner occupied and others are tenanted.
- 6.13 If the whole of this land was not included then not only would it not be possible to deliver either the consented scheme but it would not be possible to deliver a scheme of sufficient scale and mass to generate the scale of development, and consequently revenue, required to secure the primary objective of regenerating the Market.
- 6.14 A scheme on just the land at the rear of 30-52 Goldhawk Road which is within the ownership of the Council, Peabody and Broadway would only provide a back land scheme, which would be constrained and of insufficient scale and mass to generate the scale of development, and consequently revenue, required to secure the primary objective of regenerating the Market.
- 6.15 The appearance of the properties is run down and at no time during any part of the planning consultation process or other consultation processes have the owners at any time indicated that it was their intention to refurbish either the external or internal appearance of the properties. In particular, the rears of the buildings are unsightly and offer a hostile environment that in the past has

been the scene of anti-social behaviour. Whilst the buildings are of a particular genre there are no overall redeeming architectural features. The Council recognise and welcomes the ethnically diverse nature of the businesses trading within this terrace of properties on the Goldhawk Road. The Council has sought to protect this by obligating the Developer to ensure that the occupiers are offered the opportunity to return to the completed units, or working with them to seek to identify alternative accommodation within the local vicinity to ensure that their businesses remain at the heart of Shepherds Bush Town Centre.

The Market Lane Hostel and Flats, the Market Lane Day Centre and the former Spring Grove Laundry

- 6.16 These three sites are all in social sector ownership and terms have been agreed for the developer's acquisition of the land. The CPO will only be implemented in respect of these sites so far as is necessary to secure that any interests in that land do not frustrate or delay the implementation of the regeneration project.

Lime Grove Hostel

- 6.17 This property is situated adjoining the Market and accordingly in the general vicinity of the Broadway facility in the Peabody property. It is currently occupied by 'caretakers' for security purposes and with the necessary improvement works is suitable for the relocation of the facilities and client group currently in the Market Lane Hostel, subject to refurbishment works, which are the subject of the S106 Agreement. This property is being included with the CPO in case the Council is unable to agree a legally binding agreement with NHHT for it to be made available for refurbishment and ultimately occupation by the client group currently residing in the Market Land Hostel and Flats.

Rights over the CPO Land

- 6.18 Information indicates that there may be third parties with rights and easements over the site and the CPO will permit the Council to override any such right that could prevent or restrict the implementation of the regeneration project.

7. Consultation with Stakeholders and Community

- 7.1 The proposals to redevelop the Order Lands and to support the regeneration of the Market have been widely consulted upon as detailed in the 'Statement of Community Involvement' submitted with the outline planning application. Stakeholders have included local residents, the Shepherds Bush Market

Traders' Association, individual traders and businesses and the Bush Theatre, amongst others.

- 7.2 All parties holding freehold or leasehold interests in the Order lands have been informed of the proposals and consulted about the options available to them. The Developer is seeking, as a matter of fair policy, to negotiate a settlement with each leasehold and freehold owner in order that compulsory acquisition can be avoided, and attempts to acquire interests by agreement remain on-going.
- 7.3 In addition, the Developer has visited each leasehold and freehold property individually for the purpose of discussing the regeneration process and to provide an opportunity for leaseholders and freeholders to ask questions and gain further information. Further details were sought through the issue of formal Requests for Information (RFI).
- 7.4 The Council has required the Developer to offer a number of different acquisition and relocation options to freehold and leasehold owners In the case of Goldhawk Road. In Schedule 16 of the s106 Agreement dated 30th March 2012 the Developer has undertaken to commit to a detailed programme of assistance for shopkeepers and businesses within the relevant properties.
- 7.5 The following table contains a summary of the main public consultation events undertaken by the developer during the period to submission of the outline planning application in September 2011.

Date	Event	Comments
10 November 2010	Meeting with traders and Goldhawk Road occupiers	Developer hosted a meeting for traders and occupiers to outline development plans and programme.
22 November 2010	Meeting with local residents	Developer hosted a meeting for local residents to outline development plans and programme.
25 – 27 November 2010	Public exhibition	Developer hosted drop-in public exhibition in the former Bush Library. The developer distributed 10,000 flyers within a 15 min walk of the order lands. 177 attendees registered.
1 December 2010	Public Meeting	Council and developer jointly hosted a meeting for both market traders and local residents in the

		former Bush Library to address any concerns.
11 January 2011	Design drop in session	Developer hosted a session and invited traders to attend informal design session, held in the new Shepherds Bush Library.
17 – 19 February	Public exhibition	Developer hosted a public drop in exhibition at the former Shepherds Bush Library. The developer distributed 10,000 flyers within a 15 min walk of the order lands. 280 attendees.
16 March 2011	Design drop in session	Developer hosted a session and invited traders to attend informal design session, held in the new Shepherds Bush library.
11-14 May 2011		Developer hosted a public drop in exhibition at the former Shepherds Bush library. The developer distributed 10,000 flyers within a 15 min walk of the order lands. 246 attendees.
30 Jan 2012	Open Meeting for all Shepherds Bush Market businesses	Developer hosted meeting at Bush Hall for all traders to discuss application scheme prior to determination by LBH&F on 8 Feb.
Oct 2010 – Mar 2012	Meetings with traders, local residents and Goldhawk Road occupiers	Developer has met with the Shepherds Bush Market Traders Association on many occasions to discuss specific details. Developer has visited the market regularly and has met with a number of the Goldhawk Road occupiers both as a group and individually.

7.6 In addition extensive consultation was carried out in respect of the planning application for the scheme. The results of that consultation are set out in the Planning applications Committee Report.

7.7 In relation to the Lime Grove Hostel, NHHT, the Council and the Developer have been in discussions for the past year and the arrangements had been agreed in principle, although not legally documented.

8. Human Rights

- 8.1 The Human Rights Act 1998 requires that every public authority must act in a manner that is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”).
- 8.2 Relevant parts of Article 1 of First Protocol of the Convention provide:
“Every natural or legal person is entitled to peaceful enjoyment of his possessions” and “[no] one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law ...”
- 8.3 Relevant parts of Article 8 of the Convention provide:
“(1) Everyone has the right to respect for his private and family life, his home and his correspondence.
(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of ...the economic well-being of the country...”
- 8.4 Relevant parts of Article 6 provide that:
“In determining his civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”
- 8.5 The proposed regeneration of the Market through the proposed redevelopment has been publicised extensively and consulted upon by the Council and the Developer. Third parties likely to be affected by the proposals have been offered several opportunities to make representations to the Council. So far as the Order is concerned, any owner, lessee or occupier of land included in the Order will have the opportunity to make an objection and to appear before a person appointed by the Secretary of State before a decision is made whether or not the Order should be confirmed.
- 8.6 The Order is made pursuant to section 226(1)(a) of the 1990 Act (as amended by the 2004 Act) which authorises the Council to acquire land compulsorily subject to following the procedures laid down by the Acquisition of Land Act 1981.
- 8.7 The Council considers that there is a compelling case in the public interest that the Order Lands be compulsorily acquired in order to achieve the purposes described in this Statement of Reasons.

- 8.8 If the Secretary of State agrees with the Council that there is a compelling case in the public interest, he may confirm the Order. If there are no objections to the Order and/or all objections submitted are withdrawn, the Secretary of State may exercise her discretion and allow the Council to confirm the Order
- 8.9 If the Order is confirmed, compensation may be claimed by persons whose interests in land have been acquired or whose possession of land has been disturbed.
- 8.10 If the Order is confirmed, notwithstanding the provisions of Article 1 of the First Protocol and/or Article 8 of the Convention, adequate provisions are in place to compensate those adversely affected. Moreover, the Council is of the view that there is a compelling case in the public interest for compulsory acquisition of each and every parcel of land comprised within the Order Lands. It is also convinced that the public interest that is to be served by the development and the improvements that will be achieved to the condition and performance of the Market outweighs the private interests held in the Order Lands. The Council also believes that use of compulsory purchase powers to achieve its regenerative objectives for Shepherds Bush Market and the town centre within which it sits are proportionate to the interference with human rights.
- 8.11 Assistance to persons who will be displaced by the Order:

Goldhawk Road Traders

- 8.12 The consented scheme includes new retail floorspace on and adjacent to the Goldhawk Road frontage. The S106 Agreement requires the Developer to design accommodation suitable for any of the businesses occupying the Goldhawk Road properties that wish to remain trading on the site. The S106 Agreement also requires the Developer to work with the Goldhawk road traders to identify suitable off-site relocation opportunities and to assist them to continue trading.
- 8.13 There are a small number of residential occupiers on the upper floors of these premises. The Council will work with these occupiers to assist them to identify suitable alternative accommodation prior to implementing the CPO which would displace them.

Shepherds Bush Market traders

- 8.14 The development scheme will provide additional market units within the improved market. The S106 Agreement requires the Developers to negotiate with the traders displaced with a view to agreeing terms for the grant of leases within the new development. The Council intends to only implement the CPO in respect of trading pitches if the Developer is unable to agree

acceptable relocation arrangements with the individual trader and except in exceptional circumstances will undertake to secure the opportunity for existing traders to relocate to alternative premises before implementing the CPO to displace traders from their shops and pitches. A draft form of general undertaking is annexed to this statement.

Electricity substations.

- 8.15 New locations for substations will be provided by the development scheme and the electricity undertakers will be provided with those sites, and the opportunity to relocate their apparatus before being required to give up existing sites.

9. Conclusion

- 9.1 The proposals for the redevelopment of land at Shepherds Bush Market accord with the Development Plan for the area. In view of this and the grant of Outline Planning Permission for development of the Order Lands, the Council believes that there is no planning impediment to the implementation of the redevelopment proposals that underlie the Order.

10. Resources for land acquisition, delivery and implementation

- 10.1 The Circular highlights that the Secretary of State will want to be reassured that there is a realistic prospect that the land subject to CPO will be brought into beneficial use within a reasonable timeframe. Paragraph 20 states that in preparing its justification, the acquiring authority should provide as much information as possible about the resource implications of acquiring the land and implementing the scheme, though it is acknowledged that projects may not be intended to be commercially viable or that it may not be possible to finalise details until there is certainty regarding assembly of the land. In such instances the authority should provide an indication of how any potential shortfalls are to be met. Paragraph 21 states that, even more importantly, the confirming Minister would expect to be reassured that it was anticipated that adequate funding would be available to enable the authority to complete the compulsory acquisition within the statutory period following confirmation of the order.
- 10.2 The Council is satisfied that the necessary resources are available to achieve the regeneration of the Order lands, whereby the CPO powers would be implemented and land will be developed within the statutory period. This will be achieved through the CPO Cost Indemnity Agreement to be entered into by OSBL. Under its terms OSBL will fully underwrite all costs of process, acquisition and compensation resulting from the preparation, confirmation and implementation of the Order.
- 10.3 The Council has taken professional advice from its own consultants and is satisfied that the Development Scheme has a reasonable prospect of being viable at the time of completion of land assembly and that it is deliverable by the Developer.

10.4 Lime Grove Hostel will be acquired by the Council from its own identified funds and held for use to meet its own functions.

11. Additional Information for Persons affected by the Order

11.1 Owners and tenants of properties, and any other parties with interests affected by the Order, who wish to negotiate a sale or discuss re-housing options should contact....

11.2 Electronic copies of the Order, Order Map and this Statement of Reasons will be provided upon request. Please contact....

12. Documents available for public Inspection

A table of documents to be placed on deposit will be inserted.

Annex

Draft form of Undertaking to be offered by the Council to Shepherds Bush Market traders

Who may benefit from this Undertaking?

The traders who may benefit from this Undertaking are traders who are tenants of LUL or are owner/occupiers, who are lawfully occupying arches, shops and stalls in Shepherds Bush Market in accordance with their lease and who are not in breach of their lease, and who are required to relocate either temporarily or permanently as a result of the need to carry out works to deliver the Shepherds Bush Market regeneration and the adjacent development.

Undertaking to negotiate

The Council undertakes to require the developer to take all reasonable steps to negotiate with each affected market trader the timing and terms for the temporary or permanent relocation of that trader to enable the project to progress in accordance with its delivery programme.

It is the intention of the Council to only implement the compulsory purchase order ("CPO") against an individual trader if it has not been possible for agreement to be reached with that trader or that it will take too long to obtain possession that way which may lead to the delivery programme being frustrated or delayed.

Open offer of relocation site

Before implementing the CPO against an individual trader who qualifies to benefit from this Undertaking the Council will require that the developer has made an offer of a suitable alternative pitch open for the trader to accept and move to, to coincide with the implementation of the CPO. However, the trader will NOT be able take up occupation of the alternative pitch unless he has entered into an appropriate lease or license of that pitch.

Compensation

Your right to make a claim under the Business Continuity Fund provisions contained in the Schedule 15 of the section 106 Agreement will be unaffected by this Undertaking. A copy of that Schedule is attached to this Undertaking for your ease of reference.

In certain circumstances you may be entitled, to compensation under what is referred to as the Compensation Code in relation to the implementation of the CPO, but not to both compensation and a payment from the Business Continuity Fund.

Where a trader has provided sufficient information of a valid claim prior to the move date the Council will use reasonable endeavours to require the developer to make a payment in respect of that claim on completion of the relocation.

Terms of new leases

Also contained in Schedule 15 of the S106 Agreement are provisions that when a trader is required to relocate the covenants given by the developer in relation to the rent and service charge freeze periods will apply to the new pitch as they did to the previous one.

Subject to contract

This offer is subject to contract and will not be legally binding until it has been settled and signed by the Council and the trader.

Appendix B

Dated:

Between:

**(1) The Mayor and Burgesses of the
London Borough of Hammersmith and
Fulham**

**(2) Orion Shepherds Bush Limited,
Orion Shepherds Bush (no.2) Limited,
and Orion Shepherds Bush (no.3)
Limited**

**CPO Indemnity Agreement *etc* relating to land in and around
Shepherds Bush Market, Shepherds Bush, Hammersmith, London**

Index

Clause	Heading	Page no.
	Index	1
1	Definitions and Interpretation	3
2	Commencement and making the CPO	3
3	The Developer's Obligations	3
4	The Council's Obligations	3
5	Termination	4
6	Dispute Resolution	4
7	Administrative Provisions	5
8	Execution	5
Appendix		
1	Definitions and Interpretation	6
2	CPO Costs	18
3	The Plans	20
4	The Developer's Obligations	●
5	The Council's Obligations	●
6	Exit Consequences	●
7	Dispute Resolution	●
8	Administrative Provisions	●

This Agreement is made this • day of • 2012

Between:

- (1) **The Mayor and Burgesses of the London Borough of Hammersmith and Fulham** of Town Hall, King Street (“**the Council**”); and
- (2) **Orion Shepherds Bush Limited** (registration number 07206167; registered in England) (“**OSB**”), **Orion Shepherds Bush (no.2) Limited** (registration number 07664775; registered in England) (“**OSB (no.2)**”); and **Orion Shepherds Bush (no.3) Limited** (registration number 07670833; registered in England) (“**OSB (no.3)**”); each of whose registered office is at Palladium House, 1-4 Argyll Street, London, W1F 7LD (**together “the Developer”**)

Whereas:

- (a) The Council wishes to facilitate the Developer’s proposals for a comprehensive development, redevelopment and improvement of the Development Site.
- (b) On [14th][27th] October 2010 the Council passed the CPO Principal Resolution.
- (c) The relevant Developer has entered into the respective Land Agreements and desires and is seeking to acquire by private treaty the remainder of the CPO Lands.
- (d) On 13th September 2011 OSB submitted the Planning Application to the Council.
- (e) On 17th January 2012 the TSA issued to Peabody a Section 172 Consent.
- (f) On 8th February 2012 the Planning Applications Committee resolved to grant planning permission for the Development subject *inter alia* to the completion of an agreement pursuant to section 106 of the 1990 Act was completed.
- (g) On 30th March 2012 the section 106 Agreement was completed and on even date the Planning Permission was granted.
- (h) By reason of the grant of the Planning Permission the call option within the H&F Option Agreement is exercisable subject to its provisions.
- (i) On the [●] October 2012 the Council received a report recommending it to make and promote a CPO for the CPO Lands on the basis that under this Agreement the Developer and the Surety will indemnify the Council against all reasonable and proper costs arising from a resolution to make and seek confirmation of the CPO from the Secretary of State and its implementation.
- (j) On the [●] October 2012 the Council formally resolved to make the CPO on, *inter alia*, the basis that the compulsory acquisition of CPO Lands [and the New Rights] that cannot be acquired by the Developer by private treaty will facilitate the carrying out of development, re-development or improvement of the relevant land and deliver the regeneration aims of the Council by, *inter alia*, being highly likely to promote

and/or improve the economic and/or social and/or environmental well-being of the Borough.

- (k) Pursuant to the Land Agreements the Developer holds an interest in land which is the subject of those agreements and which is situated within the Development Site.
- (l) The Developer has agreed to indemnify the Council against all and any CPO Costs reasonably and properly incurred and to provide the Surety to guarantee that indemnity.

The Parties agree as follows:

1 Definitions and interpretation

The Parties agree that the provisions of Schedule 1 shall apply to this Agreement.

2 Commencement and making the CPO

2.1 This Agreement shall come into immediate effect upon both the making of the CPO and the provision of the Surety.

2.2 If the Parties have not agreed the form, content and extent of the CPO and all supporting material prior to this Agreement coming into effect then the Council shall consult the Developer about the form, content and extent of it and all supporting material which shall be subject to the prior written approval of the Developer.

2.3 Subject to clause 4.2:

2.3.1 as soon as reasonably practicable, the Council shall proceed diligently and expeditiously with the making of the CPO and the submission of it to the Secretary of State for confirmation and shall take all appropriate steps to secure confirmation of the CPO in such form as soon as reasonably practicable; and

2.3.2 the Council may and shall if so requested in writing by the Developer secure the implementation of the CPO by either way of:

2.3.1 the service of one or more Notices to Treat, whether subsequently with or without Notices of Entry; and/or

2.3.2 the making of one or more General Vesting Declarations.

3 Developer's Obligations

The Parties agree that the provisions of Schedule 4 shall apply to this Agreement.

4 The Council's Obligations

4.1 The Parties agree that the provisions of Schedule 5 shall apply to this Agreement.

4.2 Nothing in this Agreement or implied into it shall prejudice or fetter the Council's duties, obligations, powers or rights in the discharge of its functions as a statutory authority and in particular the Council may:

4.2.1 discontinue the CPO at any time if:

4.2.1.1 Leading Counsel advises that there is less than forty (40) *per cent* prospect of its confirmation or of successfully defending a CPO Challenge (in which case Schedule 6 (Part A) shall apply); and

4.2.1.2 there has been a material change in the circumstances giving rise to the making of the CPO and its intended purposes so that the underlying purpose of the CPO will remain unfulfilled and the Council then formally resolves that continuing with the CPO or acquiring any CPO Interest will not be in the interests of securing the promotion and/or improvement of the economic and/or social and/or environmental well-being of the Borough (in which case Schedule 6 (Part B) shall apply).

4.2.2 enter into a written undertaking with any person who has a CPO Interest restricting and controlling the timing, manner and circumstances in which the CPO would be implemented in respect of their CPO Interest after first having obtained the Developer's approval, provided that such approval shall not be withheld unless the Developer reasonably considers that the entering into of a such an undertaking shall not be in the best interests of delivering the Development and/or acquiring any CPO Interest not yet acquired by, without limitation, delaying the delivery of the Development or any part or increasing the cost of it.

5 Termination

5.1 A non-defaulting Party may terminate this Agreement by notice to the defaulting Party without prejudice to either Party's accrued rights or remedies if any one of more of the following shall occur:

5.1.1 if the defaulting Party is in substantial breach of any of its obligations in this Agreement which cannot be rectified by the service of a notice giving a reasonable time to rectify the same; or

5.1.2 if the defaulting Party is in substantial breach of any of its obligations in this Agreement and has failed to rectify the breach within a reasonable time after receiving notice to rectify from the non-defaulting Party; or

5.1.3 on the date four weeks after the decision of the Secretary of State not to confirm the CPO provided that in the event of any legal proceedings following a decision not to confirm the CPO the period of four weeks shall not start to run until after the final outcome of such proceedings including any appeal or appeals therefrom;

whichever is the first to occur provided that termination under either clause 5.1.1 or 5.1.2 shall not be effective unless and until the defaulting Party has admitted that the

breach was a substantial breach which cannot or has not been rectified or it has been so Determined.

- 5.2 The Council may also terminate this Agreement by notice to the Developer without prejudice to either Party's accrued rights or remedies if an Event of Default occurs.
- 5.3 The Developer may also terminate this Agreement by giving notice to the Council in which case Schedule 6 (Part C) shall apply.
- 5.4 If the Developer terminates this Agreement pursuant to clause 5.1 (and its proviso) then Schedule 6 (Part D) shall apply.
- 5.5 Notwithstanding the termination of this Agreement the Developer shall remain liable to pay for any CPO Costs which have been incurred or which have been legally committed to prior to such termination and the Council shall take all reasonable steps to mitigate and minimise the same.

6 Dispute Resolution

Each Party agrees that the provisions of Schedule 7 shall apply to this Agreement.

7 Administrative Provisions

Each Party agrees that the provisions of Schedule 8 shall apply to this Agreement.

8 Execution

In witness whereof this Agreement has been executed as a deed on the date first above written.

Schedule 1

Definitions and Interpretation

A reference to paragraph in this Schedule is, unless otherwise stated, a reference to a paragraph in this Schedule

1 Definitions

In this Agreement and in the Recitals and Schedules the following words and expressions unless the context otherwise requires shall have the meanings hereinafter specified that is to say:

“1961 Act”	means the Land Compensation Act 1961
“1965 Act”	means the Compulsory Purchase Act 1965
“1973 Act”	means the Land Compensation Act 1973
“1981 Act”	means the Acquisition of Land Act 1981
“1990 Act”	means the Town and Country Planning Act 1990
“the 2000 Act”	means the Freedom of Information Act 2000
“the 2004 Regulations”	the Environmental Information Regulations 2004 together with any guidance and/or codes of practice issued in relation to them
“the Access Road”	means the unregistered land, believed freehold, providing access to and egress from the rear of numbers 30-52 (inclusive) Goldhawk Road, Shepherds Bush, London W12 and coloured blue on Plan 1 for the purposes of identification only being land forming part of the CPO Lands
“Blight Notice”	means a notice validly served under the provisions of section 150 of the 1990 Act
“the Borough”	means the area comprising the London Borough of Hammersmith and Fulham
“the Broadway Option Agreement”	means the call option agreement dated 9 th September 2011 and made between (1) Broadway Homelessness and Support and (2) Orion Shepherds Bush (no.2) Limited under which Orion Shepherds Bush (no.2) Limited is entitled to opt to buy the Broadway Property from Broadway subject to its provisions

“the Property”	Broadway	means all that freehold property situate at and known as The Broadway Hostel, 14 Market Lane London W12 8EZ and registered at the Land Registry with title absolute under title number BGL71221
“Compensation Assessment”		means an assessment carried out from time-to-time by the Referencing Agent using the best available evidence of the level of risk and quantum of compensation claims in respect of each and every CPO Interest
“the Code”	Compensation	means the body of legislation, common law and case law which is applied by the Upper Tribunal (Lands Chamber) in determining compensation for the acquisition of land or the displacement of persons from land under a compulsory purchase order, or Blight Notice
“the Council”		means The Mayor and Burgesses of the London Borough of Hammersmith and Fulham and its lawful successors in functions, but excluding the Developer
“the Council’s Address”		means: London Borough of Hammersmith & Fulham Town Hall King Street Hammersmith London W6 or such other address that is notified by the Council to the other Parties from time-to-time
“CPO”		means any compulsory purchase order which may be made by the Council pursuant to its powers as a local planning authority under section 226(1)(a) and/or (b) of the 1990 Act to acquire CPO Lands and/or Third Party Interests and/or New Rights
“CPO Challenge”		means any court challenge to the Council's decision to make the CPO, proceed with or implement the CPO or to the Secretary of State decision to confirm the CPO (in whole or in part)
“CPO Costs”		means any compensation and/or administrative/acquisition costs reasonably and properly incurred and that are payable by the Council as a direct consequence of a directly related to the making and implementation of the CPO as are set out in Schedule 2
“CPO Interest”		means any interest or right in, on or over the CPO Lands

or land adjoining the CPO Lands, or any part thereof, of whatsoever nature or any occupation or use of that land which gives the owner, occupier, or beneficiary an entitlement to compensation for the acquisition of the land, or acquisition of a New Right in, on or under it or the acquisition or extinguishment of a Third Party Interest, or the displacement of occupiers from that land under the Compensation Code and a reference to “*CPO Interests*” shall be construed accordingly

“CPO Lands”

means the land shown [edged][coloured] red on Plan 2 being land within or adjoining the Development Site and which includes the following freehold and leasehold land (as the case may be) known as:

- (a) the Access Road;
- (b) the Broadway Property;
- (c) the Goldhawk Road Properties;
- (d) the H&F Property;
- (e) the LUL Property (including each and every arch, shop and stall);
- (f) the Peabody Property;
- (g) the Shepherds Bush Market Freehold Properties;
- (h) the Lime Grove Hostel
- (i) any other land within the Development Site;
- (j) any Third Party Interests in, on, under or over the above land; and
- (k) any New Rights,

and a reference to “*CPO Land*” shall be construed accordingly

“the CPO Principal Resolution”

means the resolution passed by the Cabinet of the Council on [14th][27th] October 2010 that it is willing to consider using CPO powers to acquire land to facilitate the regeneration of the Shepherds Bush Market area

“Determined”

means a determination by the Expert

“the Developer”

means OSB, OSB (no.2) and OSB (no.3) and includes

their lawful successors in title and assigns

“Developer’s Address” means:

c/o Orion Land & Leisure Limited
Second Floor
Egyptian House
170 Piccadilly
London
W1J 9EJ,

or such other address that is notified by Orion Land & Leisure Limited to the other Parties from time-to-time

“Developer’s Costs” means the costs paid or contracted to be paid by the Developer in pursuing the Development including (without limitation) the purchase price of property, stamp duty land tax, and professional and consultant team fees

“Development” means the development of the Development Site as described in the Planning Permission

“the Development Site” means land in and around Shepherds Bush Market, Shepherds Bush, Hammersmith W12 shown edged red on Plan 3 for the purposes of identification only being the land the subject of the Planning Permission

“Dispute” means dispute or disagreement relating to or arising out of this Agreement between the Parties, including, but not limited to, a dispute or disagreement relating to any CPO Costs or Outgoings

“Disputing Party” means the Party who raises a Dispute

“Event of Default” means and one or more of the following:

(a) any step is taken in connection with any voluntary arrangement or any compromise or arrangement for the benefit of any creditors of the Developer; or

(b) an application is made for an administration order in relation to the Developer; or

(c) in relation to the Developer, there is the appointment of an administrator, the filing of documents with the court for the appointment of an administrator or the giving of notice of intention to appoint an administrator by the Developer or its directors, or by a qualifying floating charge holder (as defined in paragraph 14 of Schedule B1 to the Insolvency Act 1986); or

(d) a receiver or manager is appointed in relation to any property or income of the Developer; or

(e) a liquidator is appointed in respect of the Developer; or

(f) a voluntary winding up of the Developer is commenced, except a winding-up for the purpose of amalgamation or reconstruction of a solvent company in respect of which a statutory declaration of solvency has been filed with the Registrar of Companies; or

(g) a petition is granted for a winding-up of the Developer; or

(h) the Developer is struck off from the Registrar of Companies; or

(i) the Developer otherwise ceases to exist,

and “*Events of Default*” shall be construed accordingly and for the purpose of this definition a reference to *the Developer* is a reference to each person constituting the same

“Expert” means a suitably qualified person of not less than 10 years post-qualification experience at the date of appointment relevant to the Dispute

“FOIA Legislation” means the 2000 Act and the 2004 Regulations together

“General Vesting Declaration” as defined in Section 2 of the Compulsory Purchase Vesting Declarations Act 1981 and references to “*General Vesting Declarations*” shall be construed accordingly

“the Goldhawk Road Properties” means those even numbered properties numbered 30-52 (inclusive) Goldhawk Road, Shepherds Bush, London, edged red on Plan 4 for the purposes of identification only and a reference to “*Goldhawk Road Property*” shall be construed accordingly

“the H&F Option Agreement” means the call option agreement dated 22nd December 2010 and made between (1) the Council and (2) Orion Shepherds Bush Limited under which Orion Shepherds Bush Limited is entitled to opt to buy the H&F Property from the Council subject to first obtaining the grant of planning permission but otherwise subject to its provisions

“the H&F Property” the freehold property known as 15 Pennard Road,

Shepherds Bush, London being the former Spring Grove Laundry site comprised in title number BGL1352 and any other interests the Council has in, on or over the Application Site

- “the Land Agreements” means together:
- (a) the Broadway Option Agreement;
 - (b) the H&F Option Agreement; and
 - (c) the Peabody Sale Agreement,
- and a reference to a “*Land Agreement*” shall be construed accordingly
- “Leading Counsel” means a Queens Counsel experienced in compulsory purchase law and practice chosen by the Council and approved by the Developer
- "Lime Grove Hostel" means all that freehold property situate and known as The Lime Grove Hostel and registered at the Land Registry with title absolute under title number BGL19570 being the property proposed for the relocation of facilities currently being provided in the Peabody Property
- “LUL” means London Underground Limited (registration number 1900907; registered in England) whose registered office is at Victoria Station House, 191 Victoria Street, London SW1E 5NE
- “the LUL Property” means all that freehold property situate and known as Shepherds Bush Market, Shepherds Bush, London W12 and registered at the Land Registry with title absolute under title number BGL75815
- “New Rights” means any and all interests and rights in, on or over the CPO Lands or land adjoining the CPO Lands, or any part thereof, of whatsoever nature that the Developer reasonably considers are necessary to create or acquire to facilitate the Development and a reference to a “*New Right*” shall be construed accordingly
- “Notice of Entry” means a notice served by the Council, under section 11 of the Compulsory Purchase Act 1965, and a reference to “*Notices of Entry*” shall be construed accordingly
- “Notice to Treat” means a notice served by the Council, under section 5 of Compulsory Purchase Act 1965, and a reference to “*Notices to Treat*” shall be construed accordingly

“Outgoings”	means any outgoings of annual or periodic nature recurring nature reasonably and properly paid by the Council for which the Council has become liable in respect of any Third Party Interests or New Rights acquired by the Council after the date of acquisition pursuant to the CPO until the date the same is transferred to the Developer or the termination of this Agreement, including, but not limited to, but not limited to insurance, rates, rent, repairs and works to secure any premises provided that the Council shall not undertake and repairs or works of improvement without the approval of the Developer or in the case of emergency when it is legally obliged to do so
“the Parties”	means the parties to this Agreement and their successors in title and permitted assigns and references to “Party” shall be construed accordingly
“the Peabody Property”	means all that freehold property situate at and known as 52a Goldhawk Road, London W12 8DH and registered at the Land Registry with title absolute under title number NGL671333
“the Peabody Sale Agreement”	means the conditional sale agreement dated 9 th September 2011 and made between (1) The Governors of the Peabody Trust and (2) Orion Shepherds Bush (no.3) Limited, under which Orion Shepherds Bush (no.3) Limited agrees to buy the Peabody Property from Peabody subject first to The Governors of the Peabody Trust obtaining the Section 172 Consent and The Governors of the Peabody Trust Peabody being able to provide vacant possession but otherwise subject to its provisions
“Planning Application”	means the planning application made by or on behalf of OSB under the 1990 Act to carry out the Development in relation to the Site and numbered 2011/02930/OUT
“the Plans”	means the plans numbered 1, 2, 3, 4, and 5 respectively annexed in Schedule 4 and a reference to a numbered plan shall be construed accordingly
“the Planning Permission”	means the planning permission granted on 30 th March 2012 or any other planning permission granted pursuant to any planning application or applications submitted by or on behalf of the Developer in accordance with the Option Agreement to carry out all or any part of the Development and as may be subsequently amended or varied once submitted and references to “ <i>Planning Application</i> ” shall be construed accordingly

“Prescribed Rate”	means the simple rate of interest two (2) <i>per cent per annum</i> above the base rate from time-to-time of Barclays Bank plc
“President”	means the president or such other proper officer for the being of The Law Society or the Royal Institution of Chartered Surveyors or other relevant body, as is relevant to the Dispute
“Purchase Notice”	means a valid notice served under the provisions of section 137 of the 1990 Act
“the Referencing Agent”	means the person appointed by the Developer, pursuant to paragraph 1 of Schedule 7, to carry out the Referencing Exercise and the Compensation Assessment
“Referencing Exercise”	<p>means the body of work to be carried out by the Referencing Agent to enable the schedules for the CPO to be prepared, including its confirmation, including (without limitation):</p> <ul style="list-style-type: none"> (a) identifying and listing (without limitation) all owners, lessees, tenants, occupiers, mortgagees and any other third party having any interest or rights in, on, over, and under any Third Party Land; (b) preparing any plans that may be necessary; (c) checking whether any land falls within the one of the categories contained in Part III of the 1981 Act; (d) checking and (if relevant) identifying any buildings which are listed, of list quality, subject to a building preservation notice or within a conservation area; and (e) reviewing the body of work and making suggestions
“Request”	means a properly made request for information made to the Council as described in section 8 of the 2000 Act and/or Regulation 5 of the 2004 Regulations (as applicable) and a reference to “ <i>Requested</i> ” shall be construed accordingly
“Section 106 Agreement”	means the agreement dated 30 th March 2012 and made between (1) The Mayor and Burgesses of the London Borough of Hammersmith and Fulham (2) Broadway Homelessness and Support (3) The Governors of the Peabody Trust (4) Orion Shepherds Bush Limited (5) Orion Shepherds Bush (no.2) Limited (6) Orion

Shepherds Bush (no.3) Limited and (7) Development Securities plc relating to land in and around Shepherds Bush Market, Shepherds Bush, London W12 or such agreement that may replace it or as it may be modified under Section 106A of the 1990 Act

“Section 172 Consent” means consent for The Governors of the Peabody Trust to transfer the Peabody Property pursuant to the terms of the Peabody Sale Agreement under the provisions of section 172 of the Housing and Regeneration Act 2008

“Secretary of State” means the minister or authority (or any successor office) or any person appointed him and/or having authority to act on his behalf or any person entitled to exercise powers conferred upon him to confirm the CPO

“the Shepherds Bush Market Freehold Properties” means those freehold pieces or parcels of land shown edged red on Plan 5 for the purposes of identification only each being registered at the Land Registry with title absolute and comprised in following title numbers:

- (a) LN250454;
- (b) NGL17355;
- (c) NGL527863;
- (d) NGL401801;
- (e) LN249849;
- (f) NGL16056;
- (g) NGL506742;
- (h) NGL80596;
- (i) NGL593295; and
- (j) 460397,

and/or such other or further title numbers as may be in existence as at the date of this Agreement or subsequently come into existence or other unregistered land within the area edged red

“Shepherds Bush Market Tenancy Agreements” means a reference to the leases between LUL and a Shepherds Bush Market Tenant and a reference to “*Shepherds Bush Market Tenancy Agreement*” shall be construed accordingly

“the Shepherds Bush Market Tenants” means the lawful lessees of (currently) LUL of the arches, shops and stalls in Shepherds Bush Market, but excluding for the avoidance of any of their successors-in-title and the Shepherds Bush Market Freehold Traders, and a reference to “*Shepherds Bush Market Tenant*” shall be construed accordingly

“Surety” means one or more of the following:

- (a) a bond issued by a reputable financial institution or recognised bondsman;
- (b) a guarantee whether given by a incorporated or unincorporated person; and
- (c) other forms of security, whether being in money or in kind,

in respect of the Developer’s obligations under this Agreement in such sum as the Council shall from time to time reasonably determine after considering any report from the Referencing Agent and from such Surety and in such form as the Council may approve

“Terms of Appointment” means the terms and conditions of for the appointment of the Referencing Agent which shall include (without limitation):

- (a) the timing and carrying out of the Referencing Exercise;
- (b) the level and timing of payment of remuneration;
- (c) the level of professional indemnity insurance;
- (d) the providing of either a Collateral Warranty or rights under the 1999 Act in favour of the Buyer;
- (e) reviewing and advising on the draft CPO and any supporting documentation;
- (f) providing advice and its opinion from time-to-time when requested on the method and approach to be taken by the Seller in the preparation, application for and making of a CPO, including its confirmation;
- (g) preparing Tables 1 and 2 to be inserted in the prescribed form of compulsory purchase order;

- (h) preparing the map or maps to accompany the CPO;
- (i) Compiling and maintaining the Compensation Assessment
- (j) providing and sharing information with the Council and Developer on an equal basis; and
- (k) such other terms and conditions as the Parties may reasonably agree

- “Third Party Interests” means any and all interests or rights of third parties of whatsoever nature in, on or over CPO Lands or any part thereof that the Developer reasonably considers are necessary to acquire or extinguish to facilitate the Development and references to “*Third Party Interest*” shall be construed accordingly
- “TSA” means the Tenant Services Authority being the body at the material time to consider applications for a Section 172 Consent
- “VAT” means value added tax chargeable under the Value Added Tax Act 1994 and any similar replacement tax and any similar additional tax
- “Working Day” means any day (other than a Saturday or Sunday) on which the Barclays Bank plc is open in the City of London for normal banking business and a reference to “*Working Days*” shall be construed accordingly

2 Interpretation

In the interpretation of this Agreement:

- 2.1 words importing the singular number only shall include the plural number and *vice versa*;
- 2.2 words importing one gender shall include all other genders;
- 2.3 the word “*including*” shall be deemed to be followed by the words “*without limitation*”;
- 2.4 the headings appearing in this agreement are for reference only and shall not affect its construction;
- 2.5 *person* includes a corporate or unincorporated body
- 2.6 *writing* or *written* includes faxes but not electronic mail

- 2.7 references to any statute include a reference to any statutory amendment, modification replacement or re-enactment thereof for the time being in force and to every instrument or direction, regulation, bye-law, permission, licence, consent, condition, scheme and matter made in pursuance of any statute and any Regulation or other legislation of the European Union that is directly applicable in England and Wales and include existing statutes and those that come into effect while this Agreement subsists;
- 2.8 any reference to a clause or a Schedule or a paragraph without further designation is a reference to a clause or Schedule or a paragraph of a Schedule of this Agreement;
- 2.9 the provisions in the Schedules are to apply as if incorporated *in extenso* in the main body of this Agreement;
- 2.10 any obligation on a Party not to do any act, matter or thing shall be deemed to include an obligation not to permit or suffer such thing to be done and any obligation on a Party to do any act, matter or thing includes an obligation to procure that it be done;
- 2.11 references to any Party shall unless otherwise stated be deemed to include successors in title and assigns of that Party unless the context otherwise requires;
- 2.12 where two or more persons are obliged to carry out an obligation it may be enforced against them all jointly or against each of them individually;
- 2.13 for the avoidance of doubt:
- 2.13.1 the Schedules to this Agreement shall be deemed to form part of this Agreement; and
- 2.13.2 the definitions shall apply to the Recitals and the Recitals are operative;
- 2.14 where any provision in this Agreement stipulates that any matter is subject to (without limitation) the agreement, approval or consent of a Party then:
- 2.14.1 unless the otherwise is stated then that agreement, approval or consent shall not be unreasonably withheld or delayed and shall be given in writing; and
- 2.14.2 unless the Party from whom (without limitation) the agreement, approval or consent is being sought substantively responds within ten (10) Working Days of being asked for (without limitation) their agreement, approval or consent either (without limitation) to either agree, approve or consent, or refuse the same with detailed reasons why then such (without limitation) agreement, approval or consent shall be deemed to be given;
- 2.15 references to a paragraph number in a Schedule, unless otherwise stated, is a reference to that numbered paragraph in that Schedule;
- 2.16 references to “*consult*” or “*consultation*” require the Party seeking to consult to:

2.16.1 provide to the Party being consulted sufficient information to enable it to properly to understand the proposal and respond to it, as well as sufficient time to respond to the proposal;

2.16.2 pay proper and due regard to any response provided by the Party being consulted; and

2.16.3 where the Party seeking to consult chooses not to follow any suggestion contained within a response then that Party shall provide to the Party being consulted detailed reasons why before taking any action or omitting to take any action on the matter being consulted upon.

Schedule 2

CPO Costs

The following costs to the extent that they are reasonable and properly incurred as a result of a resolution to make the CPO, the making, processing and implementation of the CPO and any arising from a Blight Notice or Purchase Notice relating to the CPO Lands other than the Lime Grove Hostel:

- 1 the purchase price for any Third Party Interest or New Right which the Council acquires pursuant to the CPO or is required to purchase as a result of any Blight Notice or Purchase Notice;
- 2 any payment under the 1961 Act, or 1965 Act, or 1973 Act made as a result of the acquisition of or interference with any Third Party Interest or New Right or otherwise arising from the making or implementation of the CPO;
- 3 any statutory interest or interest awarded in any proceedings payable in connection with any sum payable hereunder including (without prejudice to the generality of the foregoing) interest which may be payable by virtue of the Council taking possession of any Third Party Interest or New Right before the amount to be paid has been agreed;
- 4 the costs of any warrant procedure or other procedures necessary to obtain possession of any Third Party Interest or New Right;
- 5 the Council's legal and valuation costs in connection with the making, processing and implementation of the CPO including the costs of the Council's reasonably and properly appointed consultants;
- 6 any legal, valuation or other expenses which the Council is required to pay to an owner or owners of any Third Party Interest or New Right in respect of the same and/or in connection with the negotiation of compensation or the transfer of title or the grant of any Third Party Interest or New Right;
- 7 the Council's costs (including any costs awarded against it) of any public inquiry or Lands Tribunal reference in connection with the CPO and any subsequent litigation in relation thereto;
- 8 the Council's costs (including any costs awarded against it) in relation to any CPO Challenge.
- 9 all disturbance and home loss, basic loss or occupiers loss payment to which any owner or owners or occupier or occupiers is entitled to as a result of the service of a Blight Notice, Purchase Notice or the vesting or taking possession of any Third Party Interest or New Right;
- 10 the purchase price or any compensation (including any payment for severance or injurious affection) and any additional compensation the Council is required to pay in

respect of all or any part of the CPO Lands as the result of the severance of land in common ownership and the cost of accommodation works the Council is required to carry out as a direct result of the CPO in respect of land not included in the CPO and not otherwise acquired by the Council for the Development;

- 11 any advance payment the Council is required to make in respect of all or any part of the CPO Lands under the provisions of section 52 and 52A of the 1973 Act;
- 12 any compensation payable pursuant to the provisions of sections 236, 237 or 250 of the 1990 Act;
- 13 any payments require to be made by the Council under Parts I and/or II of the 1973 Act arising directly from and in connection with the Development;
- 14 stamp duty land tax and any Land Registry fees arising out of the acquisition of any Third Party Interest or New Right;
- 15 any monies awarded to an owner or owners of any Third Party Interest or New Right in respect of any reference to the Lands Tribunal and costs awarded to such person by the Lands Tribunal in respect thereof;
- 16 to the extent the same is not covered elsewhere in this Schedule, any other payment to which a claimant is entitled under the Compensation Code;
- 17 a sum equal to any VAT which is paid by the Council in respect of any of the CPO Costs save to the extent that the Council obtains repayment or credit in respect of such sums; and
- 18 any additional costs the Council incurs as a result of the Developer refusing to approve any payment or delaying approval of that payment or failing to provide the Council with the necessary funds to make a payment on the day it is due,

provided always that:

- (a) CPO Costs shall not include costs incurred by the Council in breach of this Agreement or as a result of any negligent act or omission on the part of the Council and the Council shall not be entitled to double recovery of any item of cost; and
- (b) CPO Costs shall include costs incurred in connection with the promotion of the CPO even if they directly or indirectly Lime Grove Hostel but shall not (for the avoidance of doubt include) any and all costs incurred by or on behalf of the Council or any third party relating to or arising out of the disposal and acquisition of Lime Grove Hostel

Schedule 3

The Plans

Attached to this Schedule are the following Plans:

Plan 1 – the Access Road

Plan 2 – the CPO Lands

Plan 3 – the Development Site

Plan 4 – the Goldhawk Road Properties

Plan 5 – the Shepherds Bush Market Freehold Properties

Schedule 4

The Developer's Obligations

Each Party shall comply with their respective obligations in this Schedule

1 Referencing Agent

- 1.1 Unless already appointed prior to the date of this Agreement, as soon as practicable after this Agreement is entered into, the Parties shall, using their reasonable endeavours, seek to identify prospective appointees as the Referencing Agent and its Terms of Appointment, including the timetable within which to carry out the Referencing Exercise.
- 1.2 Upon agreement between the Parties as to the identity of the Referencing Agent, the Developer shall as soon as practicable appoint the Referencing Agent at the Developers cost.

2 Referencing Exercise

- 2.1 The Referencing Agent shall be required to complete the Referencing Exercise as soon as is practicable and to furnish the information gathered as a result of that in such form as may be reasonably required by the Council and the Developer, but so that such information gathered and supplied complies with all statutory requirements to prepare, apply for and make a CPO, including its confirmation
- 2.2 Without prejudice to any other provision in this Agreement:
 - 2.2.1 each of the Parties shall provide the Referencing Agent such assistance as it may reasonably request or require from time to time and do all acts and things necessary; and
 - 2.2.2 the Council shall, if reasonably necessary to carry out the Referencing Exercise, use such powers, statutory or otherwise, to obtain or require (without limitation) third parties to supply information as to ownership or occupation of land or interests in land

3 Compensation Assessment

- 3.1 As soon as reasonably practicable after its appointment the Referencing Agent shall produce to the Developer and the Council based upon the best evidence then available a schedule listing:
 - 3.1.1 all known or anticipated CPO Interests;
 - 3.1.2 the heads of claim that the owner of those interests could be entitled to make;
 - 3.1.3 an estimated an amount (or range of amounts) for compensation for that interest;

3.1.4 the assumptions used in making that estimate, including assumptions as to the future accommodation available for any business; and

3.1.5 whether that claimant could be entitled to serve a blight notice

3.2 The Referencing Agent shall periodically review the schedule prepared pursuant to paragraph 3.1, and where any material change occurs provide an updated schedule to the Developer and the Council in the light of further information as to:

3.2.1 CPO Interests;

3.2.2 heads of claim;

3.2.3 relocation prospects;

3.2.4 performance of claimants business;

3.2.5 the property market;

3.2.6 the completion of acquisitions by the Developer; and

3.2.7 the claimant's entitlement to serve a blight notice.

4 Indemnity

The Developer covenants with the Council:

4.1 to indemnify and keep the Council at all times during the currency of this Agreement indemnified from and against all the CPO Costs provided that:

4.1.1 in respect of any sum payable under this indemnity at or prior to the date of demand the Council shall provide the Developer with details of the nature of the sums incurred and dates when due to be paid and (once paid) with a certified and dated copy of each receipt or acknowledgement of payment certifying that it has been paid; and

4.1.2 prior to the making of any General Vesting Declaration the Council shall not settle individual CPO Costs exceeding the sum of £5,000 (five thousand pounds sterling) without the prior written approval of the Developer

4.2 to pay to the Council all and any Outgoings (if any) within thirty (30) Working Days of receipt of an invoice submitted by the Council and properly addressed to the Developer fully particularising the same (but not more frequently than once every thirty (30) Working Days);

4.3 to pay to the Council all and any CPO Costs following receipt of a statement submitted by the Council to the Developer fully particularising the same so that the monies are in the Council's bank account not less than twenty (20) Working Days before the date on which the Council is required to make the payment;

- 4.4 to consult with the Council in relation to such part of the Development as may relate to the CPO and provide to the Council all information it may reasonably require to discharge its obligations under this Agreement; and
- 4.5 at its own cost to provide support and all reasonable assistance that the Council may request to support the CPO including giving or procuring the giving of evidence at any public inquiry or judicial review of the CPO.

5 Third Party Interests *etc*

The Developer covenants with the Council:

- 5.1 to use its reasonable endeavours to negotiate terms by private treaty to acquire all Third Party Interests and New Rights in accordance with the provisions of the Acquisitions Schedule and the Council shall use its reasonable endeavours to assist the Developer;
- 5.2 to assist the Council to secure payment of CPO Costs due to claimants at the earliest practicable time by:
 - 5.2.1 negotiations and settlements on Compensation Code terms in good faith;
 - [5.2.2 seeking early resolution of disputes through mediation or arbitration; and
 - 5.2.3 referring relevant disputes to the Upper Tribunal (Lands Chamber) as soon as it becomes apparent negotiations or mediation are unlikely to secure a settlement; and
 - 5.2.4 seeking to mitigate loss and hardship to persons likely to be displaced by reason of the compulsory acquisition of their property by assisting with planned relocation to alternative premises either within the Development Site or in the vicinity of the CPO Lands where such relocation can be facilitated by early settlement of claims (or future claims) under the Compensation Code.

6 Surety

- 6.1 In addition to the indemnity contained within paragraph 4, the Developer shall provide the Council (if so requested) with a Surety as provided for in this paragraph 6
- 6.2 The Council may require a Surety to cover the extent of its prospective liability during the following stages of the CPO process:
 - 6.2.1 from the date of [this Agreement][the resolution to make the CPO] in relation to the estimated costs of preparing, publishing and submitting the CPO for confirmation and preparing for and appearing at a public inquiry (including the risk of costs at a public inquiry) in the initial sum of [£500,000] [or such higher reasonable sum as the Council may reasonably specify from time to time];
 - 6.2.2 from the date the Council makes the CPO an additional sum representing [one hundred and twenty (120) *per cent*] of the Referencing Agent's estimate of the

liability for CPO Costs in relation to the risk that all of the owners and occupiers of the CPO Lands who are entitled to serve a Blight Notice were to serve a Blight Notice in respect of their respective interests and on the assumption that none of such Blight Notices could be rejected or such higher reasonable sum as the Council may reasonably specify from time to time having regard to the Compensation Assessment; and

6.2.3 on the date on which the Developer requests the Council to make a General Vesting Declaration in respect of any outstanding interests in the CPO Lands an additional sum (if any) which represents the amount by which the Council's reasonable and proper estimate of the CPO Costs in relation to all such outstanding interests in the CPO Lands exceeds the Surety then in place under paragraph 2 above.

6.3 On each payment of CPO Costs the Council shall reduce the amount of Surety required in the following manner:

6.3.1 during the period in which a Surety is in place under paragraph 6.2.2 to the Council's reasonable estimate of the outstanding risk for CPO Costs in relation to the occupiers of the CPO Lands who are entitled to serve a Blight Notice except that interest in respect of which the payment of CPO Costs was made;

6.3.2 during the period in respect of which a Surety is in place under paragraph 6.2.3 to the Council's reasonable estimate of the outstanding risk for CPO costs in relation to all CPO Interests except that in respect of which the payment of CPO Costs was made; and

6.3.3 where any payment of CPO Costs is not a full and final settlement of the claim in respect of the interest in the CPO Lands to which it relates, the risk of any further payment in respect of that interest shall be taken into account in the Council's estimates under paragraphs 6.2.2 and 6.2.3.

6.4 The Council shall immediately release the Surety when the Council is reasonably satisfied that full and final settlement of all CPO Costs has been made and give notice to the Developer and the Surety upon settlement occurring

6.5 Upon the Developer's written request the Council shall release the person providing the Surety from the same if the Developer is able to procure a replacement person that in the Council's reasonable opinion provides an equivalent or better Surety for the Developer's then liabilities under this Agreement

6.6 [For the avoidance of doubt the Developer's liability at all times shall extend to the full CPO Costs whether or not that liability exceeds the amount of any Surety required by the Council at that time and the Surety shall not be released by the termination of this Agreement following an Event of Default other than by a notice of release given by the Council]

7 Disputes not to delay payment or surety

7.1 The Developer shall pay to the Council all and any CPO Costs or Outgoings on the date it is due whether or not there is any Dispute over the amount due and the

Developer shall procure a Surety in the sum reasonably required by the Council whether or not there is any Dispute over the amount specified by the Council

- 7.2 If after the resolution of a Dispute over any Surety the Expert settles a sum less than the amount specified by the Council, the Council shall give notice to reduce any excess of Surety within ten (10) Working Days of the Determination.

Schedule 5

The Council's Obligations

Subject to clause 4.2, each Party shall comply with their respective obligations in this Schedule

1 The Council's Covenants

The Council covenants:

- 1.1 to review any Compensation Assessment provided by the Referencing Agent from time-to-time and to issue its reasonable opinion on those estimates and any notice of proposed increase or reduction of the Surety as expeditiously as is reasonably practicable;
- 1.2 unless lawfully obliged to do so not to acquire any Third Party Interest or New Right under the CPO or by private treaty save with the prior written approval of the Developer;
- 1.3 without prejudice to paragraph 1.4, to consult fully at all times with the Developer as to the conduct and progress of the CPO and any related public inquiry and the evidence to be adduced thereat and the implementation of the CPO and the amount of CPO Costs;
- 1.4 to supply to the Developer as soon as practicable copies of all documents relevant to the CPO including any notices and correspondence received by the Council;
- 1.5 to consult with the Developer in all stages of the CPO process not to finalise drafts of (without limitation) the form of the statement of reasons nor the form of the CPO, nor complete the same without the prior approval of the Developer;
- 1.6 following any confirmation of the CPO to procure as soon as practicable the publication of the requisite notice pursuant to section 15 of the 1981 Act and if so requested by the developer to include in it a notice of intention to make a general vesting declaration;
- 1.7 to use reasonable endeavours to progress the CPO and acquisitions of Third Party Interests required under the CPO subject to:
 - 1.7.1 taking all available steps to minimise and/or mitigate the CPO Costs and any interest and/or VAT forming part of the CPO Costs;
 - 1.7.2 employing such valuers, negotiators and solicitors as shall be the shall be the subject of consultation with the Developer; and
 - 1.7.3 issuing a warrant for possession to obtain possession of any land in relation to which the Council is entitled to lawful possession;

- 1.8 to give the Developer not less than thirty (30) Working Days written notice of the date on which the Council is legally required to make any CPO Cost payment.
- 1.9 to promptly pay any sums received from the Developer pursuant to paragraph 1 of Schedule 4 to the person or persons to whom such sums are due and provide the Developer with written confirmation such payment has both been made and received;
- 1.10 to consult with the Developer before giving any undertaking to or entering any agreement with any objector or other party in relation to the CPO;
- 1.11 to consult with the Developer about any threatened or actual judicial review or statutory challenge to the CPO or public enquiry and to keep the Developer informed about the progress of any such proceedings including (if so requested to do so by the Developer) to assist the Developer to be joined as a party;
- 1.12 to consult with the Developer at all relevant stage of all and any stages of any proceedings referred to in paragraph 1.11 threatened and/or commenced and to consult the Developer in (without limitation) the preparation and approval of proofs of evidence, witness statements, statements of case (and the like), as well as instructing and briefing counsel;
- 1.13 not to exercise the CPO (in whole or part) without the Developer's approval provided that such approval shall not be withheld unless the Developer reasonably considers that the exercise at that time shall not be in the best interests of delivering the Development and/or acquiring any CPO Interest not yet acquired by, without limitation, delaying the delivery of the Development or any part or increasing the cost of it;
- 1.14 on the request of the Developer to exercise the CPO in whole or any number of parts (as the case maybe) as soon as practicable and on each such occasion the Developer requests provided that nothing in this Agreement shall require the Council to exercise the CPO by the service of one or more Notices to Treat or General Vesting Declarations so as to acquire' any CPO Interest in the LUL Property which would interfere with the safe, efficient and economic running of LUL's railway undertaking; and
- 1.15 to take such steps that are reasonable to minimise and mitigate CPO Costs.

2 Blight Notices

2.1 The Council covenants:

2.1.1 to copy to the Developer within five (5) Working Days any Blight Notice which is served upon it, together with a statement certifying the rateable value of the relevant property within the rating list as at the date of the Blight Notice;

2.1.2 to propose a course of action in relation to the relevant Blight Notice to the Developer, including whether it considers that there are grounds for the service of a counter-notice and that if it is in the interests of expediting the Development to do so; and

- 2.1.3 not to accept or admit any Blight Notice unless the Developer agrees
- 2.2 In relation to Blight Notices the policy agreed between the Parties is:
- 2.2.1 to acquire the CPO Lands on reasonable terms without having to have recourse to the implementation of the CPO at an appropriate time to enable the regeneration objectives to be achieved;
- 2.2.2 to the extent that a Blight Notice can be properly be objected to it will be objected to unless the Parties agree otherwise or in the event of a disagreement Leading Counsel advises prior to five (5) Working Days before the expiry of the timescale to serve a counter-notice required by the relevant Act that to do so would materially prejudice the obtaining of confirmation of the CPO;
- 2.2.3 the Council shall refer the claimant to the Developer who shall seek to negotiate the purchase of the CPO Interest under the Compensation Code;
- 2.2.4 if a Blight Notice is accepted but the Developer is not able to negotiate the purchase of the relevant CPO Interest the Council shall include that interest in any subsequent General Vesting Declaration; and
- 2.2.5 if a Blight Notice is to be objected to then the Council shall serve a counter-notice and take all steps as are necessary from time-to-time to maintain a valid objection
- 2.3 The Parties shall seek to agree the course of action to be adopted in relation to each Blight Notice and once agreed the Developer and Council shall pursue it and any disagreement (except in relation to the level of compensation payable (if any)) shall be referred to Leading Counsel for their recommendation, which shall be followed unless it conflicts or is inconsistent with the Parties obligations under the Agreement or imposes additional liabilities on a Party which they are not obliged to accept or they decline to accept
- 2.4 The Council shall:
- 2.4.1 if it is not reasonably satisfied that the Developer is actively pursuing negotiations for the purchase of a CPO Interest at a reasonable cost serve notice on the Developer of its concerns before the Council itself enters into negotiations with the owner of the CPO Interest
- 2.4.2 in addition to any other obligation under this Agreement, consult with the Developer whenever required to do so by the Developer and to take into account all representations made by the Developer as to how to progress and conduct the course of action and in relation to all submission and any evidence to be submitted to the Upper Tribunal (Lands Chamber);
- 2.4.3 supply to the Developer all relevant advice, opinions, documentation, correspondence and reports received or issued by the Council in respect any actual or proposed course of action;

2.4.4 appoint Leading Counsel and junior Counsel (or other such other Counsel if the Developer agrees) to advise on the conduct of the Upper Tribunal (Lands Chamber) proceedings and to present the Council's case at the same and to notify the Developer of and invite the attendance of the Developer at all consultations with Leading and/or junior Counsel (as the case may be)

2.5 In relation to Blight Notices, the Developer shall:

2.5.1 keep the Council fully informed at all times of the progress made in pursuing or resisting any course of action in relation to each Blight Notice and any negotiations undertaken in respect thereof and any substantive communications with the person serving a Blight Notice; and

2.5.2 in addition to any other obligation under this Agreement, consult with the Council whenever required to do so by the Council and to take into account all representations made by the Council as to how to progress and conduct the course of action and in relation to all submission and any evidence to be submitted to the Upper Tribunal (Lands Chamber)

2.6 The Council shall not create any new interest or interests in land held pursuant this paragraph 2 without the consent of the Developer.

3 Transfer of CPO Lands *etc* to the Developer

3.1 The Council covenants that it will make a General Vesting Declaration or serve a Notice to Treat upon all relevant owners or in relation to any part of the CPO Lands upon being called upon to do so by the Developer provided always that unless the Council agrees otherwise a Notice to Treat shall only be served in respect of minor interest which could not be vested under a General Vesting Declaration.

3.2 As soon as practicable after the Council has obtained legal title to any CPO Land the Council shall transfer that title to the Developer or as it directs provided that the Developer has paid, at the time of legal completion, to the Council all CPO Costs in relation to that land.

3.3 As soon as the Council shall become entitled to an interest in land for which the Developer has paid the acquisition cost the Developer may have use of that land provided that the Council is entitled thereto with vacant possession.

3.3 The Council shall not create any new interest or interests in land held pursuant this paragraph 3 without the consent of the Developer.

4 The Broadway and Peabody Properties and any other land which the Developer proposes to purchase by agreement – section 237 of the 1990 Act

Notwithstanding the existence of the Broadway Agreement and the Peabody Agreement, the Council covenants that it will if called upon to do so:

4.1 make one or more General Vesting Declarations in relation to any part of either parcel of the Broadway or Peabody Properties; or

4.2 agree to complete the purchase of the Broadway Property and/or Peabody Property or any other land the Developer proposes to purchase by agreement as an acquisition for the purposes of Section 227 of the 1990 Act but on condition that the Developer provides the monies to complete the purchase in each case and that the property is in any case immediately transferred to the Developer or as it directs,

for the purposes of ensuring that section 237 of the 1990 Act applies to such property.

5 Appeal

5.1 If the Secretary of State is not minded to confirm the CPO whether as to the whole or any part thereof (other than an exclusion from the CPO to which the Developer in its discretion agrees will not adversely affect the Development) the Council will if the Developer so requires in writing (and subject to paragraph 5.2) appeal to the High Court against the non-confirmation or partial confirmation or apply for judicial review whichever Leading Counsel shall advise as being more appropriate in the circumstances

5.2 The Council shall not be obliged to appeal to the High Court against the non-confirmation or partial confirmation or apply for judicial review if:

5.2.1 having reviewed the Secretary of State decision is does not consider it would not be likely to promote and/or improve the economic and/or social and/or environmental well-being of the area to pursue such an appeal; and/or

5.2.2 written advice from Leading Counsel asserts that there is less than forty (40) *per cent* chance of such appeal or application succeeding leaving in place a CPO which meets the respective reasonable requirements of the Council and Developer and provided further than the Developer shall first have been given the opportunity to consider the terms of instruction to be submitted to Leading Counsel and to attend any conference or consultation with Leading Counsel in relation thereto.

6 Upper Tribunal (Lands Chamber)

Without prejudice to the Council's right to refer any matter to the Upper Tribunal (Lands Chamber) at such time as the Council may reasonably determine, if after the date upon which the CPO shall have become operative the Developer shall by written notice to the Council request the determination of the statutory compensation payable in respect of any Third Party Interest or New Right to be made by the Upper Tribunal (Lands Chamber) then the Council shall provide all reasonable cooperation to the Developer in the prosecution of such reference or proceedings in such manner as the Developer may reasonably require and produce with all due expedition any information or documentation, including witness statements, as the Developer may reasonably require in relation to such matters.

7 Repayment of CPO Costs

If any CPO Costs which the Developer has reimbursed are overpaid then the Developer shall be entitled to the benefit of any refund lawfully due either as a lump sum or as a credit against any further payments due in respect of any CPO Costs and without prejudice to the generality of the foregoing the Developer shall be entitled to receive any surplus advance compensation paid under section 52 of the 1973 Act which is repaid to the Council and the Council shall pursue repayment of the same.

8 Shepherds Bush Market Tenancies

The Council covenants that notwithstanding any provision in the Section 106 Agreement, and in particular paragraph 6.3 of Schedule 15 of the Section 106 Agreement, that it will if it has not been possible to reach an accord with a Shepherds Bush Market Tenant to allow any part of the Development to take place and that it is not possible to determine or terminate that tenancy or that the Developer considers that it will take too long to obtain possession that way then the Council will, if called upon to do so by the Developer, serve a Notice to Treat on that tenant or make a General Vesting Declaration in relation to that property provided always that the Council may not be required to do so unless it is reasonably satisfied that, at the date the said tenant will be displaced from their property, alternative accommodation which the Council reasonably considers is reasonably suitable (either temporary or permanent) has been offered to them (and if temporary that reasonably suitable permanent accommodation will be offered to them in due course, albeit on terms yet to be agreed) or alternatively that in the circumstances of the case it is appropriate to displace that person having regard to the regeneration objective and accordingly that they will be displaced without being offered alternative accommodation.

Schedule 6

Exit Consequences

Part A: Where the Council formally resolves not to proceed with the CPO after Leading Counsel advises prospects of success are no better than forty (40) *per cent*

- 1 The Council shall not be required to take any further action in relation to the CPO but shall take all reasonable steps available to mitigate and minimise the Developer's liability under this Agreement.
- 2 The Developer's obligations under this Agreement shall continue in effect in relation to liabilities that the Council has incurred prior to the date of that resolution or steps that the Council has taken that will create liabilities that the Council cannot reasonably avoid.
- 3 Provided that if Leading Counsel advises that if the CPO was modified to increase the chances of success above forty (40) *per cent* but so that the Council's regeneration objectives were still being met in the Developer's reasonable opinion then the Council shall proceed with the CPO.

Part B: Where the Council resolves not to proceed on the grounds that as a result of a material change of circumstances it no longer considers pursuing the CPO to be likely to promote and/or improve the economic and/or social and/or environmental well-being of the area (other than such a decision made following a decision by the Secretary of State not to confirm the CPO in whole or in part)

- 1 The Council shall not be required to take any further action in relation to the implementation of the CPO and shall take all reasonable steps available to minimise and mitigate the Developer's liability under this Agreement.
- 2 The Developer's obligations under this Agreement shall cease.
- 3 The Council shall (where called upon to do so) pay to the Developer the amount which represents:
 - 3.1.1 The CPO Costs paid by the Developer to the Council under this Agreement; and
 - 3.1.2 Any and all costs which the Developer incurred in pursuing the Development and/or paid under the Land Agreements and/or incurred in acquiring CPO Land and/or CPO Interests, including the costs of acquisition, as well as SDLT, or which are directly related to supporting the Council in relation to the CPO either prior to or after the date of this Agreement. The sum that the Council is to pay for the transfer of land shall be the higher of market value and the price the Developer paid.
 - 3.1.3 In addition to the above sums the Council will pay to the Developer the sum which will secure the Developer a return on costs of ten (10) *per cent*. after taking account of any amount by which the Market Value of any land acquired by the Developer exceeds the price paid for it.

- 4 If the Developer has title to any CPO Land and/or Interests in respect of which the Developer has paid the acquisition costs the Developer shall transfer that interest to the Council for the sum of £1, after the payment of all sums due to the Developer.

Part C: Where the Developer is in material breach of its obligations under this Agreement or gives notice that it does not wish the Council to proceed with the CPO for its benefit

- 1 The Council shall elect and serve notice on the Developer stating whether:
 - 1.1 It will abandon the CPO in which case the provisions of Part A of this Schedule shall apply; or
 - 1.2 It will continue with the CPO in which case the provisions of this Part C shall apply.
- 2 If the Council elects to proceed with the CPO without the support of the Developer:
 - 2.1 The Developer shall not object to the CPO nor cause or permit any other person to object on its behalf and shall withdraw any objection it may have made prior to the date of the Council's election.
 - 2.2 If the CPO is confirmed (either before or after the Developer gave notice that it did not wish to continue) the Council may implement the CPO in respect of any CPO Interest which the Developer has acquired and the Developer shall be entitled to compensation for any such CPO Interests it owns under the Compensation Code, including, for the avoidance of doubt any monies paid under either the Broadway Agreement or the Peabody Agreement.
 - 2.3 The Developer shall not be entitled to recover any CPO Costs it had paid (or had been liable to pay) to the Council prior to the date of its notice but shall not be liable under this Agreement in respect of any liability incurred by the Council in respect of CPO Costs after the date of that notice.
 - 2.4 If at the date of the Developer's notice the Council has acquired and holds any CPO Interest for which the Developer has paid the CPO Costs prior to the making of a General Vesting Declaration the Council shall transfer ownership of that interest to the Developer for the sum of £1.
 - 2.5 If at the date of the Developer's notice the Council has made a General Vesting Declaration in respect of CPO Lands [Interests] not owned by the Developer the Council shall have no obligation to transfer them to the Developer and the Developer shall have no obligation to pay any CPO Costs in respect of such interests.
 - 2.6 Where any CPO Interest has been vested in the Council under a General Vesting Declaration and transferred to the Developer, the Developer shall forthwith transfer that interest back to the Council and the Council shall refund to the Developer the CPO Costs related to the acquisition of that interest.

Part D: Where the Developer asserts that Council is in material breach of its obligations under this Agreement and the Council either gives notice accepting that assertion or the Developer has referred the question to the Expert and the Expert has determined that question in favour of the Developer

- 1 The Council shall not be required to, nor shall, take any further action in relation to the pursuance or implementation of the CPO and shall take all reasonable steps available to minimise and mitigate the Developer's liability under this Agreement.
- 2 The Developer's obligations under this Agreement shall cease.
- 3 The Council shall (where called upon to do so) pay to the Developer the amount which represents:
 - 3.1.1 The CPO Costs (subject to Part D paragraph 4) paid by the Developer to the Council under this Agreement; and
 - 3.1.2 Any and all costs which the Developer incurred in pursuing the Development and/or paid under the Land Agreements and/or incurred in acquiring CPO Land and/or Interests, including the costs of acquisition, as well as SDLT, or which are directly related to supporting the Council in relation to the CPO either prior to or after the date of this Agreement. The sum that the Council is to pay for the transfer of land shall be the higher of market value and the price the Developer paid.
 - 3.1.3 In addition to the above sums the Council will pay to the Developer the sum which will secure the Developer a return on costs of ten (10) *per cent.* after taking account of any amount by which the Market Value of any land acquired by the Developer exceeds the price paid for it.
- 4 If the Council has title to any CPO Land and/or CPO Interests in respect of which the Developer has paid the acquisition costs the Council shall (if called upon to do so) the transfer that interest to the Developer or as it directs for the sum of £1.
- 5 Alternative to Part D paragraph 4, if it so chooses, the Developer may (on behalf of itself and any other third party to whom CPO Interests have been transferred to or held by (if such third party agrees for the Developer to make such request) call upon the Council to acquire such CPO Interests from the Developer and/or such third party for the higher of the then market value and the purchase price of such interests.
- 6 Completion by the Council of any acquisitions to be made by it under Part D paragraph 5 shall take place the later of twenty (20) Working Days after the service any notice served under Part D paragraph 5 and ten (10) Working Days after (where there is a Dispute over the price to be paid) the purchase price to be paid is Determined.

Schedule 7

Dispute Resolution

Each relevant Party shall comply with their respective obligations in this Schedule

1 Consultation

If any Dispute arises then those Parties involved in the Dispute will consult in good faith in an attempt to resolve the same.

2 Disputes

Any Dispute shall be referred to the Expert.

3 Appointment of Expert

3.1 If a Dispute arises then the Expert shall, unless the Dispute is settled, be appointed by agreement between the Disputing Parties. If agreement on the identity or the expertise required of the Expert cannot be reached within ten (10) Working Days of agreement being sought, then either Disputing Party may apply to the President for him to nominate an Expert.

3.2 If an Expert at any time shall die or become incapable of acting or decline to act then any Disputing Party may apply to the President to discharge the Expert and appoint another Expert.

4 Costs

The fees and expenses of the Expert including the cost of his appointment shall unless awarded otherwise be borne equally by the Disputing Parties who shall bear their own costs provided that if one Party shall pay more than its due share it may recoup the balance from the other Disputing Party as a liquidated debt.

5 Procedure

5.1 After his appointment the Expert shall afford the Disputing Parties an opportunity within a reasonable period to make written representations to him and also an opportunity to make counter-representations on any representations made to him by him by the other Disputing Party but will not be fettered or in any way limited by such representations and will be entitled to rely on his own judgment and opinion.

5.2 If the Expert or any Disputing Party considers it appropriate to do so they may request a formal hearing take place and if that occurs then the Expert may issue directions as to how such a hearing may take place.

5.3 It is agreed that:

5.3.1 the Expert shall sit as an expert and not an arbitrator;

5.3.2 the tribunal shall consist of one person;

5.3.3 the place of the hearing shall be London;

5.3.4 the language of the procedure and hearing shall be English; and

5.3.5 save as varied in this Schedule or by paragraph 15 of Schedule 8 the provisions of the Arbitration Act 1996 shall apply to the provisions of this Schedule.

Schedule 8

Administrative Provisions

Each relevant Party shall comply with their respective obligations in this Schedule

1 Inconsistency and Conflict

1.1 In the event of any inconsistency and conflict between:

1.1.1 any Schedule and main body of this Agreement then the Schedule shall prevail;

1.1.2 any provision of this Agreement and the H&F Option Agreement then this Agreement shall prevail; and

1.1.3 if any provision of this Agreement is more onerous than a similar provision in the section 106 Agreement then this Agreement shall prevail but otherwise the section 106 Agreement shall prevail.

1.2 Save as expressly provided herein, nothing in this Agreement is intended to lessen, relax, release or waive any of the obligations on any of the Parties contained in either:

1.2.1 the H&F Option Agreement; and

1.2.2 the section 106 Agreement.

2 Further Assurance

Without prejudice to any other provision in this Agreement each Party agrees to do all acts and things reasonably necessary to give meaning and effect to this Agreement and the things contemplated hereunder.

3 To keep informed

Without prejudice to any other provision in this Agreement each Party agrees to keep the other informed at all times of all relevant or material matters.

4 Waiver etc

4.1 The failure of a Party to insist upon strict performance of any provision of this Agreement on the part of the other or a failure to exercise any right or remedy to which it is entitled shall not constitute a waiver thereof and shall not cause a diminution of the obligations either Party under this Agreement or otherwise.

4.2 A waiver by either Party of a default by the other shall not constitute a waiver of any subsequent default by that Party.

- 4.3 No waiver of any provision of this Agreement shall be effective unless it is expressly stated to be a waiver and communicated by the non-defaulting Party to the other
- 4.4 The Parties may vary this Agreement in writing and if such variation takes place then it shall be treated as if it were a provision of this Agreement as at the time of execution, unless otherwise agreed.

5 Severability

- 5.1 If any provision of this Agreement is held invalid, illegal or unenforceable for any reason by any court of competent jurisdiction, such provision shall be severed and the remainder of the provisions of this Agreement shall continue in full force and effect as if this Agreement had been executed with the invalid, illegal or unenforceable provision omitted.
- 5.2 If the provision referred to in paragraph 5.1 as being omitted is fundamental to either the discharge of the obligations of the Parties' under this Agreement or the accomplishment of its objective the Parties shall immediately commence negotiations in good faith to remedy such invalidity, illegality or unenforceability.

6 Joint and several liability

Where the Developer is more than one person, the Council may release or compromise the liability of any of those persons under this Agreement or grant time or indulgence without affecting liability of any of them.

7 Notices

- 7.1 All notices under this Agreement shall be in writing and shall be served by sending the same by first-class post, facsimile or by hand, or leaving the same at:
- 7.1.1 for the Council at the Council's Address for the attention of Martin Miah; and
- 7.1.2 for the Developer at the Developer's Address for the attention of: Richard Olsen.
- 7.2 Any Party may change its details from time to time by prior notice to the other Parties in accordance with paragraph 7.3.
- 7.3 Notices given by post shall be effective upon the earlier of actual receipt and five (5) Working Days after posting. Notices delivered by hand shall be effective upon delivery. Notices given by facsimile shall be deemed to have been received where there is confirmation of uninterrupted transmission by a transmission report and where there has been no telephonic communication by the recipient to the senders (to be confirmed in writing) that the facsimile has not been received in legible form:
- 7.3.1 within two (2) hours after sending, if sent on a Working Day between the hours of 9 *a.m.* and 4 *p.m.*; or

7.3.2 by 11 a.m. on the next following Working Day, if sent after 4 *p.m.* on a Working Day but before 9 *a.m.* on that next following Working Day.

8 Value added tax

The sums stated to be payable by any Party under this Agreement and all other supplies made under or in connection with this Agreement are exclusive of VAT and:

- 8.1 if any such sum or supply gives rise automatically to a charge to VAT; or
- 8.2 if any such sum or supply gives rise to a charge to VAT due to any election made or to be made by a supplier,

then and in any such case the recipient of the supply shall pay VAT in addition thereto on production of a valid VAT invoice.

9 Non-merger

The provisions of this Agreement shall not merge on the actual completion of any act or step contemplated hereunder to the extent they remain to be performed and capable of being performed the provisions shall continue in full force and effect.

10 Information and Confidentiality

- 10.1 Subject to paragraphs 10.2, 11 and 12, each of the Parties acknowledges that this Agreement will be a public document.

- 10.2 Each of the parties agrees and undertakes not to make public or reveal to any person:

10.2.1 the amount secured under the Surety nor any of the contents of the Compensation Assessment, other than the global aggregate; and

10.2.2 not to use any such information otherwise than in good faith in the performance of its obligations under this Agreement; and

10.2.3 to use all reasonable endeavours to procure that any person to whom it does disclose such information shall comply with the provision of this paragraph 10 as if it were a Party and bound by it

- 10.3 Paragraph 10.2 shall not prevent any Party from disclosing such information:

10.3.1 to its legal and other professional advisers (having first informed them that such information is to be kept in strict confidence and not disclosed further);

10.3.2 to its officers, servants, employees or agents who are involved in the performance of the Party's obligations under this Agreement;

10.3.3 where (and to the extent that) which a Party can demonstrate is already lawfully in the possession of that Party or becomes generally available and in the public domain otherwise than as a result of a breach of this paragraph 10;

10.3.4 where (and to the extent that) disclosure is necessary to enable a determination to be made under the Dispute Resolution Procedure contained in Schedule 7;

10.3.5 where (and to the extent that) disclosure which is required pursuant to any statutory, legal (including any order of a court of competent jurisdiction) or Parliamentary obligation placed upon the party making the disclosure or the rules of any stock exchange or governmental or regulatory authority having the force of law; or

10.3.6 where the Parties agree to such information being disclosed and the manner in which disclosure occurs

10.4 This paragraph 10 shall survive the termination of this Agreement and shall continue in full force and effect and be enforceable by each of the Parties

11 Freedom of Information Act

11.1 The Developer acknowledges that the Council may be subject to the requirements of the FOIA Legislation in relation to this Agreement and if the Council is, then the Developer will assist and co-operate with the Council to enable the Council to comply with any Request relating to this Agreement only but not any matter, thing or arrangement between the Parties arising out or relating to this Agreement, the Property or otherwise

11.2 The Council shall be responsible for determining whether a Request is properly made or whether any information is exempt from disclosure under the FOIA Legislation and for determining in its absolute discretion the information to be disclosed provided always that the Council shall:

11.2.1 promptly upon receipt of any Request give notice to the Developer of such Request and in such notice shall:

11.2.1.1 confirm whether it considers it a proper Request and whether or not any information is exempt from disclosure under the FOIA Legislation; and

11.2.1.2 (to the extent applicable) provide the Developer with sufficient information to allow the Developer to collate and provide any information which it holds and which is required to be disclosed in respect of such Request; and

11.2.2 consult with and obtain the views of the Developer in respect of any Request (giving due regard to such views) before it:

11.2.2.1 makes any determination pursuant to this paragraph 13; and/or

11.2.2.2 discloses any information;

in respect of such Request provided that the Council shall be entitled to respond within the statutory timescale if no response is received in time from the Developer.

12 Contracts (Rights of Third Parties) Act 1999

- 12.1 Save for lawful successors in title and assigns, unless the right of enforcement is expressly provided, it is not intended that a third party should have the right to enforce a provision of this Agreement pursuant to the Contracts (Rights of Third Parties) Act 1999.
- 12.2 The Parties may, subject to its express provisions, by agreement, rescind or vary this Agreement without the consent of any third party to whom the right of enforcement of any of its terms has been expressly provided.

13 Costs

The Developer shall pay the Council's professional costs relating to the discussions and negotiations leading up to and the entering into of this Agreement.

14 Counterparts

This Agreement may be executed in any number of separate counterparts each of which when executed and delivered shall be an original but all the counterparts shall together form one and the same instrument.

15 Proper Law

This Agreement shall in all respects be governed by and construed according to the laws of England and Wales and subject to the provisions of clause 6 and Schedule 7 each Party hereby submits to the exclusive jurisdiction of the courts of England and Wales for all purposes relating to or arising out of this Agreement.

**Executed as a deed by affixing the
common seal of the London
Borough of Hammersmith and
Fulham, in the presence of:**

**The Officer duly authorised on
behalf of the Council:**

**Signed as a deed by
Orion Shepherds Bush Limited,**

acting by:

Director

Director/Secretary

**Signed as a deed by
Orion Shepherds Bush (no.2) Limited,
acting by:**

Director:

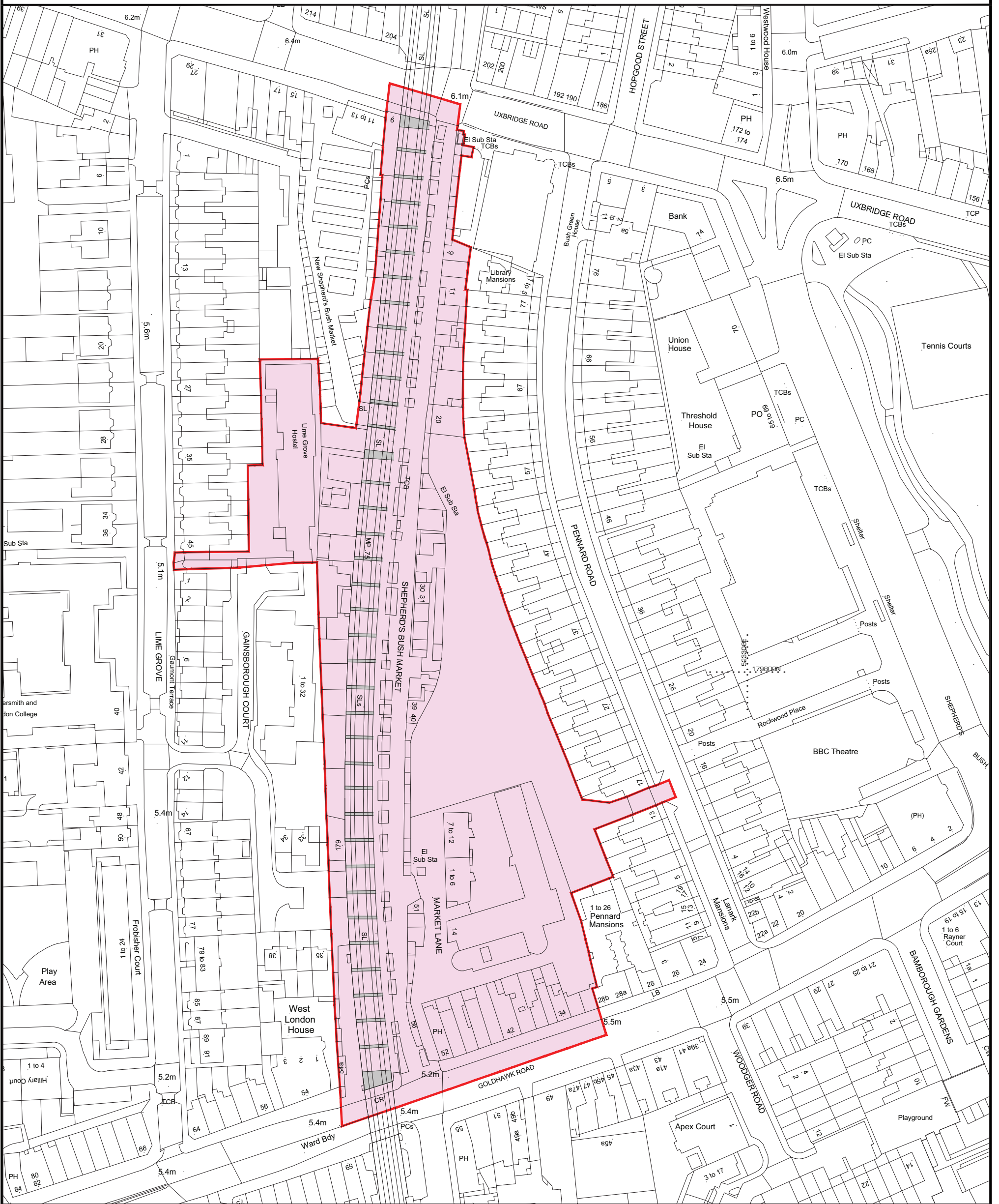
Director/Secretary:



**Signed as a deed by
Orion Shepherds Bush (no.3) Limited,
acting by:**

Director:

Director/Secretary:

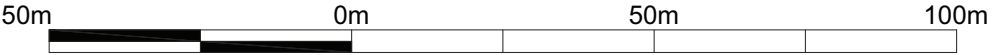
Appendix C








Date: 24/09/2012
 Ref: J:\11-12\CGD11_03 Orion - Shepherds Bush\Deposited Plans
 Plan No: Dep Plans_Location Plan

TITLE:
 The London Borough of Hammersmith and Fulham
 (Shepherds Bush Market)
 Compulsory Purchase Order 2012 (Draft)

Scale: 1:1250 at A3


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KEY:
 Land to be Acquired
 Excluded from CPO Boundary

Equality Impact Analysis Full Tool with Guidance

Overview

This Tool has been produced to help you analyse the likelihood of impacts on the protected characteristics – including where people are represented in more than one – with regard to your new or proposed policy, strategy, function, project or activity. It has been updated to reflect the new public sector equality duty and should be used for decisions from 5th April 2011 onwards. It is designed to help you analyse decisions of high relevance to equality, and/or of high public interest.

General points

1. 'Due regard' means the regard that is appropriate in all the circumstances. In the case of controversial matters such as service closures or reductions, considerable thought will need to be given the equalities aspects.
2. Wherever appropriate, and in all cases likely to be controversial, the outcome of the EIA needs to be summarised in the Cabinet/Cabinet Member report (section 08 of this tool) and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.

Timing, and sources of help

Case law has established that having due regard means analysing the impact, and using this to inform decisions, thus demonstrating a conscious approach and state of mind ([2008] EWHC 3158 (Admin), [here](#)). It has also established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, through to the recommendation for decision. It should demonstrably inform, and be made available when the decision that is recommended. This tool contains guidance, and you can also access guidance from the EHRC [here](#). If you are analysing the impact of a budgetary decision, you can find EHRC guidance [here](#). Advice and guidance can be accessed from the Opportunities Manager: PEIA@lbhf.gov.uk or ext 3430.

Full Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2012/Q2
Name and details of policy, strategy, function, project, activity, or programme	<p>Title of EIA: Shepherds Bush Market Compulsory Purchase Order. This is a new EIA which analyses the impact of the CPO.</p> <p>The relevant recommendations of the Cabinet report are</p> <p style="padding-left: 40px;">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.</p> <p style="padding-left: 40px;">4. That approval be given to 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.</p> <p>For the purposes of analysis of impact on protected groups, this EIA will focus on the result of the recommendations, which would be the serving of a CPO, rather than both recommendations separately</p> <p>The CPO will facilitate the start on site of the building works which it is acknowledged will be disruptive to the local business community and will impact on local shoppers, workers and residents. Through the planning process, the Council has set out a series of measures that the developer will need to adhere to, in order to mitigate the negative impacts during construction and after completion of the improvements. These measures are not in themselves positive but are necessary to alleviate negative impacts on the public and business owners. These measures include:</p> <ul style="list-style-type: none"> ▪ a construction plan showing how issues such as lighting, access and signage will be managed through the construction period; ▪ an obligation to maintain the business activity of the market at its current level through the construction period; and ▪ the creation of a business continuity fund. <p>These mitigation measures are being developed by the developer in liaison with the Council, local businesses, and where appropriate, users of the market.</p>

	<p>On conclusion of the construction works, the development will provide up to 212 residential units, widening of the market, new shop units, introducing new servicing arrangements for traders, creating additional public space and creating additional trading areas. The new homes will be lifetime home compliant and 10% of its housing will be wheelchair accessible. The scheme increases the accessibility of the public realm and will provide step free access to residential accommodation.</p> <p>The development will result in the loss of the 26 units of supported accommodation and day centre provided by Broadway. It is anticipated that this service will be reprovided locally through the Lime Grove Hostel however this EIA shows the impact on relevant groups of this service not being reprovided.</p>
Lead Officer	<p>Name: Matin Miah Position: Head of Area Regeneration Email: matin.miah@lbhf.gov.uk Telephone No: 020 8753 3480</p>
Date of completion of final EIA	21/09/2012

Section 02	Scoping of Full EIA
Plan for completion	<p>Timing: July to September 2012 Resources: Officer time Lead Officer: Matin Miah</p>
What is the policy, strategy, function, project, activity, or programme looking to achieve?	<p>Analysis of serving a CPO against the protected characteristics and the public sector equality duty ('PSED') is given below. S149 of the Equality Act 2010 states that, when discharging our functions, we must have due regard to the need to:</p> <ul style="list-style-type: none"> ▪ Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited under the Act; ▪ Advance equality of opportunity between people who share a protected characteristic and those who do not; and ▪ Foster good relations between people who share a protected characteristic and those who do not.

Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

Other considerations

There are other considerations relating to the serving of a CPO which are included here in this EIA but not against each protected characteristic below. This is because it may be that those affected (residents with differing rights) may be of one or more protected groups but this is not known at this stage.

Residents: freeholders, leaseholders, social rented tenants of the Council, and private rented tenants

Residents may be freeholders, leaseholders, or private rented tenants. They may be from one or more protected groups under the Equality Act 2010 but this is not known at this stage. Their compensations rights will be different, dependant on the circumstances. This element of serving a CPO will be dealt with on a one to one basis, with those residents directly affected. The relevant section of the Cabinet Report is 5.9.

Age	<p>The public</p> <p>The Census shows a slightly higher % of 0-17 year olds in the area (19.5% against a Borough average of 18.3%) and a marginally lower level of 65+ (5% against a borough average of 10.5%)</p> <p>The market has a high level of usage from elderly people who will be negatively impacted during the construction work, as well as those with small children who will be using buggies. In the short term, the contractor will improve signage and lighting as a way of mitigating this, albeit there will still be disruption during this phase. In the long term the scheme will provide a better lit, more accessible shopping environment.</p>	H	-
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	<p>It is identified that the market provides for a level of social interaction for different age groups particularly the elderly and also those with small children. In the short time, the construction work will have a negative impact on this group which cannot be mitigated although in the longer term increased public space will enhance this interaction.</p>	H	-
	<p>It has been identified that those with small children, and elderly visitors to the market may incur the following negative impacts:</p> <ol style="list-style-type: none"> 1. Impeded access due to uneven surfaces. 2. Reduced sense of safety due to on-going construction works. 3. Temporarily altered layout, impeding wayfinding. 4. Interruptions to established businesses frequented by elderly customers. 5. Interruption to the use of the Market as a meeting venue. 	H	-
	<p>Mitigation measures to alleviate these will include:</p> <ol style="list-style-type: none"> 1. Ensure level surfaces in all areas of public access. 2. Maintain and, as necessary, enhance lighting to ensure a well-lit, safe environment. 3. Provide clear, legible signage to guide routes through the Market. 4. Support established businesses to continue trading through works period. 5. Maximise opportunities for meeting and seating areas during works period and consider sign-posting to alternative facilities e.g. café at Bush Theatre. 	H	+
	<p>It is identified that the market has a focus on selling goods aimed at distinct age groups particularly the elderly. During the construction works, the existing businesses will continue to operate. In the longer term, the ambition is for an increase in the diversity of goods sold.</p>	H	-
	<p>Broadway The relocation or potential loss of the supported accommodation and services provided by Broadway will have a negative impact upon both the users of the centre and the wider community who fall into all age groups. Relocation would be likely to</p>	H	-

		<p>have a short-term negative impact but the aim of reprovision in a different location is to mitigate for this and to cause as little disruption as possible. Details are given in the Cabinet Report at 1.4.1 b), c) and e). Should it not be possible to relocate the hostel, this service will be lost in the area.</p> <p>Business owners It is identified that a number of business owners and workers are elderly. They may be adversely affected by the construction works due to a potential reduction in trade. As part of the ongoing business liaison through the construction period, the developer will provide specialist advice for elderly business owners and workers in order to address their concerns and assist on issues such as business relocation. In addition the developer will provide a business continuity fund.</p> <p>Those business owners whose premises would be subject to CPO would be negatively impacted and this would not help to advance equality of opportunity or foster good relations between people of different age groups. It would also not be an action that would unlawfully discriminate. It should be noted that business owners affected are against redevelopment in this area. Those affected would be able to appeal to the Secretary of State. They would also be compensated in accordance with the Compensation Code. The relevant section of the Cabinet Report is paragraph 5.10</p> <p>Stall owners Stall owners will be from all age groups over 18. The Council has prepared a draft Statement of Intent and a Policy on Relocation (annexed to the draft Statement of Reasons) which sets out how the Council will deal with stall holders and where they can be relocated to, should it be necessary to use CPO powers to progress the redevelopment. In this case, CPO of the stalls would be of high relevance to age and be negative for stall owners of all ages, as well as those who shop there.</p>	H	-
			H	-
	Disability	<p>The public It is identified that there is a negative impact during the construction period due to changes in accessibility of the area. This will be mitigated by the contractor by measures such as the provision of access ramps and improved lighting. In the longer term, the area will be more accessible to disabled people.</p>	H	-

	<p>During the construction works, there may be a reduction or relocation of disabled parking which may impact negatively on disabled businesses and visitors to the market. The developer through the planning process has agreed to ensure that there will be no impact on disabled parking during the construction period. The Council will work with the developer to agree how any relocation is implemented.</p>	H	-
	<p>The new wheelchair accessible homes will meet an identified need in the Borough.</p>	H	+
	<p>It is identified that the developer will provide, where requested or likely to be needed, all information materials translated into accessible formats for disabled people.</p>	H	+
	<p>Broadway The relocation or potential loss of the supported accommodation and services provided by Broadway will have a negative impact upon both the users of the centre and the wider community. It is anticipated that a proportion of both the users of the centre and the wider public will have a disability. Relocation would be likely to have a short-term negative impact but the aim of reprovision in a different location is to mitigate for this and to cause as little disruption as possible. Details are given in the Cabinet Report at 1.4.1 b), c) and e). Should it not be possible to relocate the hostel this service will be lost to the area.,</p>	H	-
	<p>Business owners It has been identified that there may be disabled business owners or workers. These will be targeted with specialist business advice by the developer. There will be the opportunity for them to move into new premises which may be more accessible. The business continuity fund will assist in mitigating the potential impact on trade.</p> <p>Those business owners whose premises would be subject to CPO would be negatively impacted and this would not help to advance equality of opportunity or foster good relations between those who have a disability and those who do not. It would also not be an action that would unlawfully discriminate. It should be noted that business owners affected are against redevelopment in this area. Those affected would be able to appeal to the Secretary of State. They would also be compensated in accordance with the Compensation Code. The relevant section of the Cabinet Report is paragraph 5.10</p>	H	-

		<p>Stall owners</p> <p>Stall owners may have a disability but there is not sufficient information to be precise. The Council has prepared a draft Statement of Intent and a Policy on Relocation (annexed to the draft Statement of Reasons) which sets out how the Council will deal with stall holders and where they can be relocated to, should it be necessary to use CPO powers to progress the redevelopment. In this case, CPO of the stalls would be of high relevance to disability (where the owners have a disability) and be negative for stall owners with a disability, as well as those with a disability who shop there.</p>	H	-
	Gender reassignment	Recommendations 3 and 4 contained within the Cabinet report have not emerged as relevant to this protected characteristic	N/A	N/A
	Marriage and Civil Partnership	Recommendations 3 and 4 contained within the Cabinet report are not applicable to this protected characteristic as this is not a service that the Council is seeking to provide.	N/A	N/A
	Pregnancy and maternity	<p>The public</p> <p>It is identified that mothers with babies and small children shop and visit the market. During the construction period, there will be a negative impact through changes in access and potential reduction in trade. Through the planning process, the developer will set out a series of measures to mitigate this impact. In the short term, the contractor will improve signage and lighting as a way of mitigating this, albeit there will still be disruption during this phase. In the long term the scheme will provide a better lit, more accessible shopping environment.</p> <p>Mitigation measures include the following:</p>	H	-
			H	+

		<p>1. The developer will maintain access through the Market by maintaining open pedestrian routes capable of accommodation pushchairs and buggies.</p> <p>In the completed scheme the Market lane will be widened to provide permanent full access for prams and buggies, replacing the current arrangement where some walkway widths are insufficiently wide to accommodate such movements, particularly during busy periods.</p> <p>It is identified that the market provides for a level of social interaction for different age groups particularly those with small children. In the short time, the construction work will have a negative impact on this group which cannot be mitigated although in the longer term increased public space will enhance this interaction.</p>	H	-
	Race	<p>The public</p> <p>The census information shows that there are a lower number of white people in the ward (70.4% as against 77.8% in the Borough). The level of all other ethnic groups other than Chinese is higher in the ward than the Borough (33% for the ward against 23.5% for the Borough).</p> <p>It is identified that the developer will provide, where requested or likely to be needed, all information materials translated into relevant community languages and that they make interpreters available if required.</p> <p>Broadway</p> <p>The relocation or potential loss of the supported accommodation and services provided by Broadway will have a negative impact upon both the users of the centre and the wider community who fall into all race groups. Relocation would be likely to have a short-term negative impact but the aim of reprovision in a different location is to mitigate for this and to cause as little disruption as possible. Details are given in the Cabinet Report at 1.4.1 b), c) and e). Should it not be possible to relocate the hostel, this service will be lost to the area.</p> <p>Business owners</p> <p>It is identified that there are a high number of ethnic minority business owners and workers who would be affected. Specialist business advice including translation will be made available to these businesses to assist on issues such as business</p>	H	+
				H

	<p>relocation. The business continuity fund will minimise any impact on business trade during the construction period.</p> <p>It is identified that during the construction period there will be a negative impact on businesses that serve particular ethnic minority groups. It is intended that the improvements will increase the diversity of traders and goods sold.</p> <p>There is a risk that the ethnic minority business owners businesses and the customers they serve could be adversely impacted upon by the proposed works to the Market. It is acknowledged that many ethnic groups are under-represented in the employment market and in the Small and Medium-sized Enterprise sector. It is therefore important to ensure that such groups are not disproportionately affected by impacts consequential upon the implementation of the CPO.</p>	H	-
	<p>Mitigation measures will include the following:</p> <ol style="list-style-type: none"> 1. Specialist business advice supported by the Council, including translation services, will be made available to these businesses to assist with issues such as business relocation. 2. The s106 obligations to honour existing tenancy arrangements, combined with the Business Continuity Fund will minimise impacts on business trade during the construction period. 3. Schedule 8 of the s106 provides for the developer to incorporate within the Shepherds Bush Market Lettings Policy, provisions to facilitate local entrepreneurs, including those from ethnic communities to secure low-cost entry business start-ups within Shepherds Bush Market 4. Schedule 15 of the s106 obligates the developer to ensure that not fewer than 25 stalls are offered to local start-up SME's or entrepreneurs with an emphasis on businesses generated from local ethnic groups. 5. The business protection measures set out in the s106-governed Market Lettings Policy will ensure protection of existing businesses through the construction period, thereby protecting the present diversity of offer within the 	H	+

		<p>Market. This will protect the availability of services to the existing customer catchment.</p> <p>Those business owners whose premises would be subject to CPO would be negatively impacted and this would not help to advance equality of opportunity or foster good relations between people of different race groups. It would also not be an action that would unlawfully discriminate. It should be noted that business owners affected are against redevelopment in this area. Those affected would be able to appeal to the Secretary of State. They would also be compensated in accordance with the Compensation Code. The relevant section of the Cabinet Report is paragraph 5.10</p> <p>Stall owners The Council has prepared a draft Statement of Intent and a Policy on Relocation (annexed to the draft Statement of Reasons) which sets out how the Council will deal with stall holders and where they can be relocated to, should it be necessary to use CPO powers to progress the redevelopment. It is likely that the stall owners will be from many of the protected groups but in particular, be from BME (black, minority, ethnic) group(s) and so the protected characteristic of race will be applicable and it will be of high relevance to race. In this case, CPO of the stalls would be of high relevance to race and may not help to foster good relations between people of different race groups. It would also be likely that there would be a negative impact on BME and all other stall holders of all other race groups, as well as those who shop there.</p>	H	-
		<p>Religion/belief (including non-belief)</p> <p>It is identified that Hindu and Muslim faiths are over represented in the area (10% in the ward against 8% in the Borough).</p> <p>The Public It was identified that there will be an impact during the construction period on the Mosque including at prayer times. Through the planning process the contractor will minimise the impact of the construction works on the times of worship at the Mosque. This mitigation measure will be consulted on with the Council and the Mosque in advance of works starting. There are no other places of worship affected.</p>	H	-

	<p>Mitigation measures will include:</p> <ol style="list-style-type: none"> 1. The developer is obligated to ensure that there is continuous access through the Market, from which the Mosque may be reached. 2. In addition there is access from Lime Grove, which is not directly affected by construction works. 3. The developer is required to maintain liaison with Market representatives prior to and through the works period to ensure that impacts upon existing Market activities – including the Mosque – are anticipated and averted or mitigated. 	H	+
	<p>Broadway The relocation or potential loss of the supported accommodation and services provided by Broadway will have a negative impact upon both the users of the centre and the wider community who may fall into all religious and belief groups. Relocation would be likely to have a short-term negative impact but the aim of re-provision in a different location is to mitigate for this and to cause as little disruption as possible. Details are given in the Cabinet Report at 1.4.1 b), c) and e). Should it not be possible to relocate the hostel, this service will be lost to the area.</p>	H	-
	<p>Business owners It is identified that some of the trade may be aimed at particular religious groups. During the construction period, there may be a detrimental impact on local businesses. Through the planning process, the developer has committed to maintaining the level of local business activity including the creation of a business continuity fund.</p> <p>Those business owners whose premises would be subject to CPO would be negatively impacted and this would not help to advance equality of opportunity or foster good relations between people of different religious and belief groups. It would also not be an action that would unlawfully discriminate. It should be noted that business owners affected are against redevelopment in this area. Those affected would be able to appeal to the Secretary of State. They would also be</p>	H	-

		<p>compensated in accordance with the Compensation Code The relevant section of the Cabinet Report is paragraph 5.10</p> <p>Stall owners The Council has prepared a draft Statement of Intent and a Policy on Relocation (annexed to the draft Statement of Reasons) which sets out how the Council will deal with stall holders and where they can be relocated to, should it be necessary to use CPO powers to progress the redevelopment. It is likely that the stall owners will be from many of the protected groups and that they will be of different beliefs or non-beliefs, as such, this will be of high relevance to religion and belief. In this case, CPO of the stalls would be of high relevance to race and may not help to foster good relations between people of different faith groups. It would also be likely that there would be a negative impact on all stall holders of all other faith groups, as well as those who shop there.</p>	H	-
	Sex	<p>The Public</p> <p>It is identified that women may form the majority of those who shop at the market. There is a potential negative impact due to the construction works and the potential reduction in trade. Mitigation measures will include:</p> <ol style="list-style-type: none"> 1. The developer will ensure that the market is accessible throughout the construction period and will ensure that information will be available on the location of any relocated businesses. 2. Security measures will include additional lighting and CCTV, which are intended to reduce the incidence and fear of crime, to which women shoppers and workers may be more vulnerable. <p>Broadway The relocation or potential loss of the supported accommodation and services provided by Broadway will have a negative impact upon both the male and female users of the centre and the wider community. Relocation would be likely to have a short-term negative impact but the aim of reprovision in a different location is to mitigate for this and to cause as little disruption as possible. Details are given in the Cabinet Report at 1.4.1 b), c) and e). Should it not be possible to relocate the hostel</p>	H H	- +
		<p>The relocation or potential loss of the supported accommodation and services provided by Broadway will have a negative impact upon both the male and female users of the centre and the wider community. Relocation would be likely to have a short-term negative impact but the aim of reprovision in a different location is to mitigate for this and to cause as little disruption as possible. Details are given in the Cabinet Report at 1.4.1 b), c) and e). Should it not be possible to relocate the hostel</p>	H	-

	<p>this service will be lost from the area.,</p> <p>Business owners Although there is a higher representation of women than men in the ward, women are underrepresented in the number of business owners and workers. Specialist business advice will aim to increase the representation of women in local businesses. Mitigation measures will include:</p> <ol style="list-style-type: none"> 1. Specialist business advice will aim to increase the representation of women in local businesses. 2. Additional security measures. 3. The council will support the developer in seeking to ensure no disproportionate reduction in the percentage of women entrepreneurs and employees within the Market. <p>It is identified that there are a number of female business owners and workers. Specialist business advice will be made available to these businesses to assist on issues such as business relocation. The business continuity fund will minimise any impact on business trade during the construction period.</p> <p>Those business owners whose premises would be subject to CPO would be negatively impacted and this would not help to advance equality of opportunity or foster good relations between men and women. It would also not be an action that would unlawfully discriminate. It should be noted that business owners affected are against redevelopment in this area. Those affected would be able to appeal to the Secretary of State. They would also be compensated in accordance with the Compensation Code. The relevant section of the Cabinet Report is paragraph 5.10</p> <p>Stall owners The Council has prepared draft Statement of Intent and a Policy on Relocation (annexed to the draft Statement of Reasons) which sets out how the Council will deal with stall holders and where they can be relocated to, should it be necessary to use CPO powers to progress the redevelopment. It is likely that the stall owners will be from many of the protected groups and that they will be male and female, as such, this will be of high relevance to sex. In this case, CPO of the stalls would be of high relevance to sex and may not help to foster good relations between men and</p>	H	-
		H	+
		H	+
		H	-

	women. It would also be likely that there would be a negative impact on all male and female stall holders, as well as those who shop there.		
Sexual Orientation	Recommendations 3 and 4 contained within the Cabinet report are not applicable to this protected characteristic as this has not emerged as relevant to sexual orientation	N/A	N/A

Human Rights and Children's Rights

Will it affect Human Rights, as defined by the Human Rights Act 1998?

Yes. Article 1 of Protocol 1 and Article 8 are relevant. Through the section 106 agreement, the developer has committed to relocate any businesses displaced by the CPO. Whilst it cannot be guaranteed that displaced businesses will take up these offers the availability of premises will serve to reduce the impact on many of the displaced businesses. In deciding whether to proceed with these recommendations in the report, Cabinet needs to consider the extent to which the decision may impact upon the Human Rights of the landowners and residents and balance these against the overall benefits to the community which the redevelopment would bring. Members will need to be satisfied that any interference with these rights is justified in all the circumstances and that fair balance would be struck between the protection of the rights of individuals and the public interest.

Will it affect Children's Rights, as defined by the UNCRC (1992)?

No

Section 03	Analysis of relevant data and/or undertake research
Documents and data reviewed	Census information
New research	None

Section 04	Undertake and analyse consultation
Consultation	Consultation with the public on the planning application. Consultation with local businesses.

	Consultation with land owners including specific consultation on the principle of serving a CPO.
Analysis	<p>Support from the majority of land owners.</p> <p>A number of land owners have not yet agreed terms of purchase with the developer hence the need for the CPO. As part of the formal CPO process, these objectors have the right to representation to the Secretary of State and this may lead to a public inquiry.</p> <p>A number of local traders are opposed to the scheme due to their concerns about potential disruption during construction and impact on security of tenure.</p>

Section 05	Analysis of impact and outcomes
Analysis	<p>Potential and likely impacts, while not capable of being reduced to havin no effect, are being addressed and where possible, mitigated by the contractor during the construction period and the developer in the planned improvements.</p> <p>The serving of a CPO on those with interests in land and property where terms have not been agreed will be detrimental to those impacted, and there is no way for the Council to mitigate for this if the Council resolves to agree recommendations 2 and 3. Those affected have the opportunity for their views to be formally considered by the Department for Communities and Local Government.</p>

Section 06	Reducing any adverse impacts
Outcome of Analysis	<p>The developer and contractor, as a condition of the planning agreement, are responsible for minimising the impact of the construction works. Any issues identified will be addressed through regular meetings with the traders, the Council, the developer and the contractor.</p> <p>The serving of a CPO on those with interests in land and property where terms have not been agreed will be detrimentally impacted, and there is no way for the Council to mitigate for this if the Council resolves to agree recommendations 2 and 3. Those affected have the opportunity for their views to be formally considered by the Department for Communities and Local Government.</p>

Section 07	Action Plan
Action Plan	

	Issue identified	Action (s) to be taken	When	Lead officer	Expected outcome	Date added to business/service plan
	Disruption during construction period impacting a number of equality groups	Developer and contractor to produce a more detailed construction plan identifying access, lighting etc. This plan is to be consulted in with local business, local residents and users of the market.	One month before start on site.	Matin Miah	Reduced impact of the construction works on equality groups.	July 2012
	Impact on the level of business and workers of the construction programme	Monitoring of the position.	Before, during and after the planned improvements.	Matin Miah	Reduced impact of the construction works on trade through mitigation measures such as the business continuity fund.	July 2012
	Impact on the Broadway day centre and supported accommodation	Negotiate relocation into Lime Grove Hostel	July 2013	Matin Miah	Relocation of the service without detrimental impact on exiting users or the wider community	September 2012

Section 08	Agreement, publication and monitoring
Chief Officer sign-off	Name: Mel Barrett

	Position: Executive Director of Housing and Regeneration Email: Melbourne.barrett@lbhf.gov.uk Telephone No: 02087534228
Key Decision Report	Date of report to Cabinet/Cabinet Member: Confirmation that key equalities issues found here have been included: Yes/No
Opportunities Manager for advice and guidance only	Name: Carly Fry Position: Opportunities Manager Date advice / guidance given: 24 September 2012 Email: PEIA@lbhf.gov.uk Telephone No: 020 8753 3430

Agenda Item 9



London Borough of Hammersmith & Fulham

Cabinet

15 OCTOBER 2012

**CABINET MEMBER
FOR TRANSPORT
AND TECHNICAL
SERVICES**

*Councillor Victoria
Brocklebank-Fowler*

**EXECUTIVE RESPONSE TO THE
FLOODING SCRUTINY REPORT**

Wards: ALL

This provides the Cabinet's Executive Response to the report of the Flooding Scrutiny Task Group, which was agreed by the Overview and Scrutiny Board 24 July 2012. The scrutiny report contains 20 recommendations to the Cabinet, Council and Thames Water. The Cabinet's draft Executive Response is attached at Appendix 1.

The scrutiny report (attached at Appendix 2) summarises the findings of a scrutiny inquiry carried out between January to July 2012, which received evidence from a range of stakeholders and expert witnesses, as well as from a wider online public consultation.

The draft Executive Response to the scrutiny report has been drawn up in consultation with the Cabinet Member for Transport and Technical Services.

The Executive Response provides the executive decisions in respect of the scrutiny recommendations, whereby the Cabinet is invited to either agree, reject or amend each recommendation.

CONTRIBUTORS

Head of Highway
Maintenance and
Projects

Head of Highways &
Construction

Flood Risk Manager

Governance and
Scrutiny

EDFCG
DoL

Recommendation:

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

**HAS A EIA BEEN
COMPLETED?
N/A**

**HAS THE REPORT
CONTENT BEEN
RISK ASSESSED?
N/A**

1. BACKGROUND

- 1.1. The flooding scrutiny inquiry was undertaken between January to July 2012. The Flooding Scrutiny Task Group was commissioned by the Overview and Scrutiny Board on 7 December 2011, following a referral from the Environment and Residents Services Select Committee, to examine how the Council should discharge of its new responsibilities under the Flood and Water Management Act 2010 as the lead local flood authority for the borough.
- 1.2. The Terms of Reference for the Task Group inquiry were to consider the key strategic priorities for flood risk management in the borough and the appropriate communications with local residents for flood risk management. This has entailed consideration of the strategic objectives for flooding as outlined in the draft Surface Water Management Plan and other statutory responsibilities related to flood risk management, as well as engagement with the Council's lead partner agency Thames Water and with local residents through an initial consultation exercise and awareness campaign.
- 1.3. During the inquiry, the Task Group interviewed a wide range of stakeholders and expert witnesses. It has considered key documents and legislation, including the Flood and Water Management Act 2010, Flood Risk Regulations 2009 and the authority's draft Surface Water Management Plan.
- 1.4. Witnesses to the Task Group have included the Cabinet Member for Environment and Asset Management (then Councillor Nicholas Botterill), the Head of Policy and Spatial Planning, the Head of Highways and Construction, the Flood Risk Manager the Highways Maintenance Manager, the Senior Environmental Policy and Projects Officer, the Environmental Quality Manager, and other Council officers, including officers from the Parks department.
- 1.5. The Task Group interviewed Simon Jones, Assistant Director-Communication, to discuss communications and engagement with local residents on flooding. Representatives from the Environment Agency, the Association of British Insurers, and representatives from Thames Water.

2. THE SCRUTINY REPORT

- 2.1. The Flooding scrutiny report and recommendations were agreed by the Overview and Scrutiny Board on 24 July 2012 and were referred to the Cabinet for an Executive Response and executive decisions in respect of each of the scrutiny recommendations. The Flooding Scrutiny Task Group report is attached at Appendix 2.
- 2.2. The report examines three key areas: mapping flooding risk, mitigating flooding risk and stakeholder engagement, which includes engagement with the general public as well as communication with partner agencies such as Thames Water and puts forward its conclusions, suggestions and recommendations detailed in each section of the report.

3. SCRUTINY RECOMMENDATIONS

- 3.1. The scrutiny report contains 20 recommendations to the Cabinet, Council and Thames Water. The recommendations of the Task Group are summarised on pages 4 – 9 of the scrutiny report, which also provides initial estimates of any financial and resource implications which are anticipated.
- 3.2. The H&F Cabinet, Council and Thames Water are now requested to provide an Executive Response and executive decisions in respect of each scrutiny recommendation.

4. THE EXECUTIVE RESPONSE

- 4.1. The Cabinet is requested to agree an Executive Response to the scrutiny report, which will be published on the Council website and referred back to the Transport, Environment and Residents Services Select Committee for information and monitoring of the implementation of agreed recommendations. The Cabinet's Executive Response to the Flooding Scrutiny Task Group report is provided at Appendix 1.
- 4.2. The Executive Response at Appendix 1 provides the response to the report and executive decisions in respect of relevant scrutiny recommendations. The Cabinet is invited to either agree, reject or amend each relevant recommendation. Recommendations which require a policy decision are referred to the full Council for a decision at the appropriate time. Recommendations to external agencies are referred to the relevant external agencies (Thames Water) for an Executive Response.
- 4.3. The Executive Response has been drawn up in consultation with Councillor Victoria Brocklebank Fowler, Cabinet Member for Transport and Technical Services.
- 4.4. The Cabinet is now asked to approve the Executive Response to the Scrutiny recommendations as set out in Appendix 1.

5. RISK MANAGEMENT

- 5.1 Not applicable.

6. EQUALITY IMPLICATIONS

- 6.1 An initial EIA assessment was carried out at the beginning of the Scrutiny inquiry in January 2012. During the inquiry, the Task Group sought a diverse range of views and considered how current policy and proposals in this area might affect different sections of the community (eg different age groups, ethnic groups and so forth). No equality issues were raised and little or no impact on equality as a result of the recommendations in the report are envisaged.

7. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

- 7.1 Initial financial and resource implications are provided within the report, referenced under each recommendation under Summary of Recommendations pages 4-9.
- 7.2 The initial financial and resource implications for each recommendation are summarised below:

Recommendation One: Flood Risk Mapping

It is proposed to commission an update to the Surface Water Management Plan and Strategic Flood Risk Assessment as a joint commission led by the Royal Borough of Kensington and Chelsea (RBKC). The combined cost of the commission is anticipated at approximately £100k, of which it is anticipated H&F will be responsible for approximately £60k. These costs are currently estimates and will be updated upon receipt of tenders. The flooding revenue budget will be used to cover these costs.

Recommendation Nine: Porous Paving

Some assistance, possibly through consultants, may be required to undertake the feasibility and cost assessment, with the project managed by in-house officers. The cost of external consultants advice are anticipated to be in the region of £10-30k.

Recommendation Seventeen: A Flood Fair

Funding has been confirmed from Drain London for a flood fair. This is in the form of match funding up to a total of £10k. The Council are undertaking this is partnership with RBKC and hence are proposing to use £5k of funding from the existing flooding budget, with £5k being received from RBKC to cover the total £20k for the flood fair.

This work will be undertaken by in-house resources, with assistance from the Council press office and external parties such as Thames Water, the Environment Agency etc who will be invited to contribute to the fair.

8. COMMENTS OF THE DIRECTOR OF LAW

- 8.1. The process for consideration of the scrutiny report and Executive Response are consistent with the Overview and Scrutiny Procedure Rules set out in Part 4 paragraph 13 of the Council Constitution.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	The Flooding scrutiny report	Michael Carr X2076	Governance & Scrutiny
CONTACT OFFICER:		NAME: Michael Carr – Scrutiny Development Officer EXT. 2076	



Hammersmith & Fulham Council

Executive Response to the Flooding Scrutiny Report

By The Cabinet, 15 October 2012

Introduction

The Cabinet welcomes the Flooding scrutiny report, which provides a useful review of the responsibilities of the new Council as the lead local flood authority and the responsibilities of the our local partner agencies under the Flood and Water Management Act. It also provides some useful research into best practice in the field, especially with regards to flood risk mapping and mitigation and partnerships, both with statutory partner and with the general public.

The scrutiny inquiry itself has also provided a useful step in taking forward the Council's flood risk management strategy, the development of the Flood Risk Management Plan, public consultation and public awareness campaigns and initial dialogue with statutory partners at the Environment Agency and Thames Water to improve flood risk management.

Recommendation One: Flood Risk Mapping

It is recommended that the Council seek to identify high risk flooding areas using historical data and by recording flooding events as they occur.

Suggested Executive Decision: Approved in principle and referred with more detailed costing to the Cabinet Member for Transport and Technical Services for decision.

Recommendation Two: The Flood Water Management Plan

It is recommended that the Council undertake a review of the current Surface Water Management Plan.

Suggested Executive Decision: APPROVED

Recommendation Three: Pooling Resources

It is recommended that the Council assess whether it would be appropriate to pool its resources with neighbouring Local Lead Flood Authorities, either on a pan-London basis or through the tri-borough arrangements, to ensure that the Council has sufficient technical expertise to enable it to discharge its responsibilities under the Flood Water Management Act and the Flood Risk Regulations.

Suggested Executive Decision: APPROVED

Recommendation Four: Green Roofing

It is recommended that the Council approach the Department for Environment Food and Rural Affairs (DEFRA) to enquire about the availability of funding for a pilot programme using financial incentives to encourage the development of new or retrofitted green roofs on pre-selected sites.

Suggested Executive Decision: APPROVED

Recommendation Five: Flood Risk Assessments

It is recommended that the Council require planning applicants to provide a detailed flood risk assessment, placing a particular emphasis on any application for a basement development. This assessment should include an acknowledgement from the applicant that they understand surface water flooding risk and also require them to state what sustainable drainage systems (SUDs) they intend to incorporate into their development. If an applicant does not intend to incorporate any SUDs they should be required to explain why their development will not have any detrimental impact on surface water flooding in the borough.

Suggested Executive Decision: Endorsed and referred to the Transport & Technical Services department for a decision on implementation within the Council's existing Submission Development Management policies approved by Council in October 2011.

Recommendation Six: Rainwater Retention

It is recommended that the Council assess what mechanisms it can introduce to either temporarily or permanently hold back rainwater, with a particular emphasis on limiting water flowing rapidly from the north of the borough to the south of the borough.

Suggested Executive Decision: APPROVED

Recommendation Seven: Bio-diversity

It is recommended that the Council set biodiversity targets over a five year period. These targets should include, but not be limited to, the number of new trees planted, the number of swales introduced and the amount of new meadow grass added to the borough.

Suggested Executive Decision: Approved in principle and a more detailed report on the targets be submitted to the relevant Cabinet Member.

Recommendation Eight: Environmental Grants

It is recommended that the Council consider approaching environmental trusts and agencies, including the Western Riverside Environmental Fund, the SITA Trust, the Million Ponds Project, the Forestry Commission, the Woodland Trust, London Orchard Project, the Capital Growth Fund, the Heritage Lottery Fund and the Environment Agency, to apply for support towards for any project the Council intends to

undertake which has an emphasis on biodiversity and green infrastructure.

Suggested Executive Decision: APPROVED

Recommendation Nine: Porous Paving

It is recommended that the Council undertake a feasibility and cost assessment as to whether porous surfaces would be a suitable material to use on (i) highways, (ii) footpaths and (iii) hard standing areas and if the Council deems porous paving a feasible and cost-effective alternative, establish annual targets for replacing existing paving in line with ongoing regeneration and maintenance work.

Suggested Executive Decision: APPROVED

Recommendation Ten: Information Sharing

It is recommended that the Council engage directly with Thames Water to seek to come to an arrangement to allow for the sharing of all relevant information to enable both parties to better fulfil their responsibilities under the Flood Water Management Act and the Flood Risk Regulations.

Suggested Executive Decision: APPROVED

Recommendation Eleven: Flooding Data Format

It is recommended that Thames Water and the Council agree upon a uniform data format for data collection.

Suggested Executive Decision: APPROVED

Recommendation Twelve: Flood Contacts

It is recommended that, in order to facilitate a better working relationship between the Council and Thames Water, each organisation identify an individual point of contact for operational matters.

Suggested Executive Decision: APPROVED with the Flood Risk Manager to undertake the role of the individual point of contact for the Council. Thames Water is also requested to appoint an individual point of contact for operational enquiries.

Recommendation Thirteen: Information Sharing Systems

It is recommended that the Council and Thames Water examine the website operated by Northamptonshire County Council and seek to implement a similar system to allow both responsible parties to report flooding events and share information. Additionally they should explore the possibility of incorporating the flooding asset register into this system. This system should be for internal use only and not for public use.

Suggested Executive Decision: APPROVED

Recommendation Fourteen: Flood Risk Management Assets

Thames Water, in order to abide by their obligations under the Flood Water Management Act should share all information in respect to the sewer system in and around the London Borough of Hammersmith and Fulham, with particular emphasis and urgency given to any part of the sewer network identified on the public register of Flood Risk Management Assets.

Suggested Executive Decision: Endorsed and referred to Thames Water for a decision and response.

Recommendation Fifteen: Planning Applications Assessments

It is recommended that the Council and Thames Water undertake a review into how they share information on planning applications, how planning applications flood risk assessments are processed, prioritised for comment and referred. This should include agreeing the criteria for referral to Thames Water for consultation on specific applications that warrant a surface water flooding perspective. Additionally both the Council and Thames Water, if making representations, should take into account the interlinking nature of their respective flooding roles and make any representations they see fit in this light.

Suggested Executive Decision: APPROVED

Recommendation Sixteen: Flooding Insurance

It is recommended that the Council make a representation to the Department for Environment Food and Rural Affairs (DEFRA) stating that the insurance industry should take greater account of any sustainable drainage systems (SUDs) or other property protection measures incorporated into a property when calculating its insurance premium.

Suggested Executive Decision: APPROVED

Recommendation Seventeen: A Flood Fair

It is recommended that the Council hold a Flood Fair. The aim of the Flood Fair should be to collect historical information on flooding incidents, increase awareness of flooding risks and clarify responsibilities between the responsible flooding parties. Other stakeholders, such as Thames Water, the Environment Agency, the Department for Environment Food and Rural Affairs (DEFRA), and companies that provide sustainable drainage systems (SUDS) and other flooding prevention systems should be invited along. All residents that the Council is aware have suffered from flooding in the past should be invited, as well as community groups. Ideally the event would be held over a number of days in different parts of the borough.

Suggested Executive Decision: APPROVED

Recommendation Eighteen: Community Engagement

It is recommended that the Council seek to engage with residents through Residents Associations and other community forums.

Suggested Executive Decision: APPROVED.

Recommendation Nineteen: Flooding Advice

It is recommended that the Council continue to offer advice to residents online about flood risk. In addition, at times when it is felt flooding risk is more likely to concern the public; the Council should promote the possible sustainable drainage systems (SUDs) available to residents via local and social media. The council should encourage local residents to maintain and increase the permeability of back gardens by providing advice and guidance, particularly in those areas most at risk of surface water flooding.

Suggested Executive Decision: APPROVED.

Recommendation Twenty: Flooding Incidents

It is recommended that, when the Council is alerted to a flooding incident in the borough they should attempt to make direct contact with those affected and advise them of the possible sustainable drainage systems (SUDs) available to them. They should follow up with these residents after a six month period to see what steps they have taken to mitigate future flooding problems.

Suggested Executive Decision: APPROVED.

Councillor Brocklebank Fowler – Cabinet Member for Transport and Technical Services

Signed _____

The London Borough of Hammersmith & Fulham

Flooding



A report of the Flooding Scrutiny Task Group

The London Borough of Hammersmith & Fulham

July 2012

Contents

Foreword.....	1
Members of the Task Group.....	2
Aims and Objectives.....	2
Executive Summary.....	3
Summary of Recommendations.....	4
Introduction.....	10
1.Mapping Flooding Risk.....	13
2.Mitigating Flooding Risk.....	17
3.Engagement.....	26
Witnesses.....	35

Foreword

Just like Noah's contemporaries in the flood legend, flooding is not something that seems obvious to most of us to worry about until it happens, or at least until we witness unmitigated rainfall the like of which we have seen this year. Yet when it does happen, it can cause a huge amount of damage. A lot of this damage is preventable, or at least there are ways to mitigate the risks, with the right drainage and household infrastructures in place, people can protect their homes and the local flood authorities can take the right strategic measures to alleviate flooding.

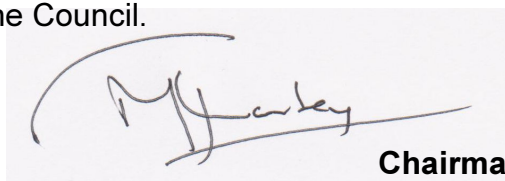
On a household level, this might mean preventing water flows into basement properties, making sure there is the right balance of porous and drainable surfaces or introducing other sustainable drainage and flooding local improvement projects (FLIPs). On a strategic level it might mean making sure that areas of high risk to flooding have been identified, making sure the sewer and drainage systems are fit for purpose, or making sure there is the right mix of drainable surfaces around the borough. Putting all these measures in place needs to be a joint effort between the statutory local flood authorities such as the Council and Thames Water, neighbouring local authorities and local residents, property developers and property management.

According to the Environment Agency, the recent deluges in April to June were the highest rainfall than at any time since 1910 when the first readings were made. The figure is just a fifth of an inch off the total for 2007, which was the wettest June on record dating back more than a century. Once more, global climate change may mean an increased risk of flooding in many parts of the British Isles into the future. So mitigating the risks of flooding as far as possible is an essential goal.

Hammersmith and Fulham Council, as the lead local flood authority, is responsible for the surface water management strategy. This does not include sewer drainage, which is the responsibility of Thames Water, and it does not include river flooding, which is managed separately. So this inquiry has focused on surface water management, working with partners and engaging local residents.

A significant amount of Hammersmith and Fulham is at risk of surface water and groundwater flooding. It is worth highlighting that six inches of fast flowing water can knock someone off their feet and two feet of water is enough to float a car. It is therefore of vital importance that the Council seek to mitigate the risks of surface and groundwater flooding in the borough.

The Task Group have outlined twenty recommendations to the Council in line with its terms of reference. I believe that all these recommendations have strong merit and I hope that this report will provide a useful contribution when given consideration by the Executive of the Council.



Councillor Matt Thorley
Chairman of the Scrutiny Task Group

Members of the Task Group

Councillor Matt Thorley (Chairman)

Councillor Lisa Homan (Vice Chairman)

Councillor Steven Hamilton

Aims and Objectives

The aims and objectives of the Scrutiny Task Group were to consider:

- i. the key strategic priorities for flood risk management in the borough and
- ii. the appropriate communications with local residents for flood risk management.

The inquiry did not attempt to consider the operation details of flood risk management and instead focus upon the strategic priorities for flood risk planning and the key communications with local residents.

The Specific objectives of the Task Group were:

- ▶ provide feedback into the Local Flood Risk Management Strategy;
- ▶ provide feedback into the Surface Water Management Plan;
- ▶ Interview relevant stakeholders to obtain additional information on flood risk management within the borough;
- ▶ provide input into a plan for flood awareness campaign/public consultation; and
- ▶ review programme of works for 2011/12 and 2012/13 and associated spending.

Executive Summary

The Flooding Scrutiny Task Group was commissioned by the Overview and Scrutiny Board on 7th December 2012, following a referral from the Environment and Residents Services Select Committee, to examine how the Council should discharge of its new responsibilities under the Flood and Water Management Act 2010 as the lead local flood authority for the borough.

The Terms of Reference for the Task Group inquiry were to consider the key strategic priorities for flood risk management in the borough and the appropriate communications with local residents for flood risk management. This has entailed consideration of the strategic objectives for flooding as outlined in the Surface Water Management Plan and other statutory responsibilities related to flood risk management, as well as engagement with the Council's lead partner agency Thames Water and with local residents through an initial consultation exercise and awareness campaign.

The Flooding Scrutiny Task Group met 8 times between January and July 2012 and reported to the Overview and Scrutiny Board on 24th July 2012. During the inquiry, the Task Group interviewed a wide range of stakeholders and expert witnesses. It has considered key documents and legislation, including the Flood and Water Management Act 2010, Flood Risk Regulations 2009 and the Surface Water Management Plan.

Witnesses to the Task Group have included the Cabinet Member for Environment and Asset Management (then Councillor Nicholas Botterill), the Head of Policy and Spatial Planning, the Head of Highways and Construction, the Flood Risk Manager the Highways Maintenance Manager, the Senior Environmental Policy and Projects Officer, the Environmental Quality Manager, and other Council officers, including officers from the Parks department.

The Task Group interviewed Simon Jones, Assistant Director-Communication, to discuss communications and engagement with local residents on flooding. Representatives from the Environment Agency, the Association of British Insurers, and representatives from Thames Water.

During the inquiry the Task Group also interviewed Josie Bateman, Project Manager (Flood and Water Management) from Northamptonshire County Council to obtain a perspective and best practice from another lead local flood authority, who was able to provide some useful advice on the relationship and information sharing protocols operating there, as well as a case study of resident engagement of flooding awareness and data collection for flood risk mapping.

The inquiry noted the results of the public consultation, which was promoted in the local media and Council publications and to which people were able to respond online with their views and experiences of local flooding problems. This report identifies the key themes for flood risk management under which its conclusions and recommendations are ordered: surface water and groundwater flood risk mapping, mitigating flood risk and sustainable drainage systems, engagement; information sharing and working together.

The Task Group has put forward 20 recommendations, which are detailed in this report, which also provide the context, findings and observations which it is hoped will be useful to informing the flood risk management strategy for the Council, working in partnership with its statutory partners, both other boroughs, neighbours to the borough and in the regional Drain London partnership and the main water utility company, Thames Water.

A key partner, which cannot be forgotten in the flooding strategy, is the general public, including home owners, landlords, businesses and other local residents who are responsible for managing their properties, who have a part to play in prevention and reporting of flooding of flooding problems. It is hoped that this Scrutiny Task Group has played a significant and useful part of the effort of promoting awareness and engagement with local residents on this issue.

The recommendations of the Task Group are summarised for reference in the next section, which also provides an initial estimate of any financial and resource implications which are anticipated. These implications are minimal and the recommendations are for the most part scoped within existing budgets and resources, whilst also identifying other potential areas of grant funding available for environmental projects linked to flood risk mitigation and environmental sustainability.

These recommendations are commended to Hammersmith and Fulham Council and to Thames Water for consideration.

Summary of Recommendations

SURFACE WATER AND GROUNDWATER FLOODING: Mapping flooding risk

Recommendation One: Flood Risk Mapping

It is recommended that the Council seek to identify high risk flooding areas using historical data and by recording flooding events as they occur.

Financial & Resource Implications

It is proposed to commission an update to the Surface Water Management Plan and Strategic Flood Risk Assessment as a joint commission with the Royal Borough of Kensington and Chelsea (RBKC). The combined cost of the commission is anticipated at approximately £100k, of which it is anticipated H&F will be responsible for approximately £60k. These costs are currently estimates and will be updated upon receipt of tenders. The flooding budget will be used to cover these costs.

The work will be undertaken by external consultants, but will be managed by the in-house Flood Risk Manager at H&F and the relevant officer at RBKC.

Recommendation Two: The Flood Water Management Plan

It is recommended that the Council undertake a review of the current Surface Water Management Plan.

Financial & Resource Implications

See Recommendation One.

Recommendation Three: Pooling Resources

It is recommended that the Council assess whether it would be appropriate to pool its resources with neighbouring Local Lead Flood Authorities, either on a pan-London basis or through the tri-borough arrangements, to ensure that the Council has sufficient technical expertise to enable it to discharge its responsibilities under the Flood Water Management Act and the Flood Risk Regulations.

Financial & Resource Implications

There are no direct resource or financial implications for this recommendation, although if working with other authorities, costs may be incurred, although these are unclear at this stage.

MITIGATING FLOODING RISK: Sustainable drainage systems

Recommendation Four: Green Roofing

It is recommended that the Council approach the Department for Environment Food and Rural Affairs (DEFRA) to enquire about the availability of funding for a pilot programme using financial incentives to encourage the development of new or retrofitted green roofs on pre-selected sites.

Financial & Resource Implications

There are sufficient in-house resources to apply for DEFRA funding to undertake the retrofitting of green roofs.

The financial implications would be dependant on the sites identified and are likely to include the cost of external consultants for design. The project could be managed by existing in house resources.

Recommendation Five: Flood Risk Assessments

It is recommended that the Council require planning applicants to provide a detailed flood risk assessment, placing a particular emphasis on any application for a basement development. This assessment should include an acknowledgement from the applicant that they understand surface water flooding risk and also require them to state what sustainable drainage systems (SUDs) they intend to incorporate into their development. If an applicant does not intend to incorporate any SUDs they should be required to explain why their development will not have any detrimental impact on surface water flooding in the borough.

Financial & Resource Implications

No resource implications have been identified, should there be some financial implications however, these are unlikely to be significant and are difficult to quantify at this stage.

Recommendation Six: Rainwater Retention

It is recommended that the Council assess what mechanisms it can introduce to either temporarily or permanently hold back rainwater, with a particular emphasis on limiting water flowing rapidly from the north of the borough to the south of the borough.

Financial & Resource Implications

Existing resources can be used to continue to assess what mechanisms could be introduced to hold back rainwater, there are no additional costs associated with this. The update to the Surface Water Management Plan will include the identification of any actions to be implemented to hold back rainwater. The resource and financial implications of the SWMP update are covered in recommendation 1.

The resource and financial implications of any schemes that are identified would need to be assessed on an individual basis and would be dependent on the schemes identified.

Recommendation Seven: Bio-diversity

It is recommended that the Council set biodiversity targets over a five year period. These targets should include, but not be limited to, the number of new trees planted, the number of swales introduced and the amount of new meadow grass added to the borough.

Financial & Resource Implications

The resource and financial implications of this recommendation would be dependent on the targets identified.

Recommendation Eight: Environmental Grants

It is recommended that the Council consider approaching environmental trusts and agencies, including the Western Riverside Environmental Fund, the SITA Trust, the Million Ponds Project, the Forestry Commission, the Woodland Trust, London Orchard Project, the Capital Growth Fund, the Heritage Lottery Fund and the Environment Agency, to apply for support towards for any project the Council intends to undertake which has an emphasis on biodiversity and green infrastructure.

Financial & Resource Implications

The resource and financial implications of any schemes that are identified would need to be assessed on an individual basis and would be dependent on the schemes identified.

Recommendation Nine: Porous Paving

It is recommended that the Council undertake a feasibility and cost assessment as to whether porous surfaces would be a suitable material to use on (i) highways, (ii) footpaths and (iii) hard standing areas and if the Council deems porous paving a feasible and cost-effective alternative, establish

annual targets for replacing existing paving in line with ongoing regeneration and maintenance work.

Financial & Resource Implications

Some external assistance through consultants may be required to undertake the feasibility and cost assessment, with the project managed by in-house officers. The cost of external consultants advice are anticipated to be in the region of £10-30k

ENGAGEMENT: Information sharing and working together

Recommendation Ten: Information Sharing

It is recommended that the Council engage directly with Thames Water to seek to come to arrangement to allow for the sharing of all relevant information to enable both parties to better fulfil their responsibilities under the Flood Water Management Act and the Flood Risk Regulations.

Financial & Resource Implications

There are no financial implications of this recommendation; however the resources, whilst covered by in-house officers could be significant.

Recommendation Eleven: Flooding Data Format

It is recommended that Thames Water and the Council agree upon a uniform data format for data collection.

Financial & Resource Implications

There are no financial implications of this recommendation; however the resources, whilst covered by in-house officers could be significant.

Recommendation Twelve: Flood Contacts

It is recommended that, in order to facilitate a better working relationship between the Council and Thames Water, each organisation identify an individual point of contact for operational matters.

Financial & Resource Implications

There are no resources or financial implications of this recommendation.

Recommendation Thirteen: Information Sharing Systems

It is recommended that the Council and Thames Water examine the website operated by Northamptonshire County Council and seek to implement a similar system to allow both responsible parties to report flooding events and share information. Additionally they should explore the possibility of incorporating the flooding asset register into this system. This system should be for internal use only and not for public use.

Financial & Resource Implications

It is likely that external resources would be required to prepare a website; this would also have financial implications. The financial implications of this are unknown at this stage.

Recommendation Fourteen: Flood Risk Management Assets

Thames Water, in order to abide by their obligations under the Flood Water Management Act should share all information in respect to the sewer system in and around the London Borough of Hammersmith and Fulham, with particular emphasis and urgency given to any part of the sewer network identified on the public register of Flood Risk Management Assets.

Financial & Resource Implications

There are no financial implications of this recommendation; however the resources, whilst covered by in-house officers could be significant

Recommendation Fifteen: Planning Applications Assessments

It is recommended that the Council and Thames Water undertake a review into how they share information on planning applications, how planning applications flood risk assessments are processed, prioritised for comment and referred. This should include agreeing the criteria for referral to Thames Water for consultation on specific applications that warrant a surface water flooding perspective. Additionally both the Council and Thames Water, if making representations, should take into account the interlinking nature of their respective flooding roles and make any representations they see fit in this light.

Financial & Resource Implications

There are no resources or financial implications of this recommendation.

Recommendation Sixteen: Flooding Insurance

It is recommended that the Council make a representation to the Department for Environment Food and Rural Affairs (DEFRA) stating that the insurance industry should take greater account of any sustainable drainage systems (SUDs) or other property protection measures incorporated into a property when calculating its insurance premium.

Financial & Resource Implications

There are no resources or financial implications of this recommendation.

Recommendation Seventeen: A Flood Fair

It is recommended that the Council hold a Flood Fair. The aim of the Flood Fair should be to collect historical information on flooding incidents, increase awareness of flooding risks and clarify responsibilities between the responsible flooding parties. Other stakeholders, such as Thames Water, the Environment Agency, the Department for Environment Food and Rural Affairs (DEFRA), and companies that provide sustainable drainage systems (SUDS) and other flooding prevention systems should be invited along. All residents that the Council is aware have suffered from flooding in the past should be

invited, as well as community groups. Ideally the event would be held over a number of days in different parts of the borough.

Financial & Resource Implications

Funding has been confirmed from Drain London for a flood fair. This is in the form of match funding up to a total of £10k. The Council are therefore proposing to use £10k of funding from the existing flooding budget to cover the total £20k for the flood fair.

This work will be undertaken by in-house resources, with assistance from the Council press office and external parties such as Thames Water, the Environment Agency etc who will be invited to contribute to the fair.

Recommendation Eighteen: Community Engagement

It is recommended that the Council seek to engage with residents through Residents Associations and other community forums.

Financial & Resource Implications

There are no resources or financial implications of this recommendation.

Recommendation Nineteen: Flooding Advice

It is recommended that the Council continue to offer advice to residents online about flood risk. In addition, at times when it is felt flooding risk is more likely to concern the public; the Council should promote the possible sustainable drainage systems (SUDs) available to residents via local and social media. The council should encourage local residents to maintain and increase the permeability of back gardens by providing advice and guidance, particularly in those areas most at risk of surface water flooding.

Financial & Resource Implications

There are no resources or financial implications of this recommendation.

Recommendation Twenty: Flooding Incidents

It is recommended that, when the Council is alerted to a flooding incident in the borough they should attempt to make direct contact with those affected and advise them of the possible sustainable drainage systems (SUDs) available to them. They should follow up with these residents after a six month period to see what steps they have taken to mitigate future flooding problems.

Financial & Resource Implications

This recommendation will need to tie in with the Council's policy on investigating flooding. The resource and financial implications of this would be dependent on the scale of flooding incident.



Introduction

The Flooding Scrutiny Task Group was established by the Overview and Scrutiny Board on 7th December 2011 after a referral from the then Environment and Residents Services Select Committee. The overall aim of the Task Group was to consider the key strategic priorities for flood risk management and the appropriate communication arrangements with local residents for flood risk management in the borough.

The Task Group heard evidence from a range of expert witnesses, partner organisations and local residents, including the Environment Agency, Northamptonshire County Council, the Association of British Insurers, and Thames Water. An online public consultation was also held seeking to hear the views and experiences of local residents, especially those who had experienced flooding themselves, to help form a detailed picture of flooding risk in Hammersmith & Fulham.

The Task Group has made a number of recommendations which it feels should be seriously considered by the Council's executive body. The Task Group believes that should these recommendations be enacted, Hammersmith and Fulham will be in a significantly stronger position to fulfil its obligations as a Local Lead Flood Authority.

The then Labour Government asked Sir Michael Pitt to undertake a comprehensive review of the lessons to be learned from the summer floods of 2007. The floods that struck much of the country during June and July 2007 were extreme, affecting hundreds of thousands of people in England and Wales. The floods were the most serious inland floods since 1947. In the exceptional events that took place, 13 people lost their lives, approximately 48,000 households and nearly 7,300 businesses were flooded and billions of pounds of damage was caused. To put the events into context, during 2007 there were over 200 major floods worldwide, affecting over 180 million people. The human cost of all the floods in 2007 was more than 8,000 deaths and over \$23 billion worth of damage¹.

Sir Michael Pitt presented his report, the Pitt Review, in June 2008 and made a number of recommendations to the Government. He noted in his report that perhaps the most significant feature of the 2007 summer floods was the high proportion of surface water flooding compared with flooding from rivers. Of the 55,000 properties damaged in the summer of 2007, two-thirds were flooded by surface runoff overloading drainage systems². Surface water flooding is complex and affected by many factors, such as the capacity of the sewerage/drainage system, saturated ground and high river levels that prevent the system from discharging. Many of the recommendations made by the Pitt Review were enacted through primary legislation via the Flood Risk Regulations of 2009 (FRR) and the Flood and Water Management

¹ Figures from the Centre for Research on the Epidemiology of Disaster, Université Catholique de Louvain at www.cred.be

² Figures from the consultation on the Implementation of the Sustainable Drainage Systems provisions in Schedule 3, Department for Environment, Food and Rural Affairs, www.defra.gov.uk

Act of 2010 (FWMA). Under the FWMA all London boroughs were designated Lead Local Flood Authorities. As a Lead Local Flood Authority Hammersmith and Fulham Council has the responsibility to manage local flood risk, which is defined as flood risk originating from surface runoff, groundwater and ordinary watercourses; tidal flood risk from the River Thames is not the responsibility of the Council but of the Environment Agency (EA).

The FWMA 2010 and the FRR 2009 placed new statutory duties on the Council which include:

- ▶ managing flood risk in a co-ordinated way and creating effective partnerships with adjacent Local Lead Flood Authorities and other key stakeholders such as Thames Water, the Environment Agency and Transport for London (TfL);
- ▶ investigating flood events in the borough;
- ▶ developing and managing a public register of Flood Risk Management Assets;
- ▶ approving, maintaining and adopting sustainable drainage systems,
- ▶ the production of a number of documents which include:
 - Preliminary Flood Risk Assessment (PFRA);
 - flood risk and flood hazard maps;
 - a Local Flood Risk Management Strategy,
 - a Local Flood Risk Management Plan.

Over 60% of the area of the borough and about 75% of the population is potentially at risk of tidal flooding from the River Thames. Whilst the likelihood of tidal flooding is low due to London's flood defences, were it to occur, the consequences would be very severe. In addition to tidal flooding much of the borough is at risk of surface water flooding, including sewers surcharging to unprotected basement properties. Climate change, including more frequent extreme weather events and an increase in impermeable areas, are expected to increase the frequency and severity of this type of flooding. Thames Water records show that almost 700 properties have been flooded from sewer flooding events over the last 10 years; all of which were associated with heavy rainfall. Most of these have been basement properties. The Task Group is of the view that, in reality, significantly more properties have been affected over the last 10 years but many of those people affected have not reported being flooded for reasons which will be outlined later in this report.

Flood risk can be calculated by combining the probability of flooding occurring with the consequences of that level of flooding. The likelihood of flooding occurring is often expressed either in terms of a chance (1 in 100 chance of flooding occurring in any one year) or as a probability (1 per cent annual probability of flooding). In the past, flood risk has been described by a 'return period' (such as 1 in 100 years), which could cause confusion when people who have already been flooded believe that they will not be flooded again for a long time. In reality, even when flooding is calculated as a 1 in 100 year event, there is still a 1 per cent chance of flooding the following year.



The PFRA, which was completed in June 2011, indicated that over 8,000 properties could be at risk of surface water flooding in a 1 in 30 year rainfall event. This could rise to between 13,000 and 29,000 properties in a 1 in 200

year rainfall event. If such an event were to occur the consequences would be extremely grave for residents, businesses and the borough as a whole. It is vital, therefore, that steps are taken to mitigate the risk of surface water flooding now.

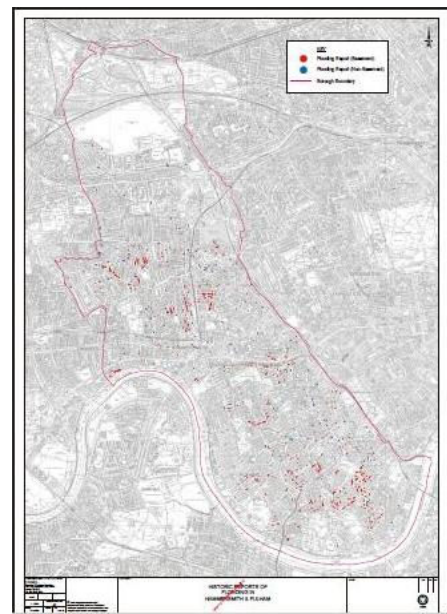
1. Mapping Flooding Risk

SURFACE WATER FLOODING: Overview

- 1.1. In contrast to river and coastal flooding, capabilities to map and model (and hence provide warnings for) surface water flooding are very limited. Surface water flooding can be defined as flooding that occurs due to extreme rainfall and the inability of the water to drain away quickly enough, hence forming pools of water. Pools may also form due to water coming out of drains at other locations. However, the reasons behind the inferior drainage capability of an area can be quite varied and are often interlinked. For example, an urban sewerage system (designed to convey surface water runoff into a nearby watercourse) might be unable to discharge water if the watercourse levels are too high, which was the case in certain areas of Sheffield during the summer floods of 2007.
- 1.2. Many factors affect the likelihood of surface water flooding:
- ▶ **Intensity of rainfall:** Rainwater drains away naturally over long periods of time, but if rain falls in intense bursts, the drainage system may be unable to cope. The probability of this type of intense rainfall occurring in the future is likely to increase due to climate change.
 - ▶ **The location of the rainfall:** The direction of travel of surface water is directly influenced by the topography of an area. Small changes in the location of rainfall can have a significant impact on where the water ends up.
 - ▶ **The capacity and condition of the sewerage and drainage system:** This will obviously affect the rate at which rainwater can drain away. Most of the UK sewerage system was built before the Second World War, and so deterioration is another key issue.
 - ▶ **The type of surface material:** The permeability of surface material affects the amount of runoff. Urban areas, such as Hammersmith and Fulham, are more susceptible to surface water flooding than rural areas because they are characterised by a significant quantity of built-up (and hence impermeable) areas.
 - ▶ **The saturation (or the soil moisture deficit) of the ground:** If the ground is saturated, or in fact too dry, large amount of rain that falls will be converted into runoff.
 - ▶ **River levels:** High river levels will hinder the sewerage systems ability to discharge water.
 - ▶ **Planning and development:** Permitting additional homebuilding and other development will reduce the amount of permeable space available and is also likely to reduce the number of open watercourses. Sustainable drainage systems can be incorporated into new property developments to help to reduce the surface water runoff.

SURFACE WATER FLOODING: Mapping

- 1.3. As noted above the capabilities to map and model surface water flooding are currently very limited. At present the Council is reliant upon information provided by Thames Water, as well



as from information provided by residents and businesses that have suffered from flooding in the past, in order to map and model surface water flooding, and hence identify high risk flooding areas. The Task Group were concerned that this data was insufficient as it was not a true reflection of the actual flooding risk in the borough. This concern arose from the fact that the Task Group were made aware that many people affected by flooding chose not to report it, primarily but not solely because of concerns relating to the potential impact on property prices and insurance premiums.

- 1.4. The Pitt Review commissioned analysis of a number of different approaches to modelling surface water flooding; examining their effectiveness and undertaking a basic cost-benefit analysis. The results of this work are set out below.
- 1.5. The five approaches considered by the Pitt Review were:
 - i **Topographic index analysis** – This is a basic terrain model with no rainfall input. There is no correlation between the model's outputs and areas of known flooding, and so it would be of little use.
 - ii **2D overland routing of uniform rainfall event** – This model makes no allowance for differences in rainfall, and assumes that every area has a uniform capacity to drain water. It could be used for high level analysis but significantly overestimates the extent of flooding.
 - iii **Decoupled sewer model and 1D overland routing** – This model takes account of the effect of drainage by using a detailed sewerage network model. It is the most accurate method of identifying properties on water company registers but underestimates the spatial extent of flooding.
 - iv **Decoupled sewer model and 2D overland routing** – This model includes 2D surface runoff data and detailed sewerage network data, but does not include assessment of below-ground flooding mechanisms. It produces a much better estimate of the spatial extent of flooding but fails to identify some properties on water company registers.
 - v **Coupled sewer model and 2D overland routing** – This model combines surface runoff data, detailed sewerage network data and a full 2D model of above-ground flooding. It does not include below-ground flooding mechanisms but this could be added. It gives a very accurate assessment of the spatial extent of flooding but fails to identify some properties on the water company registers.
- 1.6. The Pitt Review made a number of comments regarding the modelling approaches:
 - i. Tools exist that can reliably and accurately model surface water flooding in urban areas.
 - ii. The cost of the different models can vary widely owing to the information and detail required. Additionally the cost of accurate modelling can be high if models of sewerage networks have to be built from scratch.
 - iii. Simplified modelling is possible at relatively low cost but is far less reliable and probably only suitable for high level risk assessments on an area wide basis. Such approaches are not suitable for assessment at the level of detail of individual streets or for producing solutions to flooding.
 - iv. Surface water flooding can be accurately modelled and mapped but further work is required to understand user needs and the costs associated with meeting those needs.

- 1.7. The Environment Agency has carried out research into developing a surface water flooding alert system. The Environment Agency is well placed to provide a modelling and warning system to cover surface water flooding. Whilst surface water modelling is still in its infancy the Environment Agency is working with its partners to develop the tools and techniques required to model surface water flooding and it is hoped that a significantly more sophisticated modelling system will emerge from this process.
- 1.8. The Task Group did not feel it would be appropriate, at this time, for the Council to seek to develop and implement its own surface water flooding modelling, other than the modelling required as part of the update of the Surface Water Management plan, which will also be used to fulfill the Council's requirements to map Flood Risk Areas by 2013, as required under the Flood Risk Regulations. This work will be undertaken by the consultants as part of the Surface Water Management Plan update commission. The result of this modelling will also be used by the Environment Agency to develop further modelling techniques. The Task Group took this view in light of the costs of establishing and implementing an effective flood risk modelling system, both in terms of the costs of designing a modelling system and in terms of the costs of engaging with third party consultants to assist existing in-house expertise put such a model together.
- 1.9. The Council has appointed Clare Share as Flood Risk Manager and, in addition to her, has other officers who have some experience and expertise in flood risk, particularly in the planning department. The Task Group were impressed that the Council has already appointed a Flood Risk Manager and noted that other Lead Local Flood Authorities had not been as pro-active as the Council in recruiting additional flood risk expertise. The lack of flood risk engineers in public sector organisations was identified by the Institution of Civil Engineers in their report entitled Engineering Skills for Flood Risk Management³ (2004).
- 1.10. The Pitt Review, through discussions with local authorities and engineering professions, recognised four key factors as to why this was the case.
 - i. Low salary levels for flood risk engineers, particularly in the public sector.
 - ii. The lack of perceived value given to working for local authorities.
 - iii. The requirement in many posts to carry out a broad range of roles, such as stakeholder engagement, rather than focusing on core engineering skills.
 - iv. The simple shortage of suitably qualified graduates.
- 1.11. The Task Group acknowledge that the Council is able to rely upon consultant engineers but notes that in the long run there may be very real benefits to having additional in-house expertise.
- 1.12. The Task Group felt that the Council should maintain a close working relationship with the Environment Agency. The Environment Agency currently engages with numerous parties who are responsible for different aspects of the drainage and sewerage systems – including water companies, internal drainage boards, highways authorities, navigation authorities and riparian owners. This will help the Environment Agency understand how surface water runoff is discharged by the

³ <http://www.ice.org.uk/Information-resources/Document-Library/Engineering-skills-for-flood-risk-management>

system, what knowledge and data gaps are present and what steps need to be taken to fill them.

GROUNDWATER FLOODING: Overview

- 1.13. Groundwater flooding is caused by the emergence of water on the surface due to the water table rising. It can result in the flooding of surface or sub-surface infrastructure and can cause damage to foundations by reducing their load-bearing capacity.
- 1.14. The Environment Agency has established monitoring and warning arrangements for the chalk aquifers in its South-West, Southern and Thames regions but there are significant technical problems associated with groundwater flood risk assessment. This is because the models that have been designed for conventional hydrological events have a limited applicability to groundwater.
- 1.15. The Council, as the Local Flood Authority, has the lead role in assessing the risk of groundwater flooding. This includes collecting historic groundwater flooding information, extending the monitoring and warning systems and awareness-raising activities.

GROUNDWATER FLOODING: Mapping

- 1.16. The Preliminary Flood Risk Assessment indicated that surface water flooding is far more frequent in the borough. Nonetheless there is a substantial number of historical groundwater flooding events identified through information provided by the Environment Agency and Thames Water. The damage associated with groundwater flooding is believed to be significantly greater than that associated with river and surface flooding, due to the fact that the water can remain above the surface for long periods of time.

Recommendation One: Flood Risk Mapping

It is recommended that the Council seek to identify high risk flooding areas using historical data and by recording flooding events as they occur.

Recommendation Two: The Flood Water Management Plan

It is recommended that the Council undertake a review of the current Surface Water Management Plan.

Recommendation Three: Pooling Resources

It is recommended that the Council assess whether it would be appropriate to pool its resources with neighbouring Local Lead Flood Authorities, either on a pan-London basis or through the tri-borough arrangements, to ensure that the Council has sufficient technical expertise to enable it to discharge its responsibilities under the Flood Water Management Act and the Flood Risk Regulations.

2. Mitigating Flooding Task

Sustainable Drainage systems (SUDs): Overview

- 2.1. SUDs are designed to mimic the natural movement of water and slow down the process of the water getting into the watercourse. They can channel the flow of water aboveground and reduce the burden on the sewerage system.
- 2.2. SUDs fall into three main categories:
 1. **Source control and prevention techniques:** These are designed to reduce the volume of water discharged from a developed site as close to the source as possible. They can help restore underground water resources. They include green roofs, permeable pavements, rainwater harvesting, and infiltration trenches and basins.
 2. **Permeable conveyance systems:** These channel the runoff slowly towards the watercourses through a process of filtering and storage and through the reduction of water through evaporation and infiltration. They include filter drains and swales.
 3. **Passive treatment systems:** These use natural processes to break down pollutants from surface water runoff. They usually involve storage of water and include filter strips, detention basins, retention ponds and wetlands.

SUDs can be incorporated at different levels.

- ▶ At an individual property level: e.g. Water butts, green roofs, permeable driveways.
 - ▶ At a community level: e.g. Swales, detention basins and porous paving of highways.
 - ▶ At a strategic level: r.g. Large balancing ponds and wetlands.
- 2.3. Schedule 3 to the FWMA requires that construction work which has drainage implications cannot commence unless the drainage system has been approved by the SUDs Approving Body (SAB). The Government is currently reviewing the consultation responses it received as part of its consultation into how the SAB should operate. Part of this consultation covers the development threshold for which the SABs are required. The consultation ran for twelve weeks between 20th December 2011 and 13th March 2012. The Government hopes that the SAB will be established and operational from April 2013. ,
 - 2.4. The Task Group felt that one of the most effective ways of mitigating the risk of surface water flooding was through the planning process. Hammersmith and Fulham's Local Development Framework, in particular the Core Strategy which was adopted in October 2011, does stipulate that the "the council will strive to reduce the risk of flooding from surface water and foul water and its contribution to fluvial flooding by requiring development proposals to include appropriate sustainable drainage systems and systems to reduce the amount of water discharged to the foul water drainage.⁴" The document goes on to add that "where SUDs are proposed, details of how they will be effectively managed to retain their effectiveness will be

⁴ http://www.lbhf.gov.uk/Images/Core%20Strategy_tcm21-165496.pdf

required. The aim of all development should be to achieve 50% attenuation of the undeveloped sites surface water run-off at peak times and where possible achieve 100% attenuation.⁵

- 2.5. In addition to this any new development in the borough must adhere to Planning Policy Statement 25 (PPS25). PPS25 states that, following the application of the sequential test (this test is essentially a means of avoidance planning; development should be directed to areas with the least risk of flooding), if there is no suitable land in lower risk zones, development may go ahead in exceptional cases; the so-called 'exception test'. However, in applying this test the Council must demonstrate that other sustainability criteria outweigh the flood risk, that the risk can be mitigated and that the site is safe.
- 2.6. The Task Group welcomed the measures the Government and the Council had put in place to mitigate the risk of surface water flooding in new developments. However the Task Group felt that the Council, and other relevant parties such as the Environment Agency and Thames Water, could do more to encourage new developments to adopt SUDs. The Task Group considered what SUDs it felt would be most appropriate for each level of development individual property level, community level and a strategic level, and has detailed its findings and recommendations below.

SUDs: Individual Property Level

- 2.7. Urban creep refers to the cumulative impact that paving over front and rear gardens is having, not only in Hammersmith and Fulham, but across London and other towns and cities. This can have a significant impact on the natural drainage of surface water, as water that previously soaked into the ground has nowhere to go and can increase the risk of surface water flooding. Home improvements, such as side returns or conservatories, can also increase demands on surface water drainage systems.
- 2.8. Householders are no longer permitted to lay impermeable surfaces in front gardens greater than 5 square metres without planning permission. However residents are still permitted to lay impermeable surfaces in their back gardens. It makes sense to retain as much natural drainage as possible in the borough. The Task Group came to the conclusion that, should the Council identify areas in the borough that are at particular risk of surface water flooding, the Council should encourage applicants to incorporate SUDs to mitigate the impact their development would have on surface water flooding. Residents should be encouraged to undertake a flood risk assessment.
- 2.9. The Task Group noted that many residents in the borough had, in the past, applied for side or rear extensions to their properties. In addition a significant number of local residents had also applied for basement extensions. The Task Group took the view that it was highly likely that this trend would continue over the coming years. The Task Group noted the advice from the Environment Agency that it was important not to overlook the cumulative impact that smaller improvements to properties across an

⁵ Ibid.

area can make; further noting that spatial planning was key as well as looking at opportunities arising from re-developments.

- 2.10. The Task Group were concerned about the impact that both side and rear extensions had on the natural drainage of rainwater. Whilst the Task Group acknowledged that applicants currently were encouraged to compensate for any permeable land they built on by creating a comparable amount of permeable land on their property, by, for example, removing a garden shed and replacing it with a permeable surface, the Task Group felt such an approach was not really practical in Hammersmith and Fulham.
- 2.11. The Task Group felt that local residents should be encouraged to be more pro-active in combating the risk of surface water flooding by incorporating various forms of SUDs into their building plans. For example in small scale developments it was felt it would be appropriate for local residents to consider adding water butts where space and downpipes permitted. For larger scale developments, such as building improvements to housing blocks, it was felt that green roofs were an attractive and viable solution to addressing the problems of surface water flooding.
- 2.12. “Green roofs” are roof-tops that are intentionally vegetated to some degree. These can vary from a full-blown roof garden, through to grassy swards or sedum roofs. They fall into three main categories:
- ▶ Extensive: Using a relatively thin, lightweight substrate. They are designed to be virtually self-sustaining and should require only a minimum of maintenance, perhaps a once-yearly weeding or an application of slow-release fertiliser to boost growth.
 - ▶ Semi-Intensive: Using a lightweight shallow soil structure to support a wider variety of plants including herbs.
 - ▶ Intensive: Intensive roofs are more park-like with easy access and may include anything from kitchen herbs to shrubs and small trees. They are often designed to be accessible for recreational use and require regular irrigation and regular maintenance.
- 2.13. In oral evidence from Mr Stefan Czeladzinski, the Grounds Maintenance Monitoring Officer at Hammersmith and Fulham Council, the Task Group heard that it was felt that sedum matting was not an appropriate green roof solution as it has too shallow a substrate to support it properly and does not provide a diversity of plants.
- 2.14. The Task Group heard that in addition to mitigating storm water run-off at source, as they can potentially retain up to 90% of rainfall within the substrate, green roofs also offered other benefits. These include:
- ▶ Improving the biodiversity on all new and retro fitted sites; thereby also ensuring building proposals adhered to PPS9, which relates to biodiversity and geological conservation. They also improve the development for ecology.
 - ▶ Help ensure that developments are designed to adapt to climate change, ensuring compliance with the UK Climate Policy Change programme.
 - ▶ Reduces urban heat. Green roofs act as ‘mini air conditioners’, cooling and humidifying the surrounding air with beneficial effects on the immediate area. This also has the effect of increasing insulation values and reducing the need for air conditioning.

- ▶ Reducing air pollution as the vegetation on green roofs helps to filter out dust and smog particles. Nitrates and other airborne pollutants are absorbed out of the air and rainfall and bound in the soil.
- ▶ Protecting the roof. It is a common misconception that a green roof can damage the roof structure. In fact a green roof can significantly increase the life span of the roof. Temperature ranges on a standard roof can be very wide with temperatures reaching 80°C, whereas on a green roof they will reach about 25°C.
- ▶ Noise reduction. The sound insulation benefits of green roofs will vary depending on water levels, but they can reduce reflective sound by up to 3dB and improve sound insulation by up to 8dB.

2.15. The main disadvantage of green roofs is the higher initial cost. However the Task Group heard that these costs can be off-set by savings in other areas, such as ground level storm solutions and energy demand. Whilst it is not within the remit of the Task Group, a discussion did take place over the potential for abuse of green roofs. In particular there was a concern that some applicants may seek to incorporate green roofs as a way of circumventing the rules in relation to roof terraces. The Task Group felt that this was something that should be considered in more detail by the planning department.

2.16. The Task Group were impressed with the potential of green roofs and heard that between 150 to 200 hectares of green roofing could be generated in London each year. It was highlighted to the Task Group that the green roof at Westfield could absorb up to 90% of rainfall on their area. In addition, the Task Group heard how the London Borough of Islington has retrofitted some of its municipal offices with green roofing.

Recommendation Four: Green Roofing

It is recommended that the Council approach the Department for Environment Food and Rural Affairs (DEFRA) to enquire about the availability of funding for a pilot programme using financial incentives to encourage the development of new or retrofitted green roofs on pre-selected sites.

2.17. As noted at the start of this report Thames Water records show that almost 700 properties suffered the effects of flooding over the last 10 years; all of which were associated with heavy rainfall. Most of these have been basement properties. The Task Group believe that basement properties are the most at risk from sewer, groundwater and surface water flooding. As a result the Task Group felt any person wishing to apply for a basement extension should be encouraged in the strongest possible terms to install SUDs. In addition it was also felt that any person wishing to apply for a basement extension, given the substantial evidence that such extensions are the most at threat from flooding, should be required to submit a more detailed flood risk assessment. Such a flood risk assessment should include an acknowledgment that the applicant understands the potential flooding risk to a basement extension. In addition it should require them to submit what steps they propose to take to protect their property and the surrounding area due to the impact flooding can have on adjacent properties.

2.18. The Task Group noted that Thames Water, as part of their sewer flooding alleviation in the Counters Creek catchment area, were undertaking a number of flooding local

improvement projects (FLIPs). FLIPs are essentially a mini pumping station concealed within a manhole chamber, protecting one or more properties from flooding. Waste water from the property is pumped to levels above the maximum water level in the main trunk sewer at times of heavy storm rainfall. A FLIP device prevents raw sewage from backing up from the main sewer and flooding basements. To date Thames Water have installed and commissioned 263 FLIPs units⁶. The Task Group was impressed with the work Thames Water were undertaking on FLIPs, although were disappointed that the take up rate amongst residents was not higher.

Recommendation Five: Flood Risk Assessments

It is recommended that the Council require planning applicants to provide a detailed flood risk assessment, placing a particular emphasis on any application for a basement development. This assessment should include an acknowledgement from the applicant that they understand surface water flooding risk and also require them to state what sustainable drainage systems (SUDs) they intend to incorporate into their development. If an applicant does not intend to incorporate any SUDs they should be required to explain why their development will not have any detrimental impact on surface water flooding in the borough.

SUDs: Community Level

- 2.19. At a community level SUDs can be implemented, for example, through swales or porous paving of highways. An artificial swale is a low tract of land designed to manage water runoff, filter pollutants and increase rainwater infiltration. Mr Stefan Czeladzinski told the Task Group consideration was currently being given to creating a swale to help facilitate the borough's flood risk management plan to the north of the borough at Wormwood Scrubs Commons. Topographical studies have highlighted flood risk zones which can be excavated and act as naturalised attenuation containers. This will not only accommodate increased volumes of rainfall, but increase biodiversity and habitat within a very urban borough with high levels of deprivation to the north, which will in turn increase the quality of life for local residents and other site users. The swales could be designed to store up to one year of rainfall (about 650 mm) in one go for over 70 hectares of land, thus protecting the north of the borough and reducing potential sewer overflow in the south of the borough.

⁶ <http://www.thameswater.co.uk/cps/rde/xbcr/corp/counters-creek-public-meeting-presentation-14-november-2011.pdf>

TABLE 1

DEMONSTRATION OF RAINFALL ABSORPTION, INFILTRATION AND EVAPOTRANSPIRATION RATES	
Clay infiltration rates (mm per hour)	< 50
Loam infiltration rates (mm per hour)	< 15-20
Sands infiltration rates (mm per hour)	> 50
Green Roof absorption rates (mm per hour)	> 30-50 mm
Tarmacadam absorption rates (mm per hour)	> 15-50 mm
Volume of attenuation tank required per m² of open roof, to hold one year of rainfall	0.65 m ³
Broadleaf trees evapotranspiration (estimates) per annum	400-640 mm
Volume of rain per annum per m²	54-1715 mm
Wettest month on average in London, October (mm)	61.5 mm over 9.3 days
London average rainfall per annum (mm)	583.6 mm
Estimated LBHF rainfall per annum (mm)	550-650 mm

2.20. Table 1 illustrates the comparable infiltration rates of different surfaces in the borough. The north of the borough is higher in clay deposits and therefore has lower infiltration rates. This is because clay soil has smaller particle sizes and so water permeates far slower than through sandy soil, which is the predominate type of soil in the south of the borough. As a result, during heavy rainfall, a significant amount of rainwater flows down from the north of borough into the south of borough, increasing the risk of surface water flooding as well as increasing pressure on the sewer system in the south of the borough. Due to this the Task Group felt it was vital that the Council consider what mechanisms it can introduce to either temporarily or permanently hold back rainwater in the north of the borough. It was felt that the proposal to introduce a swale as part of the redevelopment of Wormwood Scrubs Commons was an excellent example of the type of action the Council could take to address the problems outlined above.

2.21. The Council planted an additional six hectares of tree cover in 2010-2011, which should help to reduce storm water runoff and also usage through evapotranspiration. Please see Table 1 for more details. Interception of rainfall by broadleaf trees is 10-25% from broadleaves. If both interception and transpiration are considered together, and assuming an annual rainfall of 1,000 mm, conifers could be expected to use some 550-800 mm of water compared with 400-600 mm from broadleaves. As detailed in the London Plan the Mayor has laid out an ambitious strategy to plant “an additional two million trees in London by 2025 to help with both mitigation of and adaptation to climate change⁷” as well help alleviate storm water runoff. The Task Group felt this was a lauded aim and hoped that Council would play its part in delivering this goal.

2.22. The Task Group heard that in the last three years 30 hectares of meadow grass had been introduced in the Council which has not only increased aesthetic and biodiversity values but also increased the infiltration rates of water and the evapotranspiration rates of areas. The Task Group also heard about measures other

⁷ <http://www.london.gov.uk/sites/default/files/LP2011%20Chapter%205.pdf>

boroughs had taken to mitigate storm water runoff. For example the London Borough of Lewisham had de-culverted lengths of river, allowing for water to pass into the surrounding soil and increase vegetation cover and biodiversity values for the surrounding area. One park in Lewisham, Ladywell Fields, has become a flood attenuation zone. The Olympic Park along the River Lea has been designed as an attenuation zone, forecast to relieve up to 5,000 homes from flooding in the surrounding area. The Task Group felt that the Council could learn a lot from these projects and thought it would be highly beneficial to engage with these and other lead Local Flood Authorities to share experiences and learn from each other.

Recommendation Six: Rainwater Retention

It is recommended that the Council assess what mechanisms it can introduce to either temporarily or permanently hold back rainwater, with a particular emphasis on limiting water flowing rapidly from the north of the borough to the south of the borough.

Recommendation Seven: Bio-diversity

It is recommended that the Council set biodiversity targets over a five year period. These targets should include, but not be limited to, the number of new trees planted, the number of swales introduced and the amount of new meadow grass added to the borough.

Recommendation Eight: Environmental Grants

It is recommended that the Council consider approaching environmental trusts and agencies, including the Western Riverside Environmental Fund, the SITA Trust, the Million Ponds Project, the Forestry Commission, the Woodland Trust, London Orchard Project, the Capital Growth Fund, the Heritage Lottery Fund and the Environment Agency, to apply for support towards for any project the Council intends to undertake which has an emphasis on biodiversity and green infrastructure.

2.23. Most hard surfaces are considered as Effective Impervious Areas (EIA). Some EIA can be replaced with materials better designed to allow for permeability. The approximate rates of permeation are found in Table 1 for concrete and tarmacadam. Replacing old paving and tarmacadam with more porous ones can help to reduce sewer volumes at peak rates of flow. There are several types of permeable paving including:

- ▶ Gaps between the concrete/stone slabs to allow water to drain through to a porous sub surface.
- ▶ Porous concrete paving to allow water to drain directly through the paving slabs to a porous sub surface.
- ▶ Grass paving which has a mesh cover to ensure rigidity.
- ▶ Gravel or other similar products overlaying a porous surface.

2.24. The Task Group was informed that, over time, the effectiveness of porous paving and tarmacadam was reduced due to small particles and organic matter building up in and on the paving. Nonetheless where self draining footpaths have been piloted they have been found to be successful in limiting surface water runoff. They were found to be cheaper to install in some cases, easier to maintain, renovate and repair and have a lower carbon footprint. However Mr Stefan Czeladzinski did caution the Task Group that the installation of permeable paving required careful planning to

consider if it was a feasible and a cost effective alternative. It was estimated that about 11,172 m³ of water could be saved from going into the sewerage system if all park surfaces were permeable.

Recommendation Nine: Porous Paving

It is recommended that the Council undertake a feasibility and cost assessment as to whether porous surfaces would be a suitable material to use on (i) highways, (ii) footpaths and (iii) hard standing areas and if the Council deems porous paving a feasible and cost-effective alternative, establish annual targets for replacing existing paving in line with ongoing regeneration and maintenance work.

SUDs: Strategic Level

TABLE 2

ESTIMATED BREAKDOWN OF SURFACE AREAS WITHIN THE BOROUGH		
DESCRIPTION	AREA (SQM)	% OF BOROUGH
Roads and paths	3,460,780	20.2%
Railway	1,146,444	6.7%
Natural (Green spaces E.g. Parks)	3,173,604	18.5%
Building	4,441,832	25.9%
Manmade (Likely to be hard standing areas)	1,818,172	10.6%
Multiple surface (Back & Front Gardens)	3,032,614	17.7%
Unknown (Usually sites under construction)	63,965	0.4%
TOTAL FOR BOROUGH	17,137,411	100%

2.25. Table 2 provides an estimated breakdown of the surface areas within the borough. It can be seen that over 25% of the surface of the borough is covered by buildings, and over 20% by roads and paths and nearly 20% by multiple surfaces, likely to be back and front gardens. Nearly another 20% of the borough is covered by green spaces. The Task Group has made recommendations for how it feels the Council can significantly reduce the risk of surface water flooding in these areas. Each recommendation should not be considered in isolation, but viewed as a strategic package of solutions to mitigate surface water flooding risk.

2.26. The Pitt Review noted that in the German state of North Rhine-Westphalia, a programme of financial incentives had been used to encourage the development of new or retrofitted green roofs. This scheme has proved successful in encouraging homeowners to install SUDs⁸ and indicates that financial incentives can be effective. During evidence from the Environment Agency the Task Group were told that due to changes in funding arrangements made in 2011, there was funding available from the Department for Environment Food and Rural Affairs (DEFRA) for surface water flooding management projects. Additionally, the Environment Agency noted that small schemes were more likely to attract funding. The Environment Agency suggested that the Council submit a bid to DEFRA for funding a surface water

⁸ G. Lawlor et al, Green Roofs: A Resource Manual for Municipal Policy Makers, 2006

flooding management project and they agreed to provide the Council with advice about how best to go about this.

3. Engagement

ENGAGEMENT: Overview

- 3.1. The Pitt Review noted that all parties responsible for tackling the risk of flooding must be willing to work together and share information. The review further noted that, whilst it recognised that there were issues of commercial confidentiality and security, it felt that the public interest is best served by closer cooperation and a presumption that information will be shared. It stated that responsible authorities had a duty to be “open, honest, and direct about risk” and move from a “culture of ‘need to know’ to one of ‘need to share.’⁹” The Task Group strongly agreed with these observations and believes residents will be best served by responsible parties, such as Thames Water, the Council, the Environment Agency, insurance companies and DEFRA, working in greater harmony to tackle flood risk in the borough.

ENGAGEMENT: Thames Water

Information Sharing

- 3.2 Under the FWMA, water authorities have a statutory duty to provide information to Local Lead Flood Authorities. During evidence from Josie Bateman, Project Manager (Flood and Water Management) of Northamptonshire County Council, the Task Group heard about her experiences of engaging and working with water companies. There are three water companies that operate in Northamptonshire; Anglian Water, Thames Water and Severn Trent. Ms. Bateman was asked specifically about information sharing with water companies. She noted that when she initially tried to engage directly with all three water companies on the topic of information sharing they were resistant to her approaches and suggestions. However she felt her persistent approach eventually rendered results, although she did state that it took over six months of solid persistence to achieve this.
- 3.3 The Task Group believes it is vital that Thames Water become more willing to cooperate and engage with the Council to assist them in their role as a Lead Local Flood Authority. Thames Water acknowledged when they came before the Task Group that they hold a significant amount of historical data on flooding events in the borough. They have provided some of this data to the Council; but with the last two digits of the post codes removed. In the view of the Task Group this makes the data significantly less valuable and hinders the Council’s ability to map and target high risk areas, and hence fulfil its obligations under the FWMA and FRR.
- 3.4 Thames Water told the Task Group they were hesitant about sharing full post code data with the Council, citing problems with the Data Protection Act and the Freedom of Information Act. It was suggested to the Task Group that Thames Water would be under an obligation, if it were to provide full post code data to the Council, to contact all Thames Water customers advising them of their actions and potentially asking for their consent. Thames Water had concerns about undertaking such a process on the grounds of cost and also felt that it would result in customers being less willing to provide information to Thames Water.

⁹ <http://webarchive.nationalarchives.gov.uk>

- 3.5. The Pitt Review noted that other countries are far more willing to share information about critical infrastructure than the United Kingdom. In France, there is a general openness about risk information. Local city mayors, responsible for public safety, have access to potentially sensitive information on critical infrastructure in order to develop suitable local emergency plans in which utility operators are also involved. Even countries which were previously reluctant to disclose information on critical infrastructure, and the impact of its failure from flooding, are beginning to see the counterargument for putting information in the public domain. The United States Army Corps of Engineers (USACE), the federal body whose responsibilities include engineering projects to mitigate flooding, has recently overcome its previous reluctance to publish inundation maps of dams. Maps are now published because this enables the USACE to warn the public to take the risk of dam failure seriously and prepare themselves accordingly.
- 3.6. The Task Group believes cooperation and the sharing of information to be vital to effective flood risk management. The Task Group heard from various responsible parties that much work had already been done to collect and record datasets relating to flood forecasting and modelling. These now need to be integrated to fully realise the benefits. Thames Water is a fundamental part of this process. The Task Group were somewhat disappointed that Thames Water was not more forthcoming in offering to share meaningful information with the Council, particularly when compared to their more cooperative approach with Northamptonshire County Council. Nonetheless the Task Group appreciated the commercial and legal problems faced by Thames Water, although felt these problems were surmountable. The Task Group noted with interest the success Northamptonshire County Council had by agreeing a Memorandum of Understanding between themselves and responsible parties, including Thames Water, as well as employing the Chatham House Rule to promote open and frank discussions.
- 3.7. The Task Group was not only concerned about what data could be shared between responsible parties, but also what format this data would be provided in. The Task Group heard from Ms. Bateman that Northamptonshire County Council had requested data in “mapping pro-layer” format as this was compatible with the software management tool they had developed, funded by a grant from DEFRA. However the data they were provided was not in this format, forcing them to extract the data into the format they needed, which took six months. The Task Group heard how Thames Water used a geographic information system (GIS) to identify areas of risk in London.

Recommendation Ten: Information Sharing

It is recommended that the Council engage directly with Thames Water to seek to come to arrangement to allow for the sharing of all relevant information to enable both parties to better fulfil their responsibilities under the Flood Water Management Act and the Flood Risk Regulations.

- 3.8. It is suggested that the Council and Thames Water examine in detail the Memorandum of Understanding used by Northamptonshire County Council as a basis for this information sharing, and that Chatham House Rules are used in discussions between the parties.

Recommendation Eleven: Flooding Data Format

It is recommended that Thames Water and the Council agree upon a uniform data format for data collection.

Recommendation Twelve: Flood Contacts

It is recommended that, in order to facilitate a better working relationship between the Council and Thames Water, each organisation identify an individual point of contact for operational matters.

Working Together

- 3.9. Under the FWMA the Council has an obligation to establish and maintain a flooding asset register. The flooding asset register includes key assets (structures and features such as a wall, ditch or bridge) that are known to cause or allow the major flooding of properties, critical infrastructure or block major roads when the asset is not functioning to an adequate level. The Task Group heard from Ms. Bateman that compiling this register had taken over eight months and cost over £12,000, excluding her time, but had resulted in a better understanding of the flooding risks in a given area.
- 3.10. The Task Group recognised that the sewer infrastructure would be a key competent of the flooding asset register. Whilst the local Lead Flood Authority has responsibility for surface water flooding, it is not responsible for monitoring or maintaining the sewer system. There are about 320,000 km of public sewers and around 150,000 km of private sewers in England and Wales. Around 7% were built before 1885 and the majority were built before the Second World War¹⁰. While 'no flooding in a 1-in-30 storm' is generally seen as a goal for urban public sewer systems, it has only become common from 2006. Given that less than 1% of the national sewerage network is newly built each year, it means that relatively little will have been built since 2006 and so the overwhelming majority of public sewers will be at much lower standards.
- 3.11. The Task Group felt that it was vital that a good working relationship is established between the Council and Thames Water in order to effectively manage and mitigate surface water flooding risk in the borough. In particular the Task Group felt that there was significant scope for improvement in the working relationship between these two parties in relation to (i) reporting of flooding events (ii) sharing of information in relation to the existence, maintenance and monitoring of the sewer system and (iii) a more collaborative approach to the planning process.

Reporting of Flooding Events

- 3.12. As has already been noted, due to the current limitations with respect to mapping surface water flooding risk, the Council is heavily reliant upon residents and businesses in the borough reporting flooding events when they occur. The Task Group felt that it was highly likely that those people who suffered from flooding, if they did report the event, would either report it to Thames Water or the Council, not both. Therefore the Task Group felt it was vital that a system was designed so that any incidents that were reported were shared as soon as possible between the two

¹⁰ <http://webarchive.nationalarchives.gov.uk>

organisations. The Task Group heard that Northamptonshire County Council had developed a website which all responsible parties, including all three water companies, could use to report flooding events. The Task Group felt that a similar system could be implemented between Thames Water and the Council.

Recommendation Thirteen: Information Sharing Systems

It is recommended that the Council and Thames Water examine the website operated by Northamptonshire County Council and seek to implement a similar system to allow both responsible parties to report flooding events and share information. Additionally they should explore the possibility of incorporating the flooding asset register into this system. This system should be for internal use only and not for public use.

Sewer System

- 3.13. Perhaps the clearest demonstration of the importance of Thames Water and the Lead Local Flood Authority working together is through the sewer system. If the Lead Local Flood Authority takes minimal steps to address the problems of surface water run-off it is likely that the sewer system will be regularly overwhelmed resulting in flooding in the borough. Likewise, regardless of the steps taken to mitigate surface water run-off above ground, if the sewer system is unable to cope with less than a 1 in 30 flood event, then properties and associated areas in the borough will suffer from flooding.
- 3.14. The Task Group heard how Thames Water were building up an increasingly sophisticated model of the sewer system including information on the different reasons for blockages in different areas. The Task Group believes that Thames Water should share this information with the Council at the earliest opportunity. In particular, it is particularly important that Thames Water provide detailed information on parts of the sewer network identified on the public register of Flood Risk Management Assets.

Recommendation Fourteen: Flood Risk Management Assets

Thames Water, in order to abide by their obligations under the Flood Water Management Act, should share all information in respect to the sewer system in and around the London Borough of Hammersmith and Fulham, with particular emphasis and urgency given to any part of the sewer network identified on the public register of Flood Risk Management Assets.

The Planning Process

- 3.15. Thames Water stated to the Task Group that they were proactively engaged in the planning process. They stated that they aimed to review all local planning applications, although acknowledged that this was not always possible due to resource limitations. The Task Group acknowledged that Thames Water were an important part of the planning process and appreciated the role they played. Nonetheless they felt that Thames Water could play a more substantial, and perhaps more targeted role, in the planning process. The Task Group felt that they needed to work more closely with the Council in order to bring this about. The Task Group acknowledged, due to time and resources, that it was not feasible for Thames Water to review every planning application submitted.

3.16. The Task Group did note that the Council has an obligation under the Local Development Framework to assess the impact of flooding risk. It was felt that any application the Council felt merited additional scrutiny in terms of its impact on flooding risk should be passed onto Thames Water for their comments. In addition the Task Group felt it would be highly beneficial if Thames Water conducted a review into their role in the planning process. The Task Group heard that in many cases Thames Water had not supported the Council when the planning department had expressed reservations in respect to what steps applicants had taken to address the problems of surface water flooding. Thames Water instead focused on whether the sewer system had sufficient capacity for the proposed development. Unless there is a more joined up approach in respect to planning representations the Task Group were concerned that planning applications which did not to include appropriate sustainable drainage systems, and systems to reduce the amount of water discharged to the foul water drainage, would be permitted due to a lack of representations.

Recommendation Fifteen: Planning Applications Assessments

It is recommended that the Council and Thames Water undertake a review into how they share information on planning applications, how planning applications flood risk assessments are processed, prioritised for comment and referred. This should include agreeing the criteria for referral to Thames Water for consultation on specific applications that warrant a surface water flooding perspective. Additionally both the Council and Thames Water, if making representations, should take into account the interlinking nature of their respective flooding roles and make any representations they see fit in this light.

ENGAGEMENT: LOCAL RESIDENTS

Overview

3.17. A study by Norwich Union of 1,500 UK residents living in areas hit by the summer 2007 floods revealed that people had done little or nothing to reduce the risk of future damage. Some 83% of people living in Gloucester, Tewkesbury, Hull, Sheffield and Rotherham took the view that there was nothing they could do to protect their homes from flooding, and 95%, at the time of the survey, had not taken any measures to protect their properties from flooding. Some 46% of people surveyed said that they had chosen not to make any changes to their property because they “wanted their home put back exactly as it was before”. 46% said that they did not think it was their responsibility to make changes and that this responsibility lay with their local council or with the Government. These findings are especially alarming as the survey was undertaken in severely flood-hit areas not long after the event. Additionally the Pitt Review found evidence which showed that public awareness diminishes greatly following a year or so without any flooding – highlighting how difficult it is to get people to change their behaviour.



3.18. Recent research commissioned by DEFRA also looked into the nature of some of the barriers to change. The survey indicated that, whilst householders and small business could often recognise the benefits, including reductions in the disruption caused by floods, long-term financial savings and feelings of greater safety, the main factors deterring take-up were:

- ▶ Low awareness of the available measures, with only one in ten householders being able to think of a flood resilient measure.
- ▶ Concerns about impacts on the appearance of the property.
- ▶ Not wishing to be reminded of the risk.
- ▶ Concern that such measures might adversely affect property values or make them hard to sell.

Information Sharing

3.19. From the evidence above and the oral evidence given to the Task Group it is clear that there is much that needs to be done in order to better engage and educate the public about flooding risk. In order for the Task Group to hear from residents about their ideas, stories and the problems they have encountered with flooding in the borough a public consultation was established. The consultation was put online and was also available for Council staff via the staff intranet. Advertisements for the scrutiny consultation on flooding were placed, including in the Chronicle newspaper and in the Council newsletter, which has a distribution of around 20,000 people. However, despite this wide advertisement, only 23 people responded to the consultation. The low level of responses was disappointing but perhaps further reinforces the difficulties facing the Council in with engaging with the public on flooding risk. It may also explain why the take up of FLIPs, despite wide publicity, has been nominal. Nonetheless the responses from residents were very helpful to the Task Group in gaining a greater insight into the problems experienced by residents with flooding in the borough and their ideas about how to mitigate flooding risk.

3.20. The great majority of respondents had suffered from flooding, with a substantial majority being affected by flooding in their basements. This is in line with the oral evidence presented to the Task Group. A number of residents expressed deep reservations about the amount of impermeable surfaces that were being permitted in borough, raising particular concern about people extending into their gardens. Some respondents also highlighted the problems caused by people paving over the front of their properties. There was broad agreement that Thames Water needed to do more to maintain and enhance the sewer network. In addition some respondents wished to see an increased number of FLIPs installed. Respondents offered a number of solutions to mitigating surface water flood risk. These included rainwater harvesting, porous paving, water attenuation areas, banning non-porous paving for front and back gardens, green roofs, increased tree planting, higher capacity sewers and more regular and thorough clearing and cleaning of gullies.

3.21. One respondent, who claimed to have suffered from basement flooding as a result of a blocked highway drain, noted that although their insurance company had been “good” their insurance premiums had risen as a result. The Task Group have already noted their concern that many residents are fearful of reporting flooding incidents

due to the belief it will be detrimental to the sell on value of their property and also will result in increased insurance premiums.

- 3.22. Mr Matt Cullen, Policy Advisor at the Association of British Insurers (ABI) with responsibility for flooding and climate change policy, gave evidence to the Task Group. He noted, due to the current limitations with modelling flood risk for individual properties, that insurance companies tended to not take into account of any SUDs, or property protection measures, owners had put in place when calculating their insurance premium. However insurance companies did take into account any historical data they had on record of flooding of individual properties when calculating insurance premiums.
- 3.23. The Task Group were concerned that this stance was likely to dissuade homeowners from installing SUDs, or property protection measures, in their properties, as they were unlikely to receive a financial benefit by way of a lower insurance premium, and also discourage them from reporting flooding incidents, as they were fearful of incurring a higher insurance premium, thereby making it harder to identify high risk flooding areas. The Task Group hoped, as modelling became more sophisticated, that insurers would take into account any positive measures homeowners took to protect their properties and reflect this in their premiums.
- 3.24. In the UK flood risk insurance is currently provided under the Statement of Principles on the provision of flood insurance as per the agreement between the ABI and the Government. The statement binds insurers to offer flood insurance to homes and small businesses where the risk of flooding is lower than a 1 in 75 year event and where the property is already insured. For properties at a greater risk, insurance is available on the condition that flood defences are planned to be built to reduce the risk below that limit within 5 years.
- 3.25. The Statement of Principles will come to an end on 1st July 2013. At present the insurance industry is arguing it needs to see more commitment from the Government on spending on flood defences before it is willing to commit itself to providing flood insurance beyond 1st July 2013. Additionally they claim that that, at present, people in lower risk flood areas pay more in premiums than would otherwise be the case to subsidise those at higher risk.

Recommendation Sixteen: Flooding Insurance

It is recommended that the Council make a representation to the Department for Environment Food and Rural Affairs (DEFRA) stating that the insurance industry should take greater account of any sustainable drainage systems (SUDs) or other property protection measures incorporated into a property when calculating its insurance premium.

- 3.26. In oral evidence from the then Deputy Leader of the Council, Councillor Nick Botterill, and Simon Jones, Assistant Director for Communications, the Task Group heard that the Council had sought to publicise the risks of flooding and potential SUDs solutions through advertisement in the local press and leaflet drops in perceived high risk flooding areas. The limited take up of FLIPs by local residents, despite the fact that Thames Water currently installs them at no cost, indicates that this method of communication is not effective.

- 3.27. When the Task Group enquired about how Northamptonshire County Council had sought to engage with local residents the Task Group heard how Ms. Bateman had organised a 'Flood Fair,' held over three days and attended by over 240 people, in partnership with a wide range of other stakeholders including local community groups, water companies and the Environment Agency. This three day event had proved successful in collecting information on historical flooding incidents, increasing awareness of flooding risk and clarifying responsibilities.
- 3.28. The Task Group were impressed with the success of this event and hoped it could be replicated in the LBHF. In particular the Task Group felt it could help educate attendees as to the new responsibilities for the Council. For example as a Lead Local Flood Authority the Council has a duty to "determine whether, in its opinion, there is a significant flood risk in its area and identify the part of the area affected by the risk."¹¹ In the view of the Task Group a significant flood risk is any area in the borough which would be disproportionately affected by a 1 in 30 flooding event.
- 3.29. The Task Group feels it would be useful to consult with local community groups, residents and other interested parties through the forum of a 'Flood Fair' to see whether they agree with such a stance. In addition, if a Flood Fair can be arranged after the public register of Flood Risk Management Assets has been completed, it would offer attendees an opportunity to take note of those assets which had been identified and suggest additional assets. Attendees could also be made aware that the Council now has a responsibility to investigate significant flooding events, perhaps making them more willing to engage with the Council and report flooding events. The Task Group felt it was important to re-assure people, in a bid to encourage them to share information they have on flooding in the borough, that any information provided was for high level strategic planning and their individual data will not be shared.

Recommendation Seventeen: A Flood Fair

It is recommended that the Council hold a Flood Fair. The aim of the Flood Fair should be to collect historical information on flooding incidents, increase awareness of flooding risks and clarify responsibilities between the responsible flooding parties. Other stakeholders, such as Thames Water, the Environment Agency, the Department for Environment Food and Rural Affairs (DEFRA), and companies that provide sustainable drainage systems (SUDS) and other flooding prevention systems should be invited along. All residents that the Council is aware have suffered from flooding in the past should be invited as well as community groups. Ideally the event would be held over a number of days in different parts of the borough.

Working Together

- 3.30. As has been stressed earlier in this report, due to the current limitations in surface water and groundwater mapping, the Council, in order to identify high risk flood areas, is reliant upon people living and working in the borough reporting flooding events as they occur. As has already been discussed many people are unwilling to provide this information to the Council or other responsible parties. Additionally the majority of residents in the borough are either unaware of the flooding risk in the

¹¹ The Flood Risk Regulations 2009.

borough or chose to disregard the risk. This is demonstrated most strongly through the limited installation of FLIPs, despite their wide publicity from the Council and Thames Water about their free availability. The Task Group therefore concluded that there is a deficiency in the current communication approach being pursued by the Council.

- 3.31. It should be stressed that this deficiency, in the view of the Task Group, was not unique to the Council and was a UK wide problem. It was further noted by the Task Group that the Council had been more pro-active than other lead Local Flood Authorities in attempting to highlight the risk of flooding to residents. Nonetheless it was felt that it would be appropriate for the Council to explore alternative ways in engaging and working with residents. The Task Group felt, in light of the current difficulties in accurately identifying high risk flood areas, that instead of attempting to reach all residents through, for example, articles in the Chronicle, that a more targeted approach should be adopted. During evidence the Task Group heard how Thames Water were undertaking a sustainable drainage pilot in the borough and were currently seeking to identify suitable sites for this pilot. The Task Group felt this pilot presented a good opportunity to engage with Thames Water and local residents.
- 3.32. The Task Group also believed that the Council should make greater efforts to engage with resident associations and other community forums, such as neighbourhood watch schemes, to highlight flood risk. This could be achieved either through briefing the Chair of relevant association or by Local Councillors or Council officers attending meetings and informing residents directly of the risks and possible solutions available to them. It was hoped that such an approach would result in a greater understanding and appreciation of the flooding risks in the borough.
- 3.33. The Council should continue to promote information about flooding risk on its website. In addition it should seek to use either local media, such as via the Council's section in the Chronicle, or social media such as the borough's Twitter feed, to promote flooding prevention measures available to local residents during times when flooding risk is more likely to capture residents attention because, for example, there have been flooding events in the borough or in the UK. The Task Group notes that the day the public consultation was launched was the same day that Thames Water introduced its hosepipe ban. It is suggested that the hosepipe ban may have meant people were less concerned about the impact of flooding, and hence can partly explain the limited number of consultation responses.
- 3.34. Finally, if the Council is contacted by residents to report flooding incidents, they should use the opportunity to engage directly with residents and alert them to possible SUDs and other protection measures, they could implement either themselves or via Thames Water and their FLIPs programme. The Council should endeavour to follow up with these residents some time after the flooding event, six months for example, to see what steps if any have been taken and understand why, if no steps have been taken, this is the case. The Task Group felt, given the high proportion of residents who rent in the borough, that such an approach may help identify landlords who are not fulfilling their responsibilities to their tenants.

Recommendation Eighteen: Community Engagement

It is recommended that the Council seek to engage with residents through Residents Associations and other community forums.

Recommendation Nineteen: Flooding Advice

It is recommended that the Council continue to offer advice to residents online about flood risk. In addition, at times when it is felt flooding risk is more likely to concern the public; the Council should promote the possible sustainable drainage systems (SUDs) available to residents via local and social media. The Council should encourage local residents to maintain and increase the permeability of back gardens by providing advice and guidance, particularly in those areas most at risk of surface water flooding.

Recommendation Twenty: Flooding Incidents

It is recommended that, when the Council is alerted to a flooding incident in the borough they should attempt to make direct contact with those affected and advise them of the possible sustainable drainage systems (SUDs) available to them. They should follow up with these residents after a six month period to see what steps they have taken to mitigate future flooding problems.

Witnesses

The following people and organizations provided oral evidence to the inquiry:

- Councillor Nicholas Botterill – *hitherto* the Cabinet Member for Environment and Asset Management, The London Borough of Hammersmith and Fulham
- Pat Cox - Head of Policy and Spatial Planning, Environment Services Department, The London Borough of Hammersmith and Fulham
- Gordon Prangnell - Head of Highways and Construction, Environment Services Department, The London Borough of Hammersmith and Fulham
- Clare Share – Flood Risk Manager, Environment Services Department, The London Borough of Hammersmith and Fulham
- Mark Hodgson – Highways Maintenance Manager, Environment Services Department, The London Borough of Hammersmith and Fulham
- Paul Baker – Senior Environmental Policy and Projects Officer, Environment Services Department, The London Borough of Hammersmith and Fulham
- Elizabeth Fonseca – Environmental Quality Manager
- Simon Jones - Assistant Director-Communication, The London Borough of Hammersmith and Fulham
- Chris Welsh – Parks Development Officer, Resident Services Department, The London Borough of Hammersmith and Fulham
- Stefan Czeladzinski - Biodiversity & Horticulture Officer, Resident Services Department, The London Borough of Hammersmith and Fulham
- Josie Bateman - Project Manager (Flood and Water Management), Northamptonshire County Council
- Matt Akers, Graham Cowell (Area Flood Risk Manager) - The Environment Agency, South East Region, North East Thames Area
- Tom Sly – The Environment Agency, South East Region, North East Thames Area
- Mark Dickinson, – Thames Water
- Kyle Robins – Thames Water
- David Harding – Thames Water
- Elisabeth Sale – Thames Water
- Matt Cullen - The Association of British Insurers.

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Cabinet

15 OCTOBER 2012

**CABINET MEMBER
FOR CHILDREN'S
SERVICES**

*Councillor Helen
Binmore*

**ANNUAL CHILD PROTECTION REPORT
1 APRIL 2011 TO 31 MARCH 2012**

**Ward:
ALL**

This report is for information only. To inform Cabinet of child protection activity over the preceding financial year and to advise on the strategy for the next 12 months.

The report was considered by Education Select Committee in April 2012.

CONTRIBUTORS

Children's Social Care
Division

Recommendation:

That the report be noted.

**HAS THE REPORT
CONTENT BEEN
RISK ASSESSED?
N/A**

**HAS A EIA BEEN
COMPLETED?
N/A**

1. EXECUTIVE SUMMARY

1.1 This report highlights the following issues:

- Activity continued to rise following the previous report, with the number of children with child protection plans peaking at 250 in April 2010. This is now back down to levels consistent with our statistical neighbours
- All child protection cases have remained allocated to a social worker despite of the high demand.
- A detailed action plan has been implemented in response to the increased numbers of children with child protection plans, to safely manage the demand and reduce activity in line with that of our statistical neighbours.
- Child protection remains a priority for the Council, and despite the savings agenda the number of qualified social workers delivering a child protection service has increased by 2 over the past year

2. INTRODUCTION

2.1 This is a revised and updated edition of the Child Protection Report presented to the Education Select Committee in April 2012. This update has been completed by Anna Carpenter, Safeguarding Review and Quality Assurance Manager.

2.2 This report details information about child protection activity in the Borough from April 2011 through to March 2012 comparing our performance with that of our statistical neighbours and providing a tri-borough perspective where this information is available. The report references the work undertaken primarily within the key front-line operational services – the Contact and Assessment and Family Support and Child Protection Services.

3. BACKGROUND

3.1 It is a fact that in society, children may be harmed and seriously injured by their parents and carers. This may take the form of physical injury, sexual abuse, developmental impairment, neglect or emotional abuse. The increasing prevalence of drug and alcohol misuse by parents significantly impacts on child protection numbers. Increased awareness of the impact of domestic violence on children's self image and confidence has widened the scope of child protection to include those children affected. However, the number of children in need of protection relative to the total child population remains very small.

3.2 Child protection involves the identification and multi-agency assessment of the care provided to children who may be at risk of harm from their parents/ carers, together with the development of a plan to reduce the risk of harm to those children by the coordination and provision of services. Child protection also requires continuous monitoring of the effectiveness of this plan, and prompt action to seek a court order to remove children in those circumstances where the level of risk cannot be satisfactorily mitigated.

3.3 The services primarily involved in this are:

- **Family Support and Localities Service**

The 'Localities' service provides children and their families in the borough with an early help preventative service. One of the core objectives of this service is to intervene and prevent vulnerable families becoming dangerous and/or neglectful families who would then require a child protection response.

- **Contact and Assessment (CAS)**

CAS responds to new referrals by screening all communication with the Department; it decides what should be passed on to other services and, where necessary, follows-up with an assessment or child protection enquiry. CAS will investigate child protection referrals and, where required by the enquiry, call an initial child protection conference to bring together all agencies working with children. Where the risk to children is immediate and high, staff will take emergency action to support the implementation of effective interventions including removal of children where necessary.

Currently, there is work being undertaken between the Family Support and Localities Service and CAS to consider how the front door to children's services can be a more family friendly and efficient service.

- **Family Support and Child Protection (FSCP)**

Where further work is necessary, the FSCP service assumes responsibility for the case. Their role is to coordinate the on-going work to reduce the risk to the children. Where progress is insufficient and the children remain at risk they will take the case to court seeking a court order for their removal.

- **Safeguarding and Quality Assurance (SQA)**

This service coordinates child protection case conferences, and provides independent chairs for case conferences and independent reviewing officers, if a child becomes 'looked after' (formerly known as "in care"). The service provides an independent check on the

appropriateness of the child protection plan and the quality of service provision. It is also responsible for providing an overview of child protection activity to inform strategy and operational planning in relation to child protection through regular audits. The Safeguarding Unit has begun the process of becoming an integrated tri-borough service, a new Head of Safeguarding, Review and Quality Assurance has been appointed and she will continue to the work to develop a fully integrated service.

- **Legal Services**

If at any point the risk to children is so significant the assessment concludes they should not remain at home, either the CAS or FSCP service may make an application to court to seek the removal of the children from the care of their parent/s. Legal Services provide specialist advice and guidance in making this decision, where necessary, coordinating submission of the written application and evidence, and briefing the barrister representing the Local Authority in the proceedings.

- **Contact service and transport/escorting costs**

The Local Authority is required to provide supervised contact for those children who become looked after by an order of the court. In these circumstances a contact order will usually be made, which specifies the amount of contact allowed between the parents and the children. We provide supervised contact through the in-house service currently based at the Askham Centre. Contact is normally for up to two hours, and between three and five times a week. It also requires an escort to bring the child to the Centre and a contact supervisor to monitor and note the interactions between the parent/s and the child, and produce notes which may be used in court. The cost implications are therefore significant, extending beyond the supervision time to include the transport costs and the cost of escorting children, many of whom reside outside the Borough, to and from the Centre.

- **Placements for children**

The Council must provide a placement for children who need to be removed from the care of their parents. Ideally and in the main this will be with a foster family; although, in certain circumstances, a residential placement may be necessary.

- **Schools and other external agencies**

Schools have an important role in the identification of children needing child protection services and in monitoring children where a child protection concern exists. In areas where there is a concentration of children with child protection concerns, some

schools have reported difficulty in monitoring children without taking staff away from other tasks.

- **Local Authority Designated Officer (LADO)**

The LADO take lead responsibility for managing allegations against professionals. Working in partnership and in consultation with the Head of Safeguarding Unit, the LADO provides specialist advice, support and consultation to all multi-agency service heads. The LADO also has responsibilities for safer recruitment.

- **The LSCB**

The LSCB (Local Safeguarding Children Board) is the statutory mechanism for agreeing how partner agencies work together to safeguard and promote the welfare of children. The Board, which has an independent chair, is made up of senior managers from all the key agencies working with children within the Borough.

The role of the Board is to strengthen and improve multi-agency participation in safeguarding processes within the Borough as well as scrutinising, auditing and quality assuring child protection practice within the Borough.

As of the 1st April 2012, the LSCB became a Tri-Borough LSCB, rationalising these functions across the Royal Borough of Kensington and Chelsea and Westminster City Council. The main benefits of this are supporting the strategic planning of multi-agency safeguarding across a three borough landscape enabling an overview that can aid in commissioning, standardising practice and improve safeguarding practice.

4. ACTIVITY REPORT

- 4.1 In the 12 months, ending March 2012, there were 1,391 referrals to children's social care, which in turn led to 1,294 initial and 690 core assessments being undertaken.¹ (Initial assessments are undertaken with ten days and constitute a preliminary fact-finding and risk assessment, core assessments are much more complex multi-agency pieces of work taking up to 35 days.)
- 4.2 Where child protection concerns were identified 622 strategy discussions were held and this led to 411 child protection enquiries (section 47 investigations). Where ongoing concerns were established this resulted in 159 Initial Child Protection Conferences (ICPC) being

¹ Note: As of the 1st February 2012 Initial and Core Assessments have been replaced by the Single Assessment 'Freedom and Flexibilities' Pilot

held within the period. It is of significant note that 90 percent of convened Initial Conferences resulted in the child being made subject to a Child Protection Plan (CPP), indicating that the appropriateness of the concerns and the need for a safeguarding plan is robust.

2011/12	No of Strategy Discussions	Strategy Discussions leading to Section 47	No of ICPC	% s47 leading to ICPC	ICPC within 15 days	% ICPC within 15 days	ICPC leading to CPP	% ICPC leading to CPP
RBKC	Not available	378	115	30.4	111	96.5	96	83.5
LBHF	622	411	159	38.7	77	48.4	144	90.6
WCC	674	339	135	40.0	100	74.0	119	88.0

- 4.3 As of March 31st 2012 there were 137 children subject to a child protection plan. The table below provides comparative data shown as rates per 10,000 children.

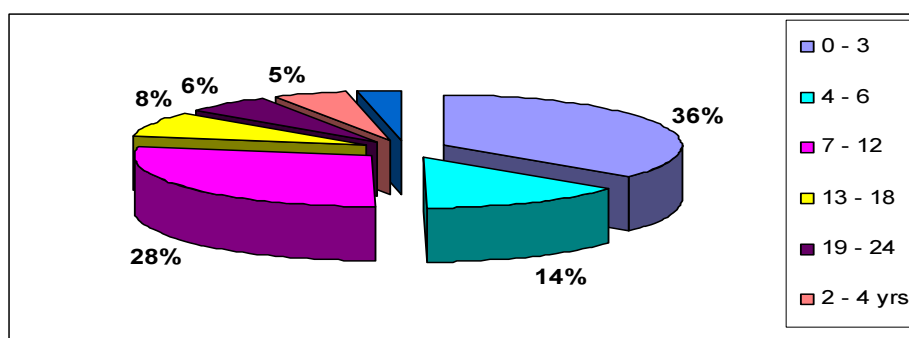
CP Plans open at Year end per 10,000 children	2007-08	2008-09	2009-10	2010-11	2011-12
RBKC	18.5	24.4	28.9	30.4	26.1
LBHF	47.0	54.9	74.9	48.6	42.0
WCC	23.4	39.8	38.5	28.0	26.6

- 4.4 The total numbers of children subject to a child protection plan fell from 151 in March 2011 to 137 in March 2012. There has been a significant decline in the numbers over the past 2 years following a steep increase in response to the Peter Connelly case. There has also been a significant focus on developing robust child protection plans which has contributed to greater stability.
- 4.5 The information below is based on our reported performance measured against the average reported by our tri-borough partners.

2011-12	Rate of Referrals per 10,000	Rate of re-referrals per 10,000	IA's as a percentage of Referrals	CA completed within 35 Days	Section 47 rates per 10,000	ICPC per 10,000	Children added to CP Plans per 10,000	Rate of CP plans per 10,000*
RBKC	667.3	137.3	76.0%	72.3%	124.8	38.0	31.7	26.1
LBHF	532.0	87.1	93.0%	No longer measured	128.8	49.8	45.1	42.0
WCC	588.7	73.0	68.5%	No longer measured	167.0	33.6	29.7	26.6

4.6 At the time of the previous report the rate of Child Protection Plans was very high. In the course of the past year there has been considerable effort to ensure children do not remain subject to CP plans for long periods of time. This has been achieved through ensuring plans are robust and the setting up of a multi-agency Child Protection Panel which reviews long term CP plans.

Month End	Time on CP plan 0 - 3	4 - 6	7 - 12	13 - 18	19 - 24	2 - 4 yrs	4+ yrs	Total
Feb-11	40	24	46	22	9	20	2	163
Apr-11	19	40	30	22	16	18	2	147
Jun-11	33	42	37	19	8	11	2	152
Aug-11	25	46	40	24	12	11	2	160
Oct-11	33	34	36	9	15	10	2	139
Dec-11	25	32	57	13	13	13	2	155
Feb-12	31	30	54	19	14	12	4	164
Mar-12	49	19	39	11	8	7	4	137



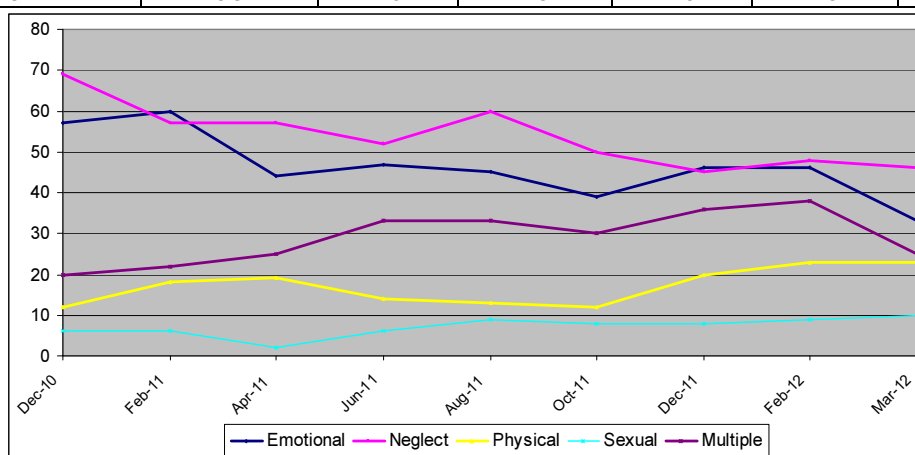
The table below shows the numbers and percentages of children subject to a child protection plan by age range. As can be seen, 25% are age 3 or under.

Month End	0 - 1	%	2 - 3	%	4 - 8	%	9 - 14	%	15 +	%
Mar-10	40	17%	38	16%	75	32%	71	30%	14	6%
Oct-10	29	17%	25	15%	52	30%	59	35%	6	4%
Apr-11	21	14%	21	14%	43	29%	54	37%	8	5%
Oct-11	20	14%	16	12%	47	34%	49	35%	7	5%
Mar-12	21	15%	14	10%	43	31%	46	34%	13	9%

4.7 Those children over 14 who are subject to child protection plans are mainly siblings of younger children. Where this is not the case, this is usually attributable to immediate harm such as physical abuse, sexual abuse and, increasingly, exposure to domestic violence.

4.8 The majority of children subject to a Child Protection Plan are recorded under the category of Neglect followed by Emotional Abuse, with increasing recognition of the impact of domestic violence. As is seen in the table below the category of Sexual Abuse remains low, however there is some evidence of an increase in recognition and response regarding this area of abuse.

Month End	Emotional	Neglect	Physical	Sexual	Multiple	Total
Mar-10	73	96	18	2	49	238
Oct-10	62	71	12	5	21	171
Apr-11	44	57	19	2	25	147
Oct-11	39	50	12	8	30	139
Mar-12	33	46	23	10	25	137



Care Proceedings

4.9 We have had a slight increase in the number of care proceedings cases in the last year, with the monthly average number of cases in court now at 52, up from 49 in 2009. In total this relates to 82 children per month.

4.10 There has been a continuing concern in relation to the courts not making interim care orders when applications are made to remove children from home due to actual or suspected abuse. This trend has seen a significant rise in children remaining at home whilst

assessments are repeated or new assessments undertaken. This practice effectively slows down the ability of social workers to ensure that, when children are eventually removed from parental care, there are clear plans for permanency in place. Courts have been taking an average of 65 weeks to conclude care proceedings and there are frequent delays in progressing cases in a timely way.

- 4.11 In response to this, we have undertaken a significant piece of work – The Care Proceedings Pilot, with the Judiciary, the Clerks to the Judiciary and Cafcass, the organisation which represents the child in court, and agreed a new framework for managing cases in care proceedings which it is hoped will see care proceedings cases resolved within a timeframe of 26 weeks.
- 4.12 In addition to this, we have been one of the 4 Local Authorities who have commissioned assessments from the Family Drugs and Alcohol Court (FDAC). This is a specialist court, delivered through the Inner London family Proceedings courts, which works with parents who have substance misuse issues. A family identified for the FDAC process will have more direct contact with the judge in proceedings and will be offered intensive treatment within the court proceedings to manage their addiction issues,. To date, we have referred 6 families for FDAC intervention and the early signs are the process is resulting in improved outcomes for parents managing their substance misuse issues and therefore increased likelihood of children being able to remain within their family.

5. UPDATE ON WORK PLAN

- 5.1 The authority underwent its safeguarding and looked after children inspection in June 2011 where children's services were rated as one of the very best in the country with all of the inspection criteria receiving a good or outstanding assessment. We also underwent a thematic inspection of our children with disabilities service. This was also positive, though no actual ratings are given in thematic inspections .
- 5.2 As has been reported in preceding pages we have safely reduced the number of children on the child protection list. This has been achieved both through improvement in the confidence and experience of the workforce, particularly in the front-line services, and closer supervision and support to staff and managers. There have been changes to how child protection conferences are organised/recorded and monitored, which has allowed a move away from verbatim minutes for every meeting towards a summary record. We were successful in creating a system where the Safeguarding Unit took over the convening of review child protection conferences, freeing up social workers from this task.
- 5.3 We changed how child protection plans are formulated so that they focus on risk and express a clear sense of what outcomes are being

sought for children rather than wider 'children in need' issues which must be considered by the core group meetings.

- 5.4 We had discussions with partner agencies about ensuring their compliance with and attendance to core group meetings. More work is required in this regard though we have been able to establish a link between poorly attended conferences followed by poorly attended core groups. Professional attendance is monitored by the SQA service via a monitoring form completed by the child protection chair at the end of each conference. Child protection chairs are also alerted by social workers and/or their managers to persistent non attendee's at core group meetings. The follow up is robust and the data/information is fed back to the LSCB. Overall, there has been an improvement in this area.
- 5.5 There are ongoing considerations as to how we can improve our child protection services both in the way they are delivered within the current organisational structure, and whether a structural change can lead to better outcomes for vulnerable children, (i.e. the single front door mentioned above), and how we can learn about our service through feedback from children and their families. This will form part of the work plan for the coming year.
- 5.6 We have implemented a multi-agency CP panel whose primary role is to monitor those children who have remained subject to a CP plan for 12 months or more. This panel provide advice and specialist direction focussing on difficult to reach families and cases where plans have become stuck and/or difficult to achieve.
- 5.7 We have also implemented a system that provides social workers and managers with feedback on their cases so we can continue to build confidence in the workforce through constructive commentary about performance.
- 5.8 The Learning and Development Strategy with particular emphasis on post-qualifying specialist training has been rolled out and is fully subscribed. Hammersmith and Fulham is also the lead authority for the West London Pilot which is aiming to develop a range of sustainable improvements in both the recruitment, retention and professional development of social work staff.
- 5.9 We have made substantial changes to the Integrated Children's System (ICS) which has simplified the case recording requirements and freed up social workers to devote more time to direct work. We are also partners in the Department of Education's pilot, to allow for more flexible approaches to be taken in assessing children and their families by removing timescales and targets and leaving the authority to draw up its own good practice expectations.

- 5.10 In 2011, a specific group of operational managers from across children's social care, and leads from police and health formed a working group to understand why our performance in regard to sexual abuse is yielding very low numbers of referrals, assessments and child protection plans. This led to the creation of an advisory group of professionals who meet monthly to provide consultation to any professional who may be concerned about sexual abuse taking place within a family they are working with. This has strengthened practice and led to more informed and better evidenced assessments and interventions.
- 5.11. Work continues with identifying and intervening where there are concerns a child/young person is being sexually exploited. Those young people deemed to be most at risk or whose situations are dangerous are referred to the Barnardo's SE One project who provide assertive outreach, diversion and intervention. These are intensive programmes of support that can not be provided through a social work service. So far, 69 children have been considered through this programme at various levels of risk.

6. WORK PROGRAMME FOR 2012/13

Service User Feedback

- 6.1 We are developing more intelligent systems for collecting and analysing service user feedback to inform how we can improve services to children and their families. Each family who has received a service will now be sent a feedback form when their case is closed.

Care Proceedings Pilot

- 6.2 We have begun the care proceedings pilot mentioned earlier in this report. This is a Tri-borough work stream which has the full support of all three Local Authorities, as each Authority has had similar concerns as Hammersmith and Fulham in relation to the about delays in care proceedings.

The pilot requires that the Local Authorities ensure:

- All cases are allocated to an experienced social worker.
- Social work continuity is be provided as a priority.
- Social workers provide high quality written and verbal assessments and statements to the court.
- Social workers use feedback from the courts to address the need for continuous improvement of assessments.

- Social workers present their case confidently in court, demonstrating they are experts about the child and providing in-depth knowledge about the family situation.
- Social workers provide a detailed outline of the timescale for the child in their initial submission to court, with a narrative around the consequences of not meeting the recommended timescale.
- A Tri-borough Case Manager has been appointed to track and monitor cases and provide coaching and preparation guidance to all social workers.
- Social workers and their managers engage in post case review workshops with the courts and be open to critical reflection about the progress of pilot cases in reducing unnecessary delay.
- The courts provide judicial continuity for cases.
- The courts do not agree requests for unnecessary or repeat assessments which result in delay.

Quality Assurance Pilot

- 6.3 The FSCP service are the pilot for a new quality assurance system that will provide a more detailed assessment of the effectiveness, compliance and management of the service through a whole service audit and review. This comprehensive service review is based upon the system developed with our colleagues in the Safeguarding Adults Unit and implemented within the Community Division.

Freedom's and Flexibilities Pilot

- 6.4 The Contact and Assessment Service are leading on the Department of Education's 'freedoms and flexibilities' pilot. This will continue until October 2012, following which it is anticipated there will be changes to the statutory assessment framework and associated guidance (Working Together to Safeguard Children). An initial evaluation was undertaken in April 2012 with positive qualitative outcomes noted. The evaluation process is ongoing with an audit review planned for September 2012.

Single Front Door

- 6.5 The Contact and Assessment Service will work with the Localities Service in bringing the 'front door' of children's services together into a single front door for children's services.

Tri-Borough Safeguarding, Review and Quality Assurance Service

- 6.6 The Safeguarding and Quality Assurance Unit will become a tri-borough function, with one overall senior manager responsible for the

strategic development of the safeguarding service and tri-borough LSCB.

Integrated Review and Quality Assurance System

- 6.7 The Integrated Quality Review System for children's services will be rolled out to include the Localities Service. This system is a peer case review system that ensures at least one case per manager in Family Services reviews a peers' case against 10 quality review questions. This has been in place in children's social care for 18 months and is considered to be very successful. The system is currently being updated to improve the quality of the data.

The Local Safeguarding Children's Board

- 6.8 As the LSCB is now tri-borough, a local multi-agency partnership group has been set up. This group meets quarterly and ensures local and sovereign issues are considered and discussed across local agencies and where necessary local actions taken. This group reports directly to the LSCB.

Services to Sexually Exploited Children

- 6.9 The Barnardo's SE ONE project will continue to deliver direct work to children and young people who at the highest risk of sexual exploitation by peers and adults. Consideration will be given to extending the service across the three boroughs.

Multi-Agency Advisory Group on Child Sexual Abuse

- 6.10 The department also run an advisory group for all professionals where they may be concerned about a child being sexually abused within their family home/placement or by a family member. The standing members of this group are all experienced multi-agency specialists in this area of work and provide a safe consultative space for anyone working with a child to think about issues and plan strategies they can take back to their managers and be more effective in their work with children. This has been seen as successful and will continue during the coming year.

Feedback from OFSTED

- 6.11 Last year's Safeguarding and Looked after Children inspection and the Child Serious Case review both provided action plans and work continues on implementation throughout the coming year.

Improved Child Protection Planning

- 6.12 Work started last year in relation to CP planning and intervention will continue to ensure that: CP plans and work with core groups become even more effective and timely with the focus on risk and outcomes; the protection of children commences at the point at which concerns arise; plans to intervene and deal with risk and maltreatment are within the child's timescale.

7. EXAMPLES OF SUCCESSFUL CHILD PROTECTION INTERVENTION THIS YEAR

A child abused through sexual exploitation

- 7.1 B, 14 years old was referred to the Barnardo's SE One project by the Family Support and Child Protection Team social worker for the child after she was found by the police in the home of a man in his mid twenties. She was interviewed by the police and disclosed that the adult male who she was found with, knew her age and her groomed her into a sexual relationship with him. B met the adult male in his mid twenties when she was particularly vulnerable. She had just broken up with a boyfriend of her own age, her mother was very ill, so life at home was very unsettling. The adult male offered her alcohol and somewhere to stay to get away from home, which B felt at the time, was a welcome relief to the problems she was currently experiencing in her life.
- 7.2 Social Services were already involved with the family, due to a very complex family background where mother had a history of substance misuse and her children had experience neglect. Their mother is currently no longer abusing substances, but has multiple medical conditions both physical and psychiatric. She has difficulties in putting safe boundaries at home to keep her children safe. B worries about her mother's health a lot and often takes time off school to look after her.
- 7.3 Since the sexual exploitation took place, B has found it difficult to concentrate on attending school. Through communication between the social worker and the school, measures have been put in place to support B in improving her attendance. The social worker, the police and Barnardo's have all worked together to support B when she attended court to give evidence against the adult male. Through the professional network, B was able to feel supported, felt prepared for the court process and new what each agencies role in supporting her would entail.
- 7.4 Now B has given evidence in court, the police are no longer involved. Social Services, education and Barnardo's continue to work closely together to provide a supportive package for B. School are continuing to support her in improving her attendance, social worker is supporting

B's mother in improving the home environment, developing strategies so she can implement clear boundaries at home and incentives to support her daughter to improve school attendance. Barnardo's is offering B weekly sessions so she can go through the "Bewise" programme, to continue to develop her self-esteem and support her in making safe choices.

A case of child neglect

- 7.5 Child A was first referred to children social care in 2007 at the age of 2, His parents were struggling to care for him. There were significant concerns regarding the father's abuse of alcohol and mental health. The mother also had mental health issues and there was neglect of Child A's basic needs for routine, stability, food and a clean and stimulating home environment. The mother became pregnant with her second child and the couple separated, and father became the sole carer of Child A.
- 7.6 Child A was made subject to a child protection plan in March 2007 and father was provided with significant support to improve his parenting. Changes did take place and Child A was removed from a child protection plan in July 2008 and provided with child in need support.
- 7.7 However, in April 2010 concerns increased and the case was brought back to child protection conference. It was evident that Child A's eczema was not being treated and father's alcohol consumption had increased again. The father's agoraphobia appeared to be getting worse, and he was often short of money resulting in lack of food for Child A. A new child protection plan was commenced, but the father was unable to work with the professional network and there were increasing concerns for the safety and emotional welfare of Child A. We initiated care proceedings and Child A went into foster care for a period of time. A Family Group Conference was convened and relatives in Ireland were identified as potential carers for Child A. A full assessment was completed and the outcome was successful in that the relative carer was able to provide Child A with the physical and emotional care required. Child A was permanently placed with his new carer in November 2011 under a Special Guardianship Order. Child A has settled well with his new carer and is now attending school in Ireland, He has on-going family contact with his father and mother through visits in the UK and Ireland and uses a webcam to keep in touch, and sustain the relationship with his parents.

8. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

- 8.1 The Executive Director has no comments of this report.

8. COMMENTS OF THE DIRECTOR OF LAW

8.1 The Director of Law has no comments of this report.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Children's Social Care Performance & Management Reports	Steve Miley x 2300	145 King Street
2.	LBHF Assessment Pilot Report for DFE	Steve Miley x 2300	145 King Street
CONTACT OFFICER:		NAME: Anna Carpenter EXT: 5124	

Cabinet

15 OCTOBER 2012

**CABINET MEMBER
FOR CHILDREN'S
SERVICES**

*Councillor Helen
Binmore*

**HAMMERSMITH AND FULHAM LOCAL
SAFEGUARDING CHILDREN'S BOARD
(LSCB) ANNUAL REPORT 2011-2012**

**Wards:
All**

LSCB's have a statutory obligation to compile and publish an annual report.

The main focus of the report is a comprehensive look at what each individual agency both singularly but also collectively what they have been doing in order to safeguard and promote the welfare of children within Hammersmith & Fulham

CONTRIBUTORS

Russell Wate:
Chair Of Hammersmith
and Fulham LSCB
EDFCG
DoL

Recommendation:

That the LSCB Annual Report is noted as a briefing on local multi agency safeguarding activity and for feedback to the Tri Borough LSCB.

**HAS A EIA BEEN
COMPLETED?
N/A**

**HAS THE REPORT
CONTENT BEEN
RISK ASSESSED?
N/A**

1. BACKGROUND

- 1.1 The following summary will outline what activity agencies have completed in the preceding months as well as outline what activity they are carrying out currently to safeguard and promote the welfare of children. The future activity is worthy of note for the committee to focus any attention on as is the positive Ofsted evaluation of the multi agency contribution to safeguarding.

Safeguarding children requires all agencies working with children and their families to work together – by identifying children who may be at risk of harm, by pooling information to ensure that the clearest possible picture of family functioning and risk to children is obtained, by providing services to reduce the risk of harm to children and by monitoring children to ensure that the risks are reducing.

The LSCB key function is to ensure that the work of these agencies is coordinated and effective.

- 1.2 This is the final annual report for Hammersmith & Fulham's LSCB.

2. REPORT

- 2.1 The Children's Act 2004 required each local authority to establish an Local Safeguarding Children's Board (LSCB). This LSCB was chaired firstly by Mr Andrew Christie for its first four years and then for the last two years by an Independent Chair Russell Wate. This LSCB has always been highly regarded nationally as a high performing one, and the current minister for children & families Mr Tim Loughton MP has positively commented on its activities and asked for this to be promulgated widely. The LSCB as a single local authority LSCB will no longer exist from the 1st of April 2012, when it will become part of the Tri-borough LSCB.

- 2.2 'Working Together to Safeguard Children' 2010 (which is statutory guidance) highlights in chapter 3 the activities of an LSCB. At 3.34 & 3.35 it outlines the requirement through the Apprenticeships, skills, Children and Learning Act 2009 for LSCB's to produce and publish an annual report. Hammersmith and Fulham's LSCB have always complied with this requirement, as they have done by producing and completing this report for 2012.

- 2.3 Ofsted in their inspection in June 2011 made the following comments on the strength of the LSCB.

- Partnership working is outstanding at both a strategic and operational level. The LSCB fulfils its statutory duties well and provides highly effective and consistent community and professional leadership in relation to universal, targeted and specialist safeguarding services;

- At a strategic level, the LSCB is robust in auditing the work of agencies and their compliance with action plans arising from serious case reviews;
 - The LSCB has a demonstrable commitment to tackling challenging issues such as children with long-standing or repeated child protection plans, which it does through multi-disciplinary case discussion.
- 2.4 The report covers the following headings: 1) Governance and accountability and within this outlines agencies safeguarding governance arrangements, the LSCB's through its executive board (chair Russell Wate) and sub groups for Training (chair Carole Bell), SCR (chair Paul Hargreaves), Audit & practice improvement (chair Paul Bains) CDOP (chair Nicky Brownjohn) 2) Monitoring and audits, this is both single and multi agency focused, including the joint strategic needs assessment. 3) Specific areas for monitoring e.g. sexual exploitation, early intervention, missing children.
- 2.5 The LSCB carried out a serious case review into the tragic death of a 12 yrs old (child A) who had spent almost 8 years as a looked after child. This SCR has developed a number of recommendations and an action plan. Ofsted evaluated the SCR, recommendations and action plan as outstanding.
- 2.6 Future priorities include the continuing focus on CP plans, Ofsted action plan arising out of the June 2011 inspection, implementing the 'Munro review' recommendations this in particular is focussing on early intervention through the 'family locality service'. Actions from the Child A SCR, which focuses in the main on 'Looked after Children'.
- 2.7 The main future priority is to look to the integration of the LSCB into the Tri-borough one. The legislation allows for the LSCB to cover more than one Local Authority and a number of LSCBs across the country already do this - it is particularly helpful for unitary authorities where the Local Authority boundaries are not a natural fit for the agencies providing the child protection services. The same rationale applies in London. A tri borough LSCB will assist agencies like the police and health services who already provide services across the three Local Authorities performance by comparing and contrasting the activity data.

The new chair of the tri borough LSCB is Jean Daintith, who chaired the first tri borough LSCB in April 2012.

3. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

- 3.1 There are no financial issues in this report.

4. COMMENTS OF THE DIRECTOR OF LAW

- 4.1. The Director has no comments on this report.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	LSCB Annual Report 2011-2012	Tim Deacon – Tri Borough LSCB Manager	Tri-Borough Children's Services
CONTACT OFFICER:		NAME: Tim Deacon : EXT. 5140	



**HAMMERSMITH AND FULHAM
LOCAL SAFEGUARDING CHILDREN BOARD**

**ANNUAL REPORT
2011/2012
Draft report**

Updated
05/09/12

Contents

1. **Foreword by H&F LSCB Chair**
2. **Summary**
 - 2.1 Key LSCB Priorities.
 - 2.2 Key Priorities and Progress for member agencies 2011-2012
3. **Governance and Accountability**
 - 3.1 Structure of the H&F LSCB in 2011-2012
 - 3.2 Governance Arrangements – agencies
 - 3.3 Role of Chair
 - 3.4 Lay Members
 - 3.5 Operational Group
 - 3.6 Training Commissioners' & Providers' Subgroup Membership
 - 3.7 Serious Case Review Subgroup Membership
 - 3.8 Audit & Practice Improvement Subgroup Membership
 - 3.9 Child Death Overview Panel
 - 3.10 Members of CDOP
 - 3.11 Neonatal Panel
 - 3.12 Budget 2011-2012
4. **Monitoring and Audits**
 - 4.1 Multi-agency audits
 - 4.2 Single Agency auditing activity
 - 4.3 Training Subgroup
 - 4.4 Audit and Practice Improvement Subgroup Report
 - 4.5 Serious Case Review Subgroup
 - 4.6 Child Protection Performance Report

- 4.7 Complaints
- 4.8 Joint Strategic Needs Assessment

5. How does the LSCB Monitor Activity and Quality Assure?

- 5.1 Sexual Exploitation
- 5.2 Early Intervention
- 5.3 Allegations against Professionals
- 5.4 Missing Children
- 5.6 Safe Workforce
- 5.7 Safeguarding in Schools

6. Priorities for next year

1. Foreword (Russell Wate, Chair of LSCB)

This is the final annual report for Hammersmith & Fulham's LSCB.

The Children's Act 2004 required each local authority to establish a Local Safeguarding Children's Board (LSCB). This LSCB was chaired firstly by Mr Andrew Christie for its first four years and then for the last two years by me as an Independent Chair. The LSCB has always been highly regarded nationally as a high performing one, and the current minister for children and families Mr Tim Loughton MP has positively commented on its activities and asked for this to be promulgated widely.

The LSCB as a single local authority LSCB will no longer exist from 1 April 2012, when it will become part of the Tri-borough LSCB which will incorporate as well as this LSCB, the LSCB's for Kensington & Chelsea and City of Westminster. The first meeting of the Tri-Borough LSCB takes place in April 2012.

The following report will outline what activity agencies have completed in the preceding months as well as outline what activity they are carrying out currently to safeguard and promote the welfare of children. The future activity is worthy of note as is the positive Ofsted evaluation of the multi agency contribution to safeguarding.

Safeguarding children requires all agencies working with children and their families to work together. I am pleased to say Hammersmith & Fulham does this very well.

Ofsted in their inspection in June 2011 made the following comments

On the strength of the LSCB:

- Partnership working is outstanding at both a strategic and operational level. The LSCB fulfils its statutory duties well and provides highly effective and consistent community and professional leadership in relation to universal, targeted and specialist safeguarding services;
- At a strategic level, the LSCB is robust in auditing the work of agencies and their compliance with action plans arising from serious case reviews;

- The LSCB has a demonstrable commitment to tackling challenging issues such as children with long-standing or repeated child protection plans, which it does through multi-disciplinary case discussion.

The main areas of activity for the LSCB have been:

- 1) Understanding high numbers of children on CP list and developing an action plan.
- 2) Promoting improved participation of agencies at core groups and conferences.
- 3) Reducing long term CP plans, increasing rate of CP plan removals.
- 4) Analysing re-registrations.
- 5) Multi agency audit work looking at 2 children in need cases, 2 CP cases and 2 Looked after Children cases.

The LSCB carried out a serious case review into the tragic death of a 12 year old (child A) who had spent almost 8 years as a looked after child. This SCR has developed a number of recommendations and an action plan. Ofsted evaluated the SCR, recommendations and action plan as outstanding. A review into the death of a three month old is taking place using the systems methodology, and will report in July 2012.

I have thoroughly enjoyed over two years as the Independent chair of the LSCB and have nothing but admiration to the commitment to keeping children safe that is shown in Hammersmith and Fulham.

Russell Wate QPM MSc

2. Summary

2.1 The table below outlines the key priorities and activities that the multi-agency partners that make up Hammersmith & Fulham's LSCB have carried out within the last year. They were asked to highlight answers to four key questions.

- What were the key safeguarding priorities for 2010/11? How had these been identified?
- What are the key areas of progress/achievements in relation to these priorities (and others which may have emerged during the year) .What is the evidence of improved outcomes?
- What are the remaining challenges and issues?
- Any specific safeguarding update,

2.2 Key priorities and progress for individual agencies

Key Priorities and progress for individual agencies				
Name of Agency/Service	What were the key safeguarding priorities for 2010/11? How had these been identified?	What are the key areas of progress/achievements in relation to these priorities (and others which may have emerged during the year)? What is the evidence of improved outcomes?	What are the remaining challenges and issues?	Any specific safeguarding update?
Contact and Assessment Team (CAS)	Continuing to maintain timescales and improve quality Further develop Feedback from service users Link and establish formal audit process Common Assessment Framework processes with	Development and implementation of Single Child and Family Assessment as part of Department for Education pilot project / Trial Timescales continue to be monitored and maintained	Seeking feedback from agencies and service users particularly in respect of the piloting of the single child and family assessment.	No

Key Priorities and progress for individual agencies				
	CAS activity			
<p>Family Support and Child Protection (FSCP)</p>	<p>Maintaining reduction in numbers of children subject to CP plans.</p> <p>Reduce length of time children subject to plans</p> <p>Improved stability in staffing in child protection social work teams, reduction in use of agency staff</p> <p>We have worked with the CP chairs to improve the quality and quantity of child protection plans to ensure that they are focused on risk and outcomes.</p> <p>The staff group have been able to access targeted training to support them in their work.</p>	<p>The numbers of children subject to CP plans have steadily reduced over the last year and have stabilised at a level that we believe is a realistic.</p> <p>This has been an ongoing piece of work throughout the last 18 months. We have provided multi-agency scrutiny of those children who have been subject to a plan for over 12 months and the cases where parents are non compliant.</p> <p>We have reduced the turnover of staff and the use of agency staff. This has had a direct and positive impact on the number of changes of social workers that children and their parents experience.</p> <p>The length and quality of our child protection plans have improved. The recommendations are more easily measureable in relation to the progress that families make in reducing risk to their children.</p> <p>Team managers and staff are able to access a comprehensive offer of training to improve their understanding of the complex issues in risk</p>	<p>Ensuring social workers feel confident in managing potentially challenging core groups.</p> <p>Reviewing the work carried out at core groups to ensure that all agencies are addressing recommendations between conferences, to progress the cp plan effectively.</p> <p>Continuous improvement in relation to the staff groups, experience and skill and managing complex child protection and risk assessment work. We are piloting a new quality assurance framework in 2012/13 to identify service strengths and areas for development.</p>	<p>Ofsted recommendations have been fully implemented</p>

Key Priorities and progress for individual agencies				
		assessment.		
Disabled Children's Service	<p>To train NQSW to an appropriate level whereby they can undertake CP practice safely.</p> <p>To participate as the pilot service in the Ofsted Thematic inspection of Safeguarding for Disabled Children.</p> <p>To induct our new sessional workers and ensure they are trained in and able to recognise safeguarding concerns.</p> <p>To ensure staff continue to have access to specialist training in safeguarding disabled children.</p>	<p>All NQSW were trained appropriately and in accordance with the NQSW training standards.</p> <p>We were the pilot authority for the first Ofsted Thematic inspection of Safeguarding for Disabled Children (Jan2012) which went successfully and which resulted in us being given an opportunity to feedback to Ofsted regarding their methodology for undertaking these thematic inspections for other local authority disabled children's services.</p>	<p>To ascertain whether all services that need to refer safeguarding concerns to us are doing so appropriately.</p> <p>To ensure all CP Plans have clear outcome and that we are able to evidence that these outcomes have been met.</p>	Pilot authority for the Ofsted Thematic Inspection of Safeguarding for Disabled Children.
Adoption and Fostering	Foster Carers To provide training, support and supervision of all carers. Consult with service users, providers, professionals and other agencies to highlight service development needs.	LBHF is 40% above the national average in relation to the number of permanency placements for the year. Significantly high in the number of connected persons/SGO placements made for the year. LBHF also posted the fourth best figures	Increase the number of in-house foster carers. Work more closely with the Children in Care Council and Foster Carers' Association with the view to promoting service user feedback and improving the quality of service	Review of Allegations against carers completed with the view to improving our understanding of the training needs of carers and thus looking at new and creative opportunities to provide support and supervision such

Key Priorities and progress for individual agencies				
	<p>Work in partnership with foster carers, children and young people and their families, and with other professionals and agencies.</p> <p>Adoption and Permanence To match all children under five years old with permanent carers within 12 months of court permission for permanent placement.</p> <p>Reduce the length of time that children spend waiting for permanent placements.</p> <p>To improve the quality and level of post order support with the view to preventing placement breakdown.</p> <p>All priorities were identified as an outcome of teams working on their own and then joining together as a service and from the strategic priorities set nationally and by the leaders of the respective councils.</p>	<p>nationwide in relation to the average number of days for placing children in adoptive placements.</p> <p>The service has successfully merged with RBKC and WCC to function as a tri-borough service.</p>	<p>delivery.</p> <p>To enable and support children and service users to use the complaints process with confidence.</p> <p>To improved the quality of support provided to foster carers with the view to enhancing their skills and capacity to manage the challenges of undergoing an allegation or complaint from a Looked after Child more safely.</p> <p>To reduce the length of time children spend waiting for a permanent placement.</p> <p>To increase the number of adopters for children from a black and ethnic minority background.</p> <p>To enable and support adopters who opt to adopt children from different cultural and ethnic backgrounds.</p>	<p>as mentoring for experienced carers and an improved induction and orientation programme for new carers.</p> <p>Ensure that all staff and all carers have access to training and support as well as written guidance in relation to allegations and complaints.</p> <p>Service undertakes regular audits of cases with the view to improving service to carers and children and promotes best practice within the service.</p>

Key Priorities and progress for individual agencies				
<p>Housing</p>	<p>Children's Safeguarding responsibility & awareness to be part of every divisional member's job description.</p> <p>Housing attendance at Multi Agency Safeguarding Delivery Group led by CSD</p> <p>Ensure that all new written procedures give consideration to Safeguarding Children agenda</p> <p>Ensure Safeguarding training is maintained at 100% of Housing Options staff members</p> <p>Review of Safeguarding role across Housing & Regeneration Department following reintegration of H&F Homes</p>	<p>The Divisional reorganisation implemented 1.3.12 makes Safeguarding a key area of responsibility in all divisional job descriptions</p> <p>Attendance at MASSDG has been maintained with HOD representative Carmel Benson & Housing Management Services Peter Hannon</p> <p>All new members of staff have attended basic awareness training</p> <p>Review of procedures ensures Safeguarding inclusion where relevant</p>	<p>All divisional procedures are currently under review and consideration will be given by managers to the Safeguarding agenda where relevant</p>	<p>Enhanced CRB checks are made where relevant</p> <p>Housing were involved in the 11/12 Inspection of Children's Services and the outcomes for communications between children's services and housing department were noted as good</p>
<p>Health organisations incorporating: NHS INWL (Hammersmith and Fulham),</p>	<p>The PCTs for the tri-borough came together to form INWL PCTs in April 2011. This meant that safeguarding had to be reworked to ensure robust structures remained in</p>	<p>The Designated professionals work together as a team across the tri-borough. One Designated Nurse leads for Hammersmith and Fulham and Westminster. Since January 2012 there has been the additional support of a</p>	<p>There are significant reforms underway of the NHS which will greatly impact on the way health services are commissioned in the future and the roles of the</p>	<p>Learning from the Inspection and SCR has been linked with the learning from cases in the other boroughs to inform future practice of the tri-borough LSCB.</p>

Key Priorities and progress for individual agencies				
<p>Imperial College Trust, West London Mental Health NHS Trust, Central London HealthCare NHS Trust</p>	<p>place. The Designated nurse and Commissioners led on the health aspects of the Safeguarding an LAC inspection in June 2011.</p> <p>Collection of data to provide assurance regarding safeguarding performance and also to demonstrate the range and good practice in safeguarding activity has been a key priority for providers to submit to the PCT for analysis on a quarterly basis.</p>	<p>Deputy Designated Nurse to work with Independent Contractors such as GPs. The PCT continues to have service level agreements in place for 2 sessions a week each for a Designated Doctor for Safeguarding Children and Named GP. The executive Lead Director for safeguarding is Dr Melanie Smith, Director of Public Health. During 2011-12, the PCT Board received quarterly reports regarding safeguarding.</p> <p>Named GPs have worked to raise the GP profile within safeguarding and effectively contributed to multi agency meetings. They have also established Lead GP forums to ensure all practices across the borough have up to date information. All of the providers contributed to the inspection</p> <p>Training programmes had been successful in significantly improving the levels of staff up to date with safeguarding knowledge within all the providers. CLCH has developed the data collection to enable analysis of contribution to conferences by health visitors and school nurses. Safeguarding</p>	<p>Designated professionals. Work is currently being done to ensure that safeguarding remains secure once the PCT ceases to exist in April 2013. For the Tri-borough LSCB a Designated Doctor and Nurse will continue to act as advisers. Health will also continue to chair the child death overview Panel and contribute to all sub groups.</p>	<p>Changes to the safeguarding structure have taken place within WLMHT with a Lead Director in place for safeguarding. In CLCH a Head of safeguarding has been recruited to oversee the work across the whole Trust. This has strengthened the impact of safeguarding issues within the Trust.</p>

Key Priorities and progress for individual agencies				
		<p>supervision for HVs and SNs is monitored and has been made available to more teams.</p> <p>Chelwest have established a robust system for discussing safeguarding concerns through more effective psychosocial meetings.</p> <p>Imperial have set up regular reporting regarding safeguarding activity including the number of referrals made and the primary reason for the referral.</p>		
Imperial	<p>Effective safeguarding children training programmes for 9,500 staff</p> <p>Improved capacity in the Safeguarding Children's team:</p>	<p>82% of staff have been trained at the appropriate level, as a 3 yr rolling average</p> <ul style="list-style-type: none"> • New Liaison Health Visitor post developed to cover the ED services at Hammersmith and Charing Cross hospital. This complements the LHV post in ED at St Mary's hospital • Improved Liaison Health Visitor cover in the Trust's Emergency departments (ED'S) • CNS for safeguarding to support Named Nurse commenced summer 2011 	<p>Meeting requirement for level 2 training increased</p>	<p>Revised training strategy in place for 12/13 due to new Intercollegiate guidance. Feedback to LSCB in annual report.</p> <p>Both new posts successfully recruited to</p>

Key Priorities and progress for individual agencies				
	<p>Further policy development</p> <p>A review of infant abduction and baby tagging policy was required in order to optimize security arrangements in both maternity units</p>	<ul style="list-style-type: none"> • Policy for the management of IMR's • Policy for the management of allegations against staff • Full risk assessment and cost benefit analysis undertaken. Immediate and long term solutions identified. Outcome: • The exit system from the ward areas at St Mary's Hospital was changed to a controlled exit system and was implemented in May 2012 • Radio frequency identification (RFI) for all babies will be implemented with the introduction of CERNER in April 2013 • Baby tagging system will be used for babies with safeguarding concerns until full implementation of the RFI system 	<p>Increasing staff awareness of allegations against staff guidance</p> <p>Increasing patient awareness about security and safety of babies – leaflet and poster currently being developed and policy is being updated</p>	<p>Policies currently in use</p> <p>Feedback to LSCB on outcome in ICHT annual report</p>
C&W NHS Trust,	With the increased training requirements of the	Much of the above required strengthening our admin support and we	We continue to strive to achieve 100% compliance for	We have had no SCRs or IMRs to inform our learning in

Key Priorities and progress for individual agencies				
	<p>intercollegiate document we were aware that uptake of training at levels 2 and 3 was low and therefore we needed to push this out to all relevant staff. Child Protection List (CPL) flagging was working quite well but there were some difficulties in accessing the flags on all the IT systems in use within the Trust. A large number of children from outside the 4 local boroughs continue to be seen in our Paediatric Emergency Department and therefore we were concerned we were not identifying all children subject to a Child Protection Plan. We were starting to collect Key Performance Indicators (KPIs) for safeguarding issues in order to evidence to commissioners that we have robust systems in place.</p>	<p>were successful in recruiting another person to help the incumbent carry out their duties. We have successfully increased our training uptake for level 2 and 3 training from A to B and C to D respectively. This was achieved by offering a lot more training opportunities with the help of our expert external trainers. Feedback has been very positive and has led to continued increases in calls for advice and referrals to Social Services – this indicated improved practice. We have worked hard to mitigate against any potential risk in our Paediatric Urgent Care Centre (UCC) which utilise two IT systems (Adastra and Lastword) that don't link with each other. We have extended CPL data on Adastra to include Wandsworth children. We are planning to extend coverage for both IT systems to Ealing and Hounslow children and if this is achieved we will be one of the few trusts that is able to capture and integrate so much data. We have continued to work hard on the KPIs and have been able to capture a full year's data which has been very helpful to look at trends. We are continuously extending and refining the datasets so that it can become more</p>	<p>training at all levels but we recognise that with the high turnover of staff this may not be practically possible. A large number of staff receive training elsewhere and our training management system cannot effectively capture this so this needs to be collected from staff individually.</p> <p>We are looking at how we can better collate this data.</p>	<p>this period.</p>

Key Priorities and progress for individual agencies				
		meaningful.		
Community Drug and Alcohol Service (CDAS) CNWL	<p>For all staff to complete/update the e learning packages for safeguarding children</p> <p>To establish and maintain protocols with partnerships and ensure pathways are in place for referral and to aid communication</p> <p>To ensure that safeguarding continues to be embedded into practice through supervision and multidisciplinary discussion</p> <p>To audit safeguarding cases and ensure a high standard of care is maintained feedback good practice or any area requiring improvement</p>	<p>Safeguarding children E leaning has been completed by all staff and evidence provided to the Trust (some other staff have also completed additional training in relation to safeguarding within the borough)</p> <p>Links have been maintained and protocol developed with partnership agencies</p> <p>Safeguarding issues are being addressed through assessment, supervision, training and clinical meetings</p> <p>A Trust audit has been completed and awaiting feedback</p>	<p>To further develop protocols to ensure that when a child is identified as being 'at risk' that a referral is made to the appropriate team and that any immediate action is taken to safeguard.</p> <p>Communication between services following referral and assessment</p>	No
Standing Together Against Domestic Violence	<p>a. 24 Targeted groups of vulnerable young people aged 13-19 years to be more aware of dynamics of domestic violence in intimate relationships and how to keep themselves safe. (12 to be more aware in Year 1; 12 in Year 2)</p>	<p>For outcomes 1&2 we have exceeded our targets and increased awareness in 71 vulnerable young people We have worked in partnership with Women and Girls Network and HAFAD</p> <p>Outcomes 3- 6 have been more problematic and referrals have been the major issue as services wouldn't refer to a service delivered during school time. This took a lot of time to work through</p>	<p>To continue to find a way to deliver therapy to school children in a way that does not impact on their in school time.</p> <p>To ensure that all children's workforce know how to identify, risk assess and refer appropriately to domestic abuse services.</p>	<p>Although DV specialist are now well aware of Independent Domestic Violence Advisors (IDVA's) and Multi Agency Risk Assessment Conference (MARAC) practitioners may not understand the severity of risk attached to a MARAC referral. Practitioners were</p>

Key Priorities and progress for individual agencies			
	<ul style="list-style-type: none"> b. 20 Young people aged 13-19 in the targeted most vulnerable groups feel safer (re domestic violence) as a result. (10 in Year 1; 10 in Year 2) c. 48 Young survivors aged 3-13 years to feel increased confidence (a) in the sessions and (b) generally in their lives. (24 in Year 1; 24 in Year 2) d. 48 Young survivors aged 3-13 years to feel safer (24 in Year 1; 24 in Year 2) e. 44 Non abusing parents or carers of young people aged 3 -13 years to feel more confident in supporting their children. (22 in Year 1; 22 in Year 2) f. 44 Non abusing parents or carers of young people aged 3 -13 years to feel more confident generally. (22 in Year 1; 22 in Year 2) 	<p>and in February 2012 an out of schools service was agreed. In year 1 (October 10 –Sept 11) 25 assessments were completed but not all took up the service. In year 2, 17 families will be offered individual support.</p>	
<p>aware that MARAC indicated DV, but not that it was at a level likely to cause serious harm or murder. Training has been started with practitioner groups (starting in children’s services) ensuring a clear understanding of risk levels.</p>			

Key Priorities and progress for individual agencies				
Police	<p>The Central police Child Abuse Investigation Team (CAIT) has responsibility for all CAIT investigations across the Tri-Borough area .During the financial year 2011/2012 CAIT dealt with 751 referrals from police, statutory and NGO partners of which approximately 45% were generated in response to safeguarding concerns in Hammersmith and Fulham. In addition to this CAIT responded to 356 specific requests for information from Hammersmith and Fulham Children's Services.</p>	<p>In Hammersmith and Fulham there are currently 150 children subject to protection plans with data held by police and partner agencies reviewed every six weeks.</p> <p>Established information sharing agreements ensure the most up to date information is provided to partner agencies enabling social care professionals to respond quickly to protect and support the most vulnerable children. The CAIT investment to increase the number of Police Conference Liaison Officers has enabled CAIT to attend all Initial conferences for children subject to a Protection Plan which includes all pre-birth and transfer conferences across the three boroughs. Staff from the Central CAIT were also able to attend 25% of Review Conferences conducted by Hammersmith and Fulham and otherwise providing written or verbal updates for 100% of cases; in line with safeguarding objectives.</p> <p>Since January 2012 CAIT officers have been deployed on a three shift rota providing round the clock cover to respond faster to critical incidents as they arise and provide advice where it is</p>	<p>The Child Risk Assessment Matrix risk assessment tool (CRAM) for current investigations and for children subject to protection plans has become embedded as part of core CAIT business. This process is an audited and supervised review of known information to establish if identified changes in circumstances for children at risk require additional intervention. The Central CAIT has also been able to respond positively to requests to participate in Multi-Agency audits conducted in partnership with Health, Education and Social Services with an increased emphasis on children who have been subject of protection plans for more than twelve months.</p>	<p>Strong partnerships have been maintained with Great Ormond Street Hospital (GOSH) and the Foundation for the Study of Infant Death (FSID) to improve the level of service provided to parents who suffer the tragic loss of children under two years old through Sudden and Unexpected Death in Infancy (SUDI). The methodology of SUDI investigations, developed with partners through Project Indigo, has been recognised by the Association of Chief Police Officers (ACPO) Child Death Sub Group as best practice. Project Indigo continues to provide a high quality service to victims and families balancing the need for robust investigation in extremely sensitive circumstances.</p> <p>The Central CAIT currently continues to form part of the permanent membership of the Tri-Borough Case Review panel and Training panel.</p>

Key Priorities and progress for individual agencies				
		<p>suspected that children are at immediate risk of significant harm. This is in addition to the 24/7 response already provided by uniformed colleagues across the MPS.</p>		<p>Partners in police, health, education and social care also participate in the two day Multi-Agency Critical Incident Exercise (MACIE) and a one day Child Abuse Practitioners Exercise (CAPE)</p>
<p>Education</p>	<p>The Centrally Retained Education Welfare (CREW) advisory service was established in June 2011 following a review of the Education Welfare Advisory Service.</p> <p>It has been responsible for a wide range of work which has a significant responsibility towards safeguarding and child protection.</p> <p>Communication</p> <p>CREW have compiled a manual for use by schools 'Managing school attendance and safeguarding - a manual for schools'. This was delivered to all schools in LBHF in September 2011 and contains child protection procedures, a model CP policy and a leaflet for schools</p>	<p>Child protection training for schools</p> <p>All schools in LBHF have a service level agreement entitling them to school based CP training. Since September 2011 a total of 51 sessions have been delivered to 1324 education staff by CREW. Participants have included head teachers, teachers, support staff and school governors. Additionally, there have been 2 Designated Teachers seminars, run in conjunction with Kensington and Chelsea attended by representatives from 34 LBHF schools. Issues raised in relation to school participation in case conferences was a key topic at the designated teachers seminars. All training has been evaluated as either good or excellent and all LBHF schools have chosen to continue to purchase this training 2012/13.</p> <p>Children in entertainment and</p>	<p>Children Missing Education</p> <p>Children who are without a school place not only miss out on an education but also do not have regular contact with any professionals. CREW are responsible for working with admissions and colleagues in other services (such as housing) to track all children notified as CME. A total of 252 such children have been referred to CREW between September 2011 and April 2012 with all but 15 now having been placed. Statutory register inspections have been carried out by CREW in all LBHF schools to ensure no child has been inappropriately removed from a school roll and gone missing.</p>	<p>Children Electively Home Educated (EHE)</p> <p>Parents and carers are allowed in law to elect to home educated their children and the vast majority who do this do a satisfactory job. But as with children missing education, such children miss out on regular contact with professionals, any issues and vulnerabilities may not be identified and appropriate support cannot be offered. In LBHF all home educated children are visited at least annually. There are currently 64 such children known to CREW, an increase of 36% compared to the same period in the previous year.</p>

Key Priorities and progress for individual agencies

to inform parents of CP procedures. The manual has been well received and is about to go into its second print.

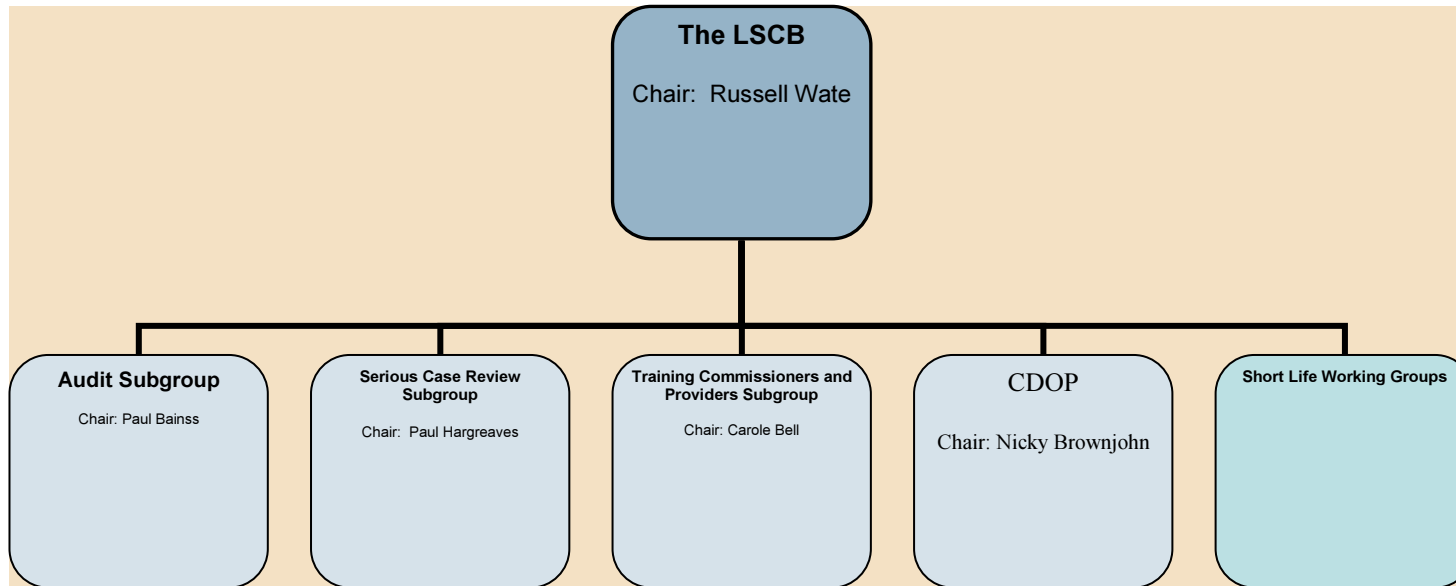
employment

CREW has issued a total of 173 child entertainment licences since September 2011. Prior to issuing a licence, checks are done by CREW staff with the child's school and doctor. A CRB check is also carried out on chaperones. In addition premises checks are being introduced to ensure sufficient regard to children's health and safety and adherence to relevant legislation is ensured.

3. Governance and Accountability

3.1 Structure of the H&F LSCB in 2011/12

During the past year the configuration of LSCB governance and structure has been reviewed. This has followed both the appointment of an independent chair and development of Tri-borough LSCB. Multi-agency links have developed with K&C and Westminster. This will lead to the 3 LSCBs forming joint groups around particular activities from April 2012.



3.2 Governance Arrangements

The LSCB hold four Executive group meetings annually, and the attendance by the members over the last year has been approximately 70 percent.

MEMBERSHIP LIST

Name of Member	Title	Agency
Russell Wate (Chair)	LSCB Independent Chair	
Barlow Judith	Director of Services	Central London Community Services
Bell Carole	Head of Children's Commissioning	Inner North West London Primary Care Trusts
Lucy D'Orsi	Chief Superintendent	Metropolitan Police
Chamberlain John	Assistant Director, Adult Social Care	LBHF
Christie Andrew	Director of Children's Services	London Borough of Hammersmith and Fulham (LBHF)
Davis Therese	Chief Nurse	Chelsea and Westminster NHS Trust
Deacon Tim	LSCB Strategic Lead	LBHF
Flynn Catriona	Team Manager	CAFCASS
Hargreaves Paul	Designated Doctor/Consultant Paediatrician	Chelsea and Westminster Hospital
Hassell Lynda	Head of Nursing for Paediatrics	Imperial College Healthcare NHS Trust
Houghton Peter	Assistant Director, Complex Needs	LBHF
Houston Nicola	Executive Support Manager	Community Services, LBHF
Hutton Amy	Divisional Manager	Housing
Nicky Brownjohn (Acting)	Designated Nurse for CP	Inner North West London Primary Care Trusts
Mangan Helen	Director, H&F Service Delivery	West London Mental Health Trust

	Unit	
Miley Steve	Assistant Director, Complex Needs	LBHF
Pettavel Michael	Representative Head	H&F Schools
Julie Papacoda	Head of Service	H&F Localities Team
Dr Johan Redelinghuys	Named Doctor	WLMHT
Jim Wingrave	Head, Child Abuse Investigation Team	Metropolitan Police
Smith Melanie/Ike Anya	Director of Public Health	Inner North West London Primary Care Trusts
Terry Michael	Senior Probation Officer	London Probation Service
Whiting Sarah (Melanie Smith, Anya Ike)	Managing Director	H&F Primary Care Trust
Wills Anthony	Chief Executive	Standing Together
Zielinski Cressida	Designated Nurse for Child Protection	WLMHT

3.2 Governance and accountability arrangements - agencies		
	What is your service's involvement in the LSCB and its subgroups?	Does the service have a child protection policy that includes clear expectations in relation to identification, recording and reporting of safeguarding concerns?
Contact and Assessment Team	This occurs through senior management and Quality Assurance attendance	Yes
Disabled Children's Service	Service manager is on the Tri Borough LSCB Sub Group for training	Yes the service shares the same police as Family Services in Hammersmith and Fulham.
Fostering Service	LSCB trainer covers training on private fostering. Foster Carers are also subject to annual reviews that are chaired by an IRO, thus promoting independent scrutiny in regard to the development and progress of carers.	Yes
Health incorporating: INWL PCTs (NHS Hammersmith and Fulham), Imperial College Trust, West London Mental Health NHS Trust (WLMHT), Central London Community HealthCare NHS Trust (CLCH)NHS Hammersmith and Fulham	Health contributes to all sub groups and have been significant members of the LSCB main board. The CDOP is chaired by health.	All health providers of NHS care have CP policies in place.
C&W NHS Trust,	The Designated Doctor	Yes – this is available to all staff and is covered in all

	<p>attends the LSCB and attends Case Review and Quality Assurance subgroups, as well as the Child Death Overview Panel. Vanessa Sloane (Directorate Nurse in Paediatrics) attends the Quality Assurance subgroup. Therese Davis (Executive Trust Lead) attends the LSCB and Children's Trust Meeting.</p>	<p>levels of training.</p>
<p>Community Drug and Alcohol Service (CDAS) CNWL</p>	<p>Sector manager to represent the service on the 'safeguarding children's board'</p>	<p>Yes</p>
<p>Standing Together Against Domestic Violence</p>	<p>Standing Together sits on the Tri borough LSCB and the Tri Borough LSCB training group. Both of these are new groups and Standing Together will continue to work with our partner agencies as the Tri Borough LSCB develops. We work to support the overarching LSCB objective to better safeguard children affected by domestic violence.</p>	<p>Standing Together has an internal child protection policy and through the course of our partnership and project work advocate the development and implementation of child protection policies for all partner agencies</p>
<p>Housing</p>	<p>Housing representatives attend both groups</p>	<p>The service is subject to the Councils overarching policies on reporting any areas of concern via alerts to Children's Services teams</p>

3.3 Role of Chair

The Independent LSCB Chair, Russell Wate, was appointed in January 2010. The chair oversees the work of the LSCB and chairs the quarterly LSCB Executive meetings, providing independence, scrutiny, leadership, challenge and strategic vision to the LSCB; ensures that LSCB meets its statutory responsibilities and objectives as set out under the Every Child Matters agenda, Working Together to Safeguard Children, the London Child Protection Procedures, the Children's Act and other national guidance. The Chair ensures that the LSCB co-ordinates, monitors, reviews and evaluates safeguarding practices in the borough, and that LSCB member agencies are adhering to good practice in line with guidance and requirements.

The Chair will challenge poor practice and performance and ensure that LSCB member agencies work together to take corrective action and make improvements. He has already provided leadership in respect of the work around serious case reviews. The chair also oversees the LSCB complaints process and will be involved when the need arises

3.4 Lay Members

The recruitment of a Lay Member has been delayed pending the merger with Kensington and Chelsea and Hammersmith and Fulham

3.5 Operational Group Membership

This group ended in December 2010. However since March 2011 a similar multi agency meeting of lead CP professions has met. Given that in Kensington and Chelsea a similar operational group meets regularly it is possible that the new 3 borough LSCB may seek to formalise the links between such groups and the main LSCB

3.6.1 Training Subgroup Membership

Carole Bell	Assistant Director, Commissioning (Chair)
Steve Andrews	Team Manager, Targeted Youth Support
Anthony Smith	Met Police
Carmel Benson	Acting Housing Support Manager, H&F
Cressida Zielinski	Designated Nurse for Child Protection, West

Tim Deacon	London Mental Health Services
Sue Hayward	Strategic Lead, H&F LSCB
	Representative from Schools
Roger Jones	Service Manager, Contact and Assessment
Katherine Douglas	Director, Kingwood Learning Centre
Nova Levine	Manager, LAC Education Team
Steve Miley	Director Family services.
Nicky Coote	Consultant Paediatrician, Hammersmith Hospital
Peter Okali	Chief Executive, CAVSA
Peta Sissons	Training and Information Officer, Standing Together
Paul Hargreaves	Designated Doctor for Child Protection
Ian Ruegg	Principal Enabling Officer, H&F
Bev Sharpe	Service Manager, FSCP and Askham, H&F
Emma Sleight	Substance Misuse Co-ordinator, H&F
Elizabeth Spearman	Principal Education Welfare Advisor, H&F
Jonathan Weavers	Interim Head of Housing Advice, H&F
Aileen Hamilton	Named Nurse for Safeguarding Children, CLCH
Anshu Kashyap	Health Improvement Project Officer, H&F
Ionela Flood	Third Sector Representative
Jeff Nascimento	Third Sector Representative
Jo Forsey	Imperial College Healthcare NHS Trust

3.7 Serious Case Review Subgroup Membership

Steve Andrews	Team Manager, Targeted Youth Support, H&F
Tim Deacon	LSCB Strategic Lead, H&F
Paul Hargreaves	Designated Doctor for Child Protection (Chair)
Sue Hayward	Representative from Schools
Nicky Brownjohn	Designated Nurse for Child Protection
Jim Wingrave	Head of Child Abuse Investigation Team, Metropolitan Police
Lenora Nelson	Senior Community Services Lawyer, H&F
Bev Sharpe	Service Manager, Family Services & Child Protection Teams & Askham

3.8 Audit & Practice Improvement Subgroup Membership

Steve Andrews	Team Manager, Targeted Youth Support, H& F
Paul Bains	Head, Safeguarding and Quality Assurance, H&F
Tim Deacon	Strategic Lead, LSCB
Paul Hargreaves	Designated Doctor for Child Protection (Chair)
Sue Hayward	Representative from Schools
Nicky Brownjohn	Designated Nurse for Child Protection
Lenora Nelson	Senior Community Services Lawyer, H&F
Bev Sharpe	Service Manager, Family Services & Child Protection Teams & Askham, H&F

3.9 Child Death Overview Panel

This is the fourth Annual Report of the Westminster, Hammersmith and Fulham Kensington and Chelsea Child Death Overview Panel (CDOP). It gives a summary of the work undertaken by the Panel in the last year, and sets out future action.

The work of the Panel itself has focussed on examining specific incidents of child deaths across the three boroughs, drawing conclusions about whether those deaths were preventable, and considering factors that seemed to have contributed to those deaths.

The CDOP has been fully functioning with key agencies contributing to the process during the last year. During 2011 the panel met on 4 occasions and completed full child death reviews on 36 children of children of families resident in the boroughs of Westminster, Hammersmith & Fulham and Kensington & Chelsea. These cases were from 2009-10, 2010-11 and 2011-12. The CDOP is not effectively able to fully review a death until information is gathered and other processes have been completed such as inquests and serious case reviews.

3.10 Members of the Child Death Overview Panel:

Nicky Brownjohn	Designated Nurse, NHS Westminster, Chair
Jean Chapple	Public Health, Westminster PCT
Tim Deacon	Safeguarding and Partnership Manager, H&F
Paul Hargreaves	Designated Doctor
Jim Wingrave	Detective Inspector for Central CAIT
Nelly Ninis	3-borough Designated Doctor
Iwona Puszczewicz-Moreno	CDOP Manager
Sara Sunderland	Designated Nurse, K&C PCT
Angela Flahive	LSCB Manager, Kensington and Chelsea
Debbie Raymond	Head of Safeguarding, City of Westminster

3.11 Neonatal panel - additional members as specialists;

Wendy Allen	Named Midwife for Safeguarding Children, Chelsea and Westminster NHS Foundation Trust
Therese Chapman	Consultant Midwife, Named Midwife for Safeguarding, ICHNT
Sunit Godambe	ICHNT, St Mary's Hospital
Gary Hartnoll	Neonatologist, C&W Hospital
Alex Mancini	Matron Neonatal Unit, Chelsea and Westminster Hospital
Lidia Tyszczyk	Neonatologist, Queen Charlotte Hospital

3.12 Budget 2011-2012

(This follows consultation with Alexandra Ward)

Budgeted Funding Source	2011/12
Core LBHF funding	330,095
PCT Health contribution	34,000
Met contribution (tbc)	
Total funding	364,095
Budgeted expenditure	
Training staff	57,242
External training	11,900
Room hire/refreshments	3,000
Equipment hire	500
Total training costs	72,642
Staffing costs	96,168
Child Death Review	28,000
Serious Case Review	25,000
SB Independent Chair	30,000
Printing costs	4,500
Other costs	800
Corporate SLA's	152,695
Total other costs	337,164
Total expenditure	409,805
Total net budget	375,805
	375,805

The past year has seen significant expenditure in relation to training and staffing A significant cost has been that of carrying out of Serious Case Reviews, and reviews of serious incidents.

It is anticipated that the operating costs of the LSCB will be reduced significantly following the establishment of the 3 borough LSCB. The current cost of LSCB trainer will be shared by the 3 boroughs providing a saving for Hammersmith and Fulham of £40,000. Similarly from April 2012 there are cost savings in respect to the LSCB Manager and LSCB chair.

There has been a focus on reducing costs of venues and use of external trainers. Training now provides only limited refreshments

4. Monitoring and Audits

In the course of the reporting year there has been a focus on both multi agency audits as well as single agency audits.

4.1 Multi agency audits

A most comprehensive multi agency inspection of safeguarding and looked after children services in Hammersmith and Fulham was carried out by Ofsted in June 2011.

The inspection measured our performance against a total of 22 judgements and confirmed that children are well served by our services, which are rated by Ofsted as never less than good and, in many cases, outstanding. This evaluation is equal to the best Local Authority outcome since this new tougher inspection regime was introduced the previous year.

The inspectors were rigorous in their examination of services and challenged agencies throughout to provide actual evidence of how they had improved outcomes for children. In their feedback there are nevertheless, lessons that the LSCB needed to learn as it continues the pursuit of ever higher standards

Record of main findings from the Inspection:

Safeguarding services	
Overall effectiveness	Good
Capacity for improvement	Outstanding
Safeguarding outcomes for children and young people	
Children and young people are safe and feel safe	Good

Quality of provision	good
The contribution of health agencies to keeping children and young people safe	Good
Ambition and prioritisation	Outstanding
Leadership and management	Outstanding
Performance management and quality assurance	Good
Partnership working	Outstanding
Equality and diversity	Outstanding
Services for looked after children	
Overall effectiveness	Good
Capacity for improvement	Outstanding
How good are outcomes for looked after children and care leavers?	
Being healthy Outstanding	Outstanding
Staying safe Good	Good
Enjoying and achieving Good	Good
Making a positive contribution, including user engagement	Good
Economic well-being Good	Good
Quality of provision Good	Good
Ambition and prioritisation	Outstanding
Leadership and management	Outstanding
Performance management and quality assurance	Good
Equality and diversity	Outstanding

4.2 There has also been carried out extensive single agency auditing activity as outlined in this table below.

	a. What has your service undertaken during the year to monitor and evaluate the quality of work with children in need of protection? Please include any audits	b. Can your agency evidence good performance management systems which enable the identification of changing needs or areas for development?	c. How has the service obtained the views of its service users and staff in relation to safeguarding matters? How is this leading to improvements in outcomes?	d. How many complaints have had a safeguarding issue?	e. Does your service have a profile of the children, young people, their parents and carers who use your service? Does your service use this to inform service planning and delivery?	f. Explain how you address issues of equality?
Page 20 Contact and Assessment Team	<p>Regular file audits completed by all managers</p> <p>Quality assurance Service meeting/and quarterly audit meetings</p> <p>Ongoing feedback process for service users which is to be improved and extended to occur jointly with other agencies.</p>	<p>This is achieved through regular senior management meetings, audit, inspections and Quality Assurance systems</p>	<p>Through ongoing feedback process for service users which is to be improved and extended to occur jointly with other agencies.</p>		<p>All children and young people</p>	<p>Issues of equality and diversity are addressed during meetings and within all assessments. Staff have access to mandatory diversity training.</p>

<p>Disabled Children's Team</p>	<p>The Service has participated in the combined safeguarding and LAC Ofsted Inspection as well as a Thematic Inspection. A full audit of all CP Cases and 30 VIN cases within the service was conducted prior to the thematic inspection of safeguarding in January 2012.</p> <p>Managers within the service continue to audit cases on a monthly basis in line in with the Department's audit requirements.</p> <p>An annual survey is conducted will all users of the service to gage feedback.</p>	<p>The service shares the same polices as Family Services in Hammersmith and Fulham.</p>	<p>Through the Annual Survey and regular meetings with Parents Active a support group for parents.</p>		<p>Yes, the Disabled Children's Register provides a profile of service users and is used within the service to monitor service needs and plan future projects based on demographic information and service users' needs.</p> <p>Data of children and young people held within the service is used particularly for planning respite provision and predicting future looked after children numbers, and specialist residential placement costs.</p>	<p>The service shares the same polices as Family Services in Hammersmith and Fulham. Equal opportunities starts within recruitment of staff and is an integral part of training and staff supervision and is also a standing agenda item within all staff team meetings.</p>
<p>Fostering and Adoption</p>	<p>Case Audits by managers, service manager and assistant director.</p> <p>Feedback sought regularly from children, carers and IRO as part</p>	<p>The service has a new FPU data system which is better able to provide performance reports.</p> <p>Each of teams produces and tracks performance across a</p>	<p>Yes from carers, children and IROs. Feedback is reviewed and changes made where appropriate or remedial action taken if required.</p>		<p>This is the case records of the child on FWI. However carers have a profile that is shared with the child prior to placement. The referral form for a placement usually</p>	<p>Service has a matching policy that provides guidelines in relation to making placements and addresses issues around equality</p>

	<p>of review and panel process. Research questionnaire sent to all fostering carers. Independent annual reviewing system for foster carers. An IRO sits on the Fostering Panel. Regular and creative attempts to seek feedback from service users including children.</p>	<p>range of issues both in relation to staff and service users.</p>	<p>Feedback from carers through an annual questionnaire.</p> <p>Carers are consulted around service delivery This has successfully led to all carers across the tri-borough agreeing to a harmonised set of terms and conditions.</p> <p>Carers have participated in the creation of a Foster Carers Handbook and in active recruitment and training of new carers.</p> <p>Connected Person or Family and friend Carers provided significant feedback about their experience which has lead to significant changes in the level of support and service delivery. This has had positive feedback from both carers and front line social workers alike.</p>		<p>forms the profile of the child. Children awaiting adoption and permanency have profiles that are used to recruit carers for them.</p> <p>A review of our children requiring services and carers and the matching deficiencies in this regard influences our sufficiency plans and the recruitment strategy for service.</p>	<p>as the expected standard. The service is guided by the Council's Policy on Equal Opportunities which are embedded in all practice guidelines within the service</p>
Community Drug	Safeguarding children	Performance is	Views of clients sought	Non	An audit has recently	The Service,

<p>and Alcohol Service (CDAS) CNWL</p>	<p>audit has been completed. Safeguarding register established in the Service. This is reviewed through supervision and multidisciplinary team working.</p>	<p>monitored through regular clinical audit, annual service user consultation (feeding into needs assessment), regular risk assessment and planning of care (three monthly), discussion in multidisciplinary meetings and supervision (group and individual).</p>	<p>through assessment processors, Service user committee, monitoring and responding to service user's suggestions, comments and complaints, annual audits and consultation. Individual and Group supervision has enhanced awareness and practices in relation to safeguarding children</p>		<p>been carried out to identify all those accessing the service who have children under the age of 18 living with them or with whom they have regular contact.</p> <p>Separate care pathways exit for young people within the borough.</p>	<p>Directorate and Trust have equality and diversity training and action plans to address issues of equality and diversity.</p>
<p>C&W NHS Trust</p>	<p>Within Community Paediatrics we continue to look at the quality and timeliness of Child Protection medical reports on a monthly basis. Audits are regularly done looking at our compliance with local guidelines around DNAs and CP list flagging. We conducted an audit on children and young people admitted with mental health problems who were then referred to CAMHS. This</p>	<p>Child Safeguarding is performance managed via the quarterly Children's Safeguarding Board chaired by the Director of Nursing and attended by all the key safeguarding professionals. The hospital Trust Board also has regular input from the Chief Nurse who is the executive lead for Safeguarding Children and vulnerable adults in this regard. Monthly Hospital safeguarding meetings occur where</p>	<p>The hospital has used PICKER and PET surveys to obtain views of children and parents. These are being used in service design and development – e.g. the recent Netherton Grove Extension. Patient user groups and stakeholder events have also been held to include the views of service users.</p>	<p>Zero</p>	<p>Demographic profile information is available from our electronic patient records system and is used in general capacity planning and service development across the Trust in order to meet local needs. Analysis of these demographics have led to consideration of extending CPL flagging to two additional local boroughs.</p>	<p>All staff attend corporate induction and receive equality and diversity training. This is reflected in the access policy and is reinforced in child safeguarding training.</p>

	<p>concluded that we need to strengthen information shared with GPs about this patient group. Maternity services also carried out an audit on ensuring safeguarding concerns are effectively communicated to relevant Health professionals on discharge.</p>	<p>operational issues are discussed and monitored. The Clinical Governance ½ days and Clinical Effectiveness Meetings also review local guidelines and audits and make recommendations on performance issues. As mentioned above our comprehensive KPIs provide evidence of good performance management.</p>				
<p>Health incorporating: INWL PCTS (NHS Hammersmith and Fulham), Imperial College Trust, West London Mental Health NHS Trust (WLMHT), Central London Community HealthCare NHS Trust (CLCH)</p>	<p>The PCT ensures that safeguarding is included within contracts involving children. The PCT monitors performance with regard to safeguarding within the providers for training and supervision. Safeguarding activity data is also collected from the providers to develop a picture of the role of health in improving the outcomes for children.</p> <p>The Named GPs, on behalf of the PCT, carried out an audit of GP contribution to conferences. This suggested that social care did not always invite the correct GP.</p> <p>Individual providers have carried out audits to demonstrate the effectiveness of their procedures.</p>					
<p>Standing Together Against Domestic Violence</p>	<p>Standing Together is not a frontline service, but instead works to coordinate the response to domestic violence in the</p>	<p>The Domestic Violence Partnership is a key mechanism for managing and monitoring multi-agency performance</p>	<p>As we are not a frontline service we rely on other services to consult directly with service users to gain insight about direct</p>	<p>There have been none made directly to Standing Together, though we have raised some issues regarding safeguarding with</p>	<p>Not a front line service</p>	<p>Standing Together has a comprehensive set of internal policies and procedures based on best</p>

	<p>borough. However, we do monitor and evaluate our own performance regularly against the targets set by our funders and recognise our responsibilities under the statutory safeguarding guidance. In addition, we conduct an annual review day with staff and produce a detailed annual report that overviews our current programme of work and project achievements.</p>	<p>specific to domestic violence. The partnership also provides an opportunity for key stakeholders to contribute to the planning and development of the borough action plan. Through our strategic group, we report directly to the Crime and Disorder Reduction Partnership. Through our membership, we contribute to other governance structures such as the LSCB, and CAVSA.</p>	<p>delivery. We also consult a wide range of stakeholders through our partnership meetings, training and annual conference. We use this information to support monitoring performance, improve standards and identify gaps in responses. Next year we are also completing a survivor consultation which will inform us of service users perceptions of key delivery areas.</p>	<p>other partner agencies.</p>		<p>practice relating to equality. There is a clear mission statement in the Terms of Reference for the partnership. The Partnership aims to encourage and support participation from third sector services. It regularly circulates information and resources across networks, such as the Home Office guidance on responding to Forced Marriage. It has delivered themed seminars that highlighted issue such as domestic violence and traveller families.</p>
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4.3 LSCB Training Subgroup

This report looks at the first year of the LSCB tri borough training programme from April 2011 – Until March 2012. It will explore the attendance and the evaluation from participants who have attended the face to face courses. The report will also provide a brief update in relation to the e-learning programme that has been offered. This report has been compiled by the LSCB Multi agency trainer who has delivered or co-facilitated most of the courses.

The E-learning package was a package that we inherited from Kensington and Chelsea as they continue to have licences until November 2012. There have been some concerns raised in relation to content of the courses and it is unclear as to whether we will continue with this package once the licence is completed. There has been little take up of these courses. This form of training is very new and requires participants to be confident in the use of computers and the internet. This may inhibit some of the participants from using it. LSCB training team will be looking to how we can further use this form of training to enable larger numbers to access the training and further develop staff.

The programme aims to use the expertises of professionals working within the tri borough area however at times we have used national experts. By using local knowledge we are able to provide tailor made packages for the professionals within our tri borough. The LSCB trainer is able to provide assistance in how to ensure the training packages engage all different learners. However when we are required to use national experts we have been relying on this as a measure of goodwill and not making a financial contribution to these organisations and it may be a consideration for the next programme and an amount to be agreed.

When embarking on this programme we envisaged training being run at an average of 80% of capacity and 80% attendance rate. We have exceeded our expectations and our courses are running on average at 90% capacity. We have addressed the issue with low capacity in relation to introduction to safeguarding and Parental substance misuse and have reduced our delivery of this training. In relation to the young person's substance misuse we have removed this from the calendar for the time being however will review this at the training sub group. Furthermore our attendance rate is at 89%. The only course that falls below this is the Parental Mental Health and Safeguarding Children. It is unclear as to why we have had a low attendance rate for this course and further enquiry is required unto this. Within this first year we have offered we have offered 67.5 full days of training and have expanded to 12 different courses.

Hammersmith and Fulham appears to have the larger rate of application and attendance across the three boroughs. However if one considers employee population this may account for the disparity between Hammersmith and Fulham and Kensington and Chelsea, though it does not account for the low numbers from Westminster which would have the same population as Hammersmith and Fulham.

The statistics in relation to organisations have been difficult to correlate as the data is reliant on self description. It has been agreed that within the new application system this will be more regulated to ensure that our data is more reliant. This will enable us to be

able to provide greater evidence in relation to the attendance not only on sector but hopefully in relation to organisation for example: PCT, CLCH, MHT or hospital.

It remains concerning that attendance of some sectors remain quite low, such as police, probation and adult social care and we may need to explore how to improve our communication with these sectors to increase attendance. Some agencies continue to provide single agency training due to the large number of staff. Concerns are raised that the applicants who receive single agency training are not gaining the benefits of the multi agency training and therefore improving working relationships. The LSCB training department acknowledges the need to ensure that this single agency training is of the same standard as that of the LSCB and look towards quality assuring the training offered within the tri borough area. Furthermore it is of note that the voluntary sector has a high percentage of attendance, this may be due to the limited free training provided to this sector.

The evaluations appear to be extremely positive with only a small proportion of candidates stating that objectives were only partially met or not met (0.5%). However, people may feel difficult in providing constructive feedback. The LSCB training team needs to explore the objectives of courses and make sure that they are SMART and are reflective of the learning in the course program. Furthermore the training department needs to look at how the training delivered is impacting on children within the Tri Borough. We are exploring several different evaluation proposals at present though these will be reliant on administrative support provided within the new structure.

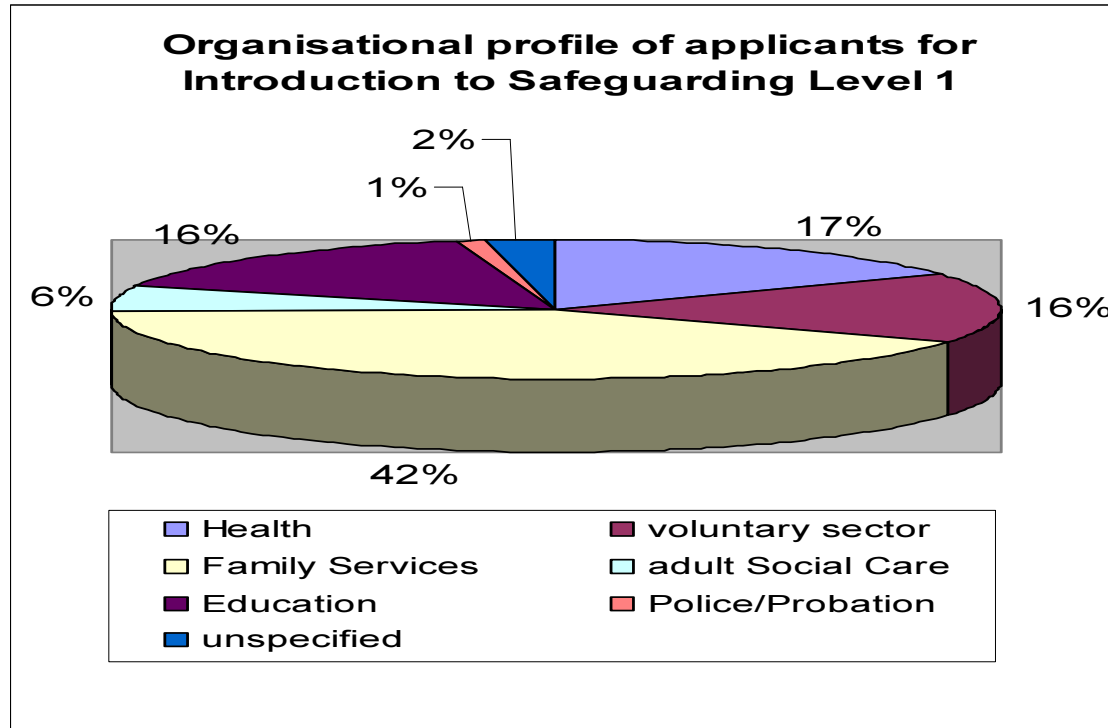
In relation to the evaluations of the trainer's skills we have received positive feedback. 80% of participants have evaluated the trainers knowledge of the subject as excellent. However participants would like greater balance between input from the trainer and group work. We continue to look at this and endeavour to provide more group learning activities within the training.

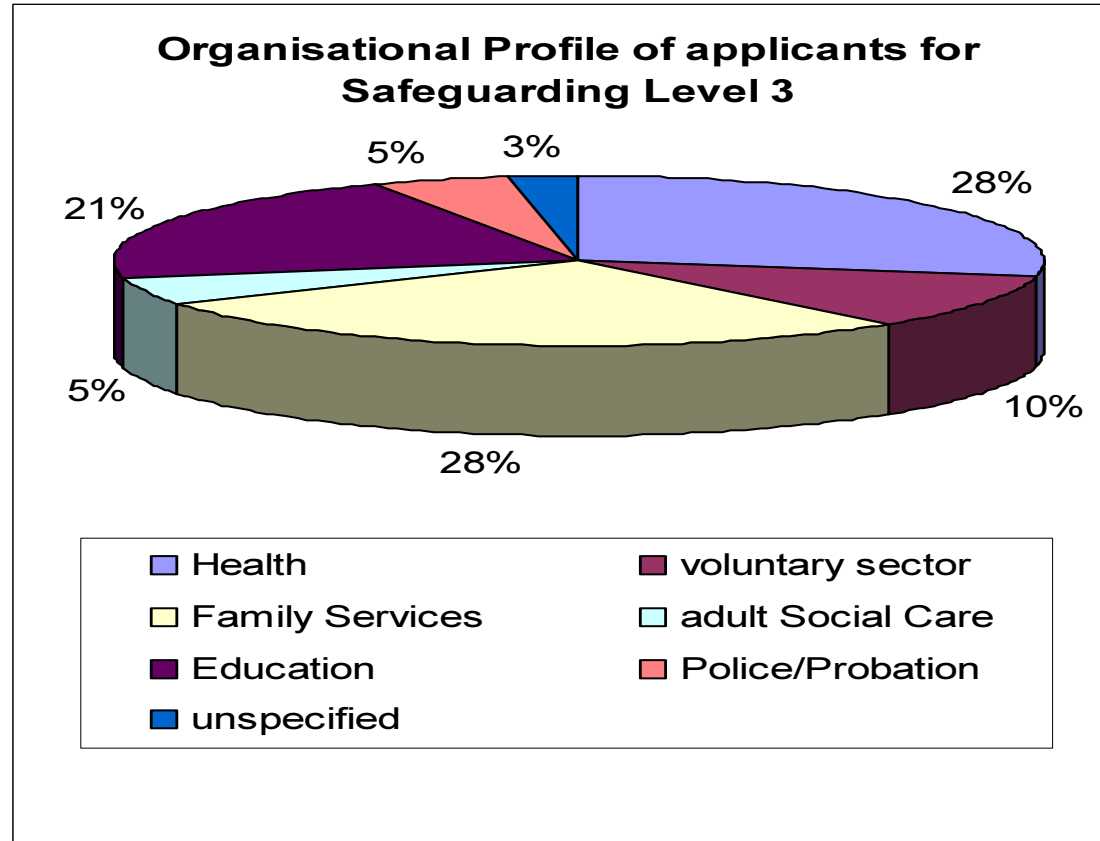
Within this programme it was agreed that we should charge for non attendance and with the figures within this report it would suggest that there has been an income of £11,450.00 from non attendance. However in February 2012 we had only recovered £4,300.00 of this money. This does not incorporate the income from charging private profit making organisations.

Breakdown of Organisational Profile of Applicants

Training courses delivered between April 2011 and March 2012

(Figures include all applicants, whether attended on the day or not, but do not include those who cancelled before the 2 week deadline)





4.4 Audit and Practice Improvement Subgroup

During the period 2011-2012 The Audit and Practice group was active in promoting a number of multi agency initiatives. These were specifically acknowledged within the Ofsted Review of June 2011

The work of the Audit and Improvement sub group has included a focus on:

Quality Assurance Framework.

On March 31st 2011 David Worlock gave a presentation of the new QAF pilot scheme. A key aspect of this approach was to consider what good looked like and develop a qualitative based outcome framework rather than rely on 'bean counting' and quantitative data relating mainly to process

CP panel

The LSCB presented a report to the LSCB in June 2011 outlining the development of this multi agency panel which focused on children that had been subject to plans for over 12 months. Ofsted had concerns for those cases where it was difficult to engage families.

It has been difficult to measure what sort of difference the panel has made on cases, though evident that between April 2011 and April 2012 there has been a reduction of from 58 children subject to plans over 12 months to just 30 children. This represents a fall of approximately 50%, which in turn has helped to reduce the overall numbers of children subject to plans

It has also been evident that a significant number of the cases were of young parents who had previously been care leavers and domestic violence

The group has focused on ensuring that outcomes within CP plans were focused with clarity in respect of the outcome, the action and timescales

Section 11 Audit and Case Reviews

The Subgroup has coordinated the carrying out of multi agency reviews by Rosalind Walker and Kathy Bundred. These have focused on core groups and the effectiveness of initial CP conferences. Recommendations have been taken forward within training

GP Audit

This has focused on the provision of GP reports for CP conference. It made clear recommendations for the improvement of admin processes.

Dispute resolution protocol

In December 2011 The LSCB agreed a dispute resolution protocol. This followed evidence both locally and nationally that there was a need for a clear process to manage disputes between agencies

- Where an agency has concerns about how safeguarding issues are being evaluated and the response
- Where an agency is withdrawing from providing a service that other agencies feel that to do so would engender the return of, or create further safeguarding concerns
- Where there are practice concerns or other communication difficulties where one agency is of the view that the communication difficulties may be impacting upon the child

The authority for this protocol can be found in chapter 18.6 London Child Protection Procedures and in Working Together 2010.

The protocol involved an informal conflict resolution process moving to a formal process if an issue could not be resolved. The formal process involved the Head of Safeguarding and then the Chair of LSCB if there remained unresolved conflict

Review of participation data and quarterly performance report

The Audit and Practice Improvement Sub group reviewed quarterly data with a view to ensure improved engagement of agencies at CP conferences

4.5 Serious Case Review Subgroup

The LSCB is confident that arrangements are in place to ensure SCRs are conducted robustly, there is a strong culture of learning from reviews and lessons learned are embedded. The priority for the SCR group is to contribute to discussions which have arisen from Professor Eileen Munro's review of children protection services and implement them locally.

A recent Serious Case Reviews (SCRs) has been submitted and evaluated as '*outstanding*' by Ofsted. The review of case by the LSCB has also highlighted the need for continued strong multiagency partnerships.

The Serious Case Review Panel met frequently during the year to discuss the case of a 12 year old child who committed suicide whilst in care placed outside the borough. This was a very sad case because of the strong family history of suicide and the effect it had on him and his siblings, and the ability of professionals to support and safeguard him. The review was particularly complex because of the large number of agencies involved and thus there was a need for the overview author and panel members to have meetings with the authors of the various agency reports and to draft the final report. There were a number of recommendations made which have been presented to the LSCB.

In the early part of 2012 the SCR met to consider the use of a new model of case review, the SCIE model, This was applied in respect of case which promoted strong engagement and learning for those involved. This emphasis was a significant difference from the traditional review model which relies heavily on external scrutiny and audit

4.6 Child Protection Performance Report

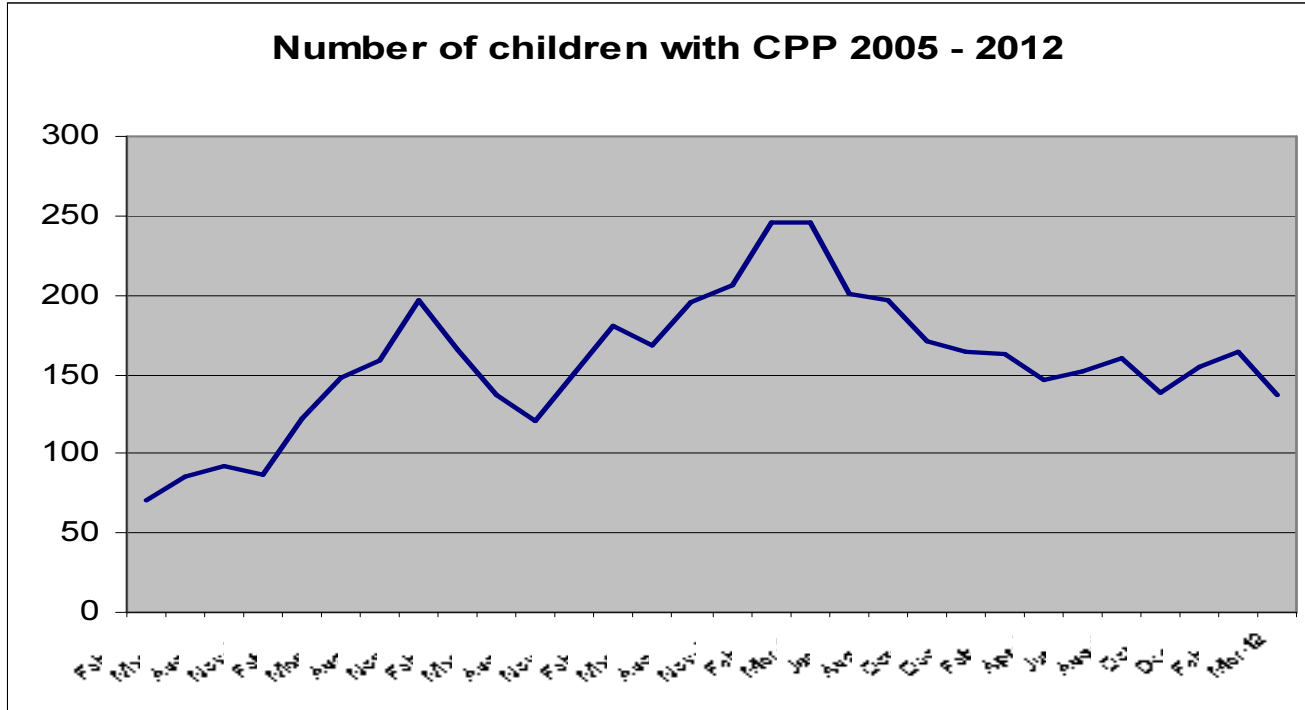
4.61 Introduction

This report primarily uses management information provided for period up to April 1st 2012. There are a number of statistical references to Westminster and K&C. The comparative population estimates are: H&F 30,668; K&C 30,562 and Westminster 33,893 The report will focus on the CP numbers, work flow, the concerns for children who are subject to CP Plans for a second or subsequent time, as well as providing a focus on specific parental issues and multi agency participation. There is also additional information on:

- Categories of plans

- Duration on CP list
- Age and Gender
- Ethnicity of children subject to CP Plans
- Performance Indicators

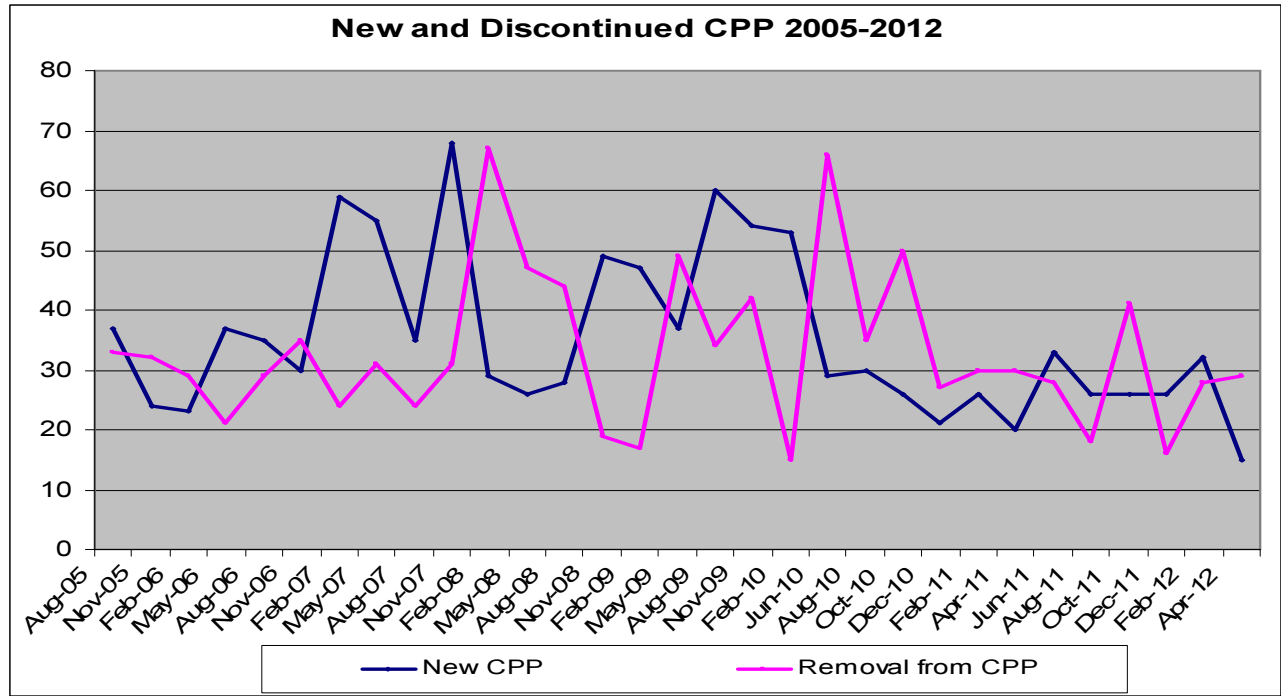
4.62 Numbers on the CP List



- At April 1st 2012 there were 137 children subject to CP Plans. This is a significant drop from 152 children at April 1st 2011 and a peak of 240 children at April 1st 2010.

4.63 New CP Plans and Removals from CP List

The following data represents activity for each quarter. They show the relative difference between new plans and removals and impact on total CP list. It is evident that other than in April 2011 and April 2012, the numbers of new plans have remained constant, in contrast to removal activity which has been subject to greater change.



Registrations and De-registrations from CPP

<u>Quarter</u>	<u>New CPP</u>	<u>Removal from CPP</u>	<u>Change</u>	<u>De-re registration rate %</u>
<u>Apr-11</u>	<u>15</u>	<u>28</u>	<u>-13</u>	<u>47%</u>
<u>June-11</u>	<u>33</u>	<u>28</u>	<u>5</u>	<u>15%</u>
<u>Aug-11</u>	<u>26</u>	<u>18</u>	<u>8</u>	<u>31%</u>
<u>Oct-11</u>	<u>26</u>	<u>41</u>	<u>-15</u>	<u>58%</u>
<u>Dec--11</u>	<u>26</u>	<u>16</u>	<u>10</u>	<u>38%</u>
<u>Feb-12</u>	<u>32</u>	<u>28</u>	<u>4</u>	<u>13%</u>
<u>April-12</u>	<u>15</u>	<u>29</u>	<u>-14</u>	<u>93%</u>

4.64 Numbers of New Plans (Registrations)

- The numbers of new CP plans depends on activity before an initial CP conference (See following table that illustrates work flow)
- The trend has been for the number of initial CP conferences to be at rate of approximately 30 per quarter, This is less than the previous year. This may be a reflection of stronger multi agency activity prior to CP conferences and the impact of the development of effective Locality Teams. There is a need to consider whether some concerns (e.g. Domestic Violence) can be addressed within different frameworks.
- The rate at which Initial conferences leads to CP plans has been higher when compared to previous years , though data may also reflect CP plans that have been made in respect of siblings at review CP conferences

4.65 Work flow prior to CP Plan

Number of Referrals, Initial and Core Assessments that might result in a child having a Child Protection Plan.

Month	Referrals	Re Referrals	%Re Referrals	Initial Assessments	% Referrals to IAs
April 11	118	31	26.3%	109	92%
May 11	129	16	12.4%%	121	94%
Jun 11	182	31	17.0%	170	93%
Jul 11	183	36	19.7%	169	92%
Aug 11	112	17	15.2%	101	90%
Sep 11	113	19	16.8%	103	91%
Oct 11	154	27	17.5%	126	82%
Nov 11	181	21	11.6%	162	90%
Dec 11	110	16	14.5%	94	85%
Jan 11	126	24	19.0%	117	92%
Feb 11	122	17	13.9%	103	84%
Mar 11	165	23	13.9%	131	79%
Total	1695	278	16.4%	1506	88.7%

- The above table shows low numbers of re referrals each month

- There continues to be high number of Initial assessments generated by referrals, much higher than previous data provided for Westminster and Kensington and Chelsea.

Number of s47, Strategy Discussions and Initial Child Protection Conferences that might result in a child having a Child Protection Plan.

Month End	No. of Strat.Disc	Strat. Leading to s47	s47 leading to ICPC	s47 leading to ICPC %	ICPC Complete within 15 days	ICPC Complete within 15 days %	ICPC leading to CPP	ICPC leading to CPP %
Feb-11	119	64	29	45.3%	10	34.5%	26	89.7%
Apr-11	87	64	24	37.5%	3	12.5%	25	104.2%
Jun-11	136	92	38	41.3%	22	57.9%	39	102.6%
Aug-11	92	47	22	46.8%	10	45.5%	22	100.0%
Oct-11	113	58	32	55.2%	9	28.1%	25	78.1%
Dec-11	100	66	32	48.5%	10	31.3%	32	100.0%
Feb-12	84	58	36	62.1%	13	36.1%	28	77.8%
Mar-12	55	34	25	73.5%	6	24.0%	25	100.0%

- There appears to be a trend towards fewer strategy meetings each quarter,
- The % of S47 investigations that lead to ICPC has progressively increased during the year.
- Although There has been a relative fall in number of S47 investigations this has been accompanied by increase in rate of S47s leading to Initial CP conferences, which on turn has meant that overall numbers of new CP plans has remained constant
- The percentage of CP Plans per ICPC has remained high
- A significant performance challenge has continued to be the holding of an ICCP within 15 days of decision. The ability to hold conferences within appropriate timescales following strategy meeting remains low. All agencies are aware of the need to convene an initial conference quickly following decision at strategy meeting.
- There have been challenges in holding conferences at dates that may not fit with partner agencies and completion of key assessments.

Local Benchmark Data (comparative data in respect of S47 and CP plans (2010-2011))

Local Authority	Rate of Referrals per 10,000	Rate of re-referrals per 10,000 (2010)	IA as % of referrals (LAI 68)	CA completed within 35days (LAI 60)	Section 47 rates per 10,000	ICPC per 10,000 children	Children added to CPP per 10,000	Rate of CP plans per 10,000 at 31st March 2011
Kensington & Chelsea	629	70.06	78.7	84.2	107.6	36.3	33	30.3
Wandsworth	355	33.66	90.3	80.4	127.9	38.8	35.4	33.1
Westminster	673	100.51	63.2	74.2	85.4	39.3	33.5	28
Lambeth	824	85.35	89.8	95.4	102.9	61.5	71.9	61.7
Inner London	605	51.54	77.4	77.5	127.6	44	47	45.5
H&F	581	40.45	85.4	84.3	74.3	59.6	43.3	47.3

The figures are taken from analysis of CIN DoE 2010-2011 (released April2012).

It suggests that re referral rates are low in Hammersmith when compared to other authorities. This is positive and may suggest good quality initial assessments, as these are less likely to lead to re referral.

S47 rates are low when compared to other authorities. This fits with observations in workflow analysis

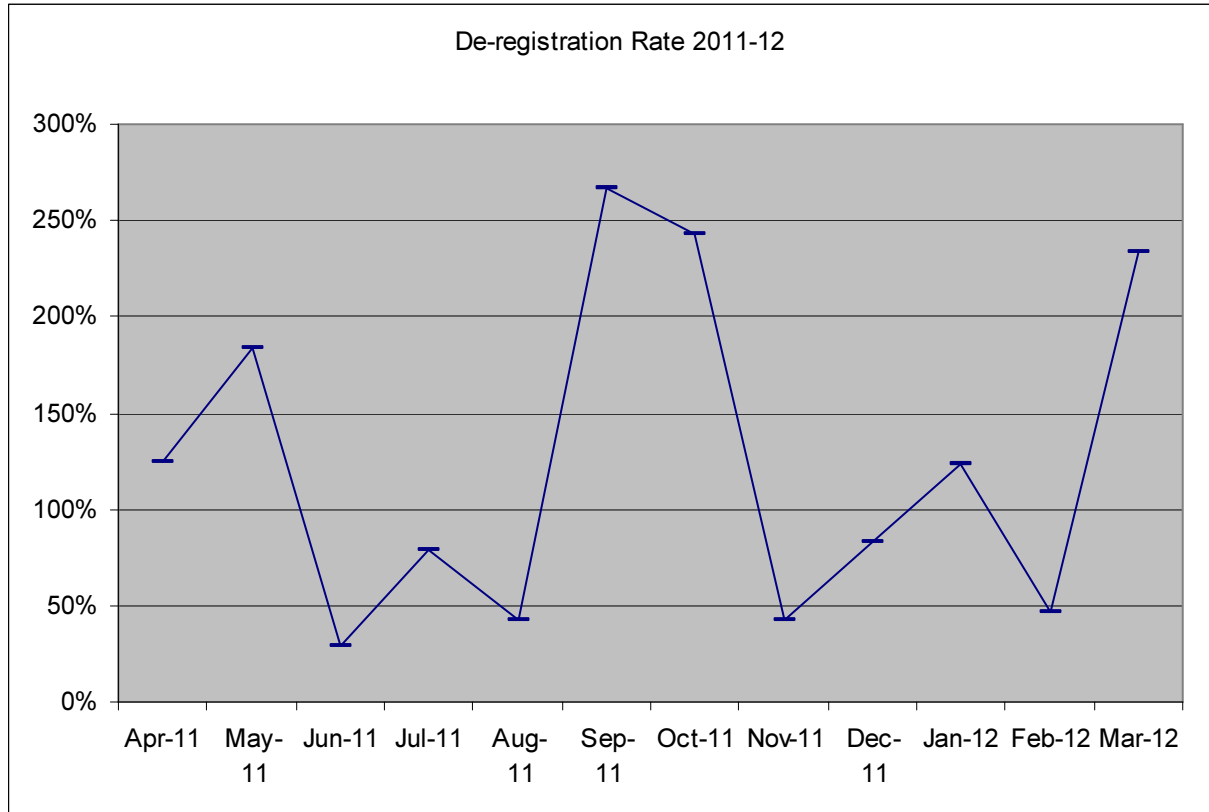
There are higher numbers of initial conferences following S47 investigations than in comparative boroughs .This also fits with current performance data.

Rate of new plans and plans per 10,000 are similar to the Inner London average.

In the year 2010 -2011.

The rate of conversion from ICPC to CPP is lower. It would appear that in 2011-2012 the rate will be much nearer to the London average and comparator boroughs.

4.66 Removals from CP Plans



- The explanation for any change in numbers of children removed from CP plans is complex. There has been a particular focus on reducing the length of time children are subject of plans.
- There has been a focus on ensuring that core groups are effective in coordinating the safeguarding work between child protection planning meetings. This ensures that barriers to removal are addressed.
- The Safeguarding and Quality Assurance Unit (SQA) and Family Support and Child Protection service (FSCP) have promoted a number of initiatives including training around core groups and clarifying expectations of core group participants.
- A multi agency panel has reviewed long term cases (over 12 months). This builds on collaboration involving CP chairs and Team managers

- In order to reduce length of time children are subject of plans the CP Plans have needed to be SMART and focus on outcomes. The CP conference summary needs to include original reasons for concern and with focus on risk.
- There has been challenge from chairs with agencies where there are problems in attendance or in providing reports for conferences. There have also been briefings for partner agencies
- There has been a focus on reducing children subject of legal orders, supervision orders and those being accommodated who are also subject of CP plans.
- There is a continued focus for improved practice in relation to key parental issues, in particularly identifying issues at earlier point and developing a multiagency response.
- The development of Locality Teams is focusing on such work, ensuring that opportunities for prevention are pursued prior to development of significant risk issues.

4.67 Children who are subject to CP Plans for a second or subsequent time (Re-registrations)

Month	New CPP	Removal from CPP	Repeat CPP	% Repeat of new CPP	Repeat within 12mths of de reg	%Repeat within 12mths of de reg
April11	12	15	0	0%	0	0%
May11	12	22	0	0%	0	0%
Jun11	21	6	7	33%	0	0%
July11	19	15	7	37%	4	57%
Aug11	7	3	3	43%	0	0%
Sept11	9	24	3	33%	3	100%
Oct11	7	17	0	0%	0	0%
Nov11	14	6	5	36%	0	0%
Dec11	12	10	0	0%	0	0%
Jan12	17	21	1	6%	0	0%
Feb12	15	7	0	0%	0	0%
Marc12	9	21	1	11%	0	0%
Total	154	167	27	17.5%	7	25.9%

- Rate of re plans (re registration rate) has fluctuated from quarter to quarter.
- Through out the year there has been a focus at LSCB meetings on the high rate of re plans, with specific reports presented
- In H&F there has in the recent past been a high rate per 10,000 of pop with CP plans .This may mean there is a greater probability of a re registration than in an area where rates are much lower for children per 10,000 of pop.
- Only 7 of 27 repeat CPP were within the past 12months (4.5%).
- There has been continued scrutiny of decisions to remove children from CP list, given potential risk of future re plans, though this focus may contribute to children remaining on CP plans for longer periods.
- There has been continued focus on post registration support, with FSCP retaining their involvement with families for at least 6 months after removal from plan.
- A significant number of re plans relate to families who have left H&F and returned following temporary re housing, children returning home following legal proceedings, and children in families where there are repeated concerns for incidents of DV.
- There is evidence that services need to continue to consider family group conferences, referrals to MARAC and other preventive work before concluding initial CP conference is appropriate.
- It is expected that the new robust locality team framework will through its emphasis on coordinated preventive work lead to less children becoming subject of new plans and as a consequence fewer re plans.

4.68 Agency participation in child protection planning meetings

On a quarterly basis there is a systematic multi agency audit of agency participation. There have been continued improvements in agency participation at CP conferences.

Agency leads are sent both details of new conferences and on weekly basis, details of CP list with changes. The provision of multi agency data and follow up by CP chairs has been crucial to improving participation. Further developments that are focusing on improving participation and outcomes include ensuring partner agencies check their records against details of adults involved with children subject to concerns, work within individual services (such as WLMHT),a multi agency workshop on conferences and Quality Assurance Framework (QAF)

There has been improved participation of agencies developed through providing invitations to agencies for review conferences as well as for initial conferences, Follow up emails are routinely sent to agencies by CP chairs who do not provide reports/attend, and links have been made with the lead safeguarding representatives. This is impacting positively on the quoracy of conferences and effectiveness of CP planning.

Key feedback on Family /Agency participation

Family issues

The presenting parental issues are important given the implications for signposting and engagement with partner agencies.

Domestic Violence

- There is a continued dominance of this issue with a continued need to ensure that agencies are working closely through the establishment of agreements with those involved.
- There is also a dominance of DV as an issue where there are re plans
- There is a commitment to training, coordinated in conjunction with Standing Together
- Within the Local Domestic Violence Partnership structure there is a specific DV group for Children and Health services as well as specialist services.
- The Hammersmith and Fulham MARAC (Multi Agency Risk Assessment Conference), has had a key role in increasing safety of victims and scrutinising DV plans.

Mental health

- WLMHT have through their safeguarding lead developed a Clinical Improvement Group (CIG) for addressing practice links. This has involved team managers from Social Care and is focused on improving participation.
- The presence of mental health issues in many serious case reviews/critical incident reviews confirms the need for robust partnership work.

Substance misuse

- There are training courses that promote greater awareness of impact of substance misuse on parenting.
- An audit was carried out on behalf of the LSCB by DAAT

Disabled children

- There is close liaison between Safeguarding and Quality Assurance Unit and the disabled children team (DCT). Feedback suggests that there continues to be careful preparation for CP meetings with good assessments and reports; however the numbers of disabled children subject to CPL is low.
- Reports suggest that parental mental health is a significant concern for those working with disabled children.

4.69 Categories of CP Plans

Quarter	Emotional Abuse	Neglect	Physical Abuse	Sexual	Multiple	Total
Jun-10	83	87	25	4	2	201
Aug-10	66	89	7	5	30	197
Oct-10	62	71	12	5	21	171
Dec-10	57	69	12	6	20	164
Feb-11	60	57	18	6	22	163
Apr-11	47	54	19	4	22	146
Jun-11	47	52	14	6	33	152
Aug-11	45	60	13	9	33	160
Oct-11	39	50	12	8	30	139
Dec-11	46	45	20	8	36	155
Feb-12	46	48	23	9	38	164
Mar-12	33	46	23	10	25	137

Categories of abuse – Comparator data 31st March 2011

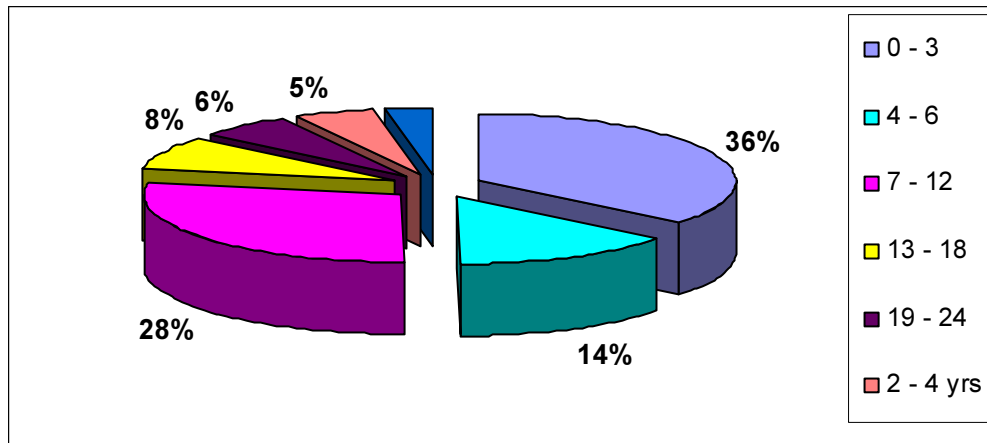
Authority	CPP	Neglect %	Physical %	Sexual %	Emotional %	Multiple Categories %
H&F	175	39	14	0	23	22
K&C	75	57	0	0	35	0
Wandsworth	180	46	30	6	18	0
Westminster	145	27	19	0	34	19

LONDON	5,795	48	10	4	31	8
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- The dominant category of concern is for neglect (34%). Children who are subject to this category are likely to remain subject to the CPL for longer periods than other categories. The LSCB has organised specific training in relation to neglect.
- 24% of CPL subject to concerns for emotional abuse, This has been used where there are concerns for DV.
- There is an appropriate representation of physical abuse (17%) when compared with comparator boroughs and the national stats. This is present at higher rate for initials.
- There are small numbers of children where there are concerns for sexual abuse (7%). There are slightly more children reported at referral stage who are presenting with referral concerns for sexual abuse. The Sexual Exploitation Framework is used for older children at risk of sexual abuse. There has been a continued focus of training on children at risk of sexual exploitation and joint work with Barnardo's.

4.70 Length of time – Child with a Child Protection Plan

Month End	0 - 3	4 - 6	7 - 12	13 - 18	19 - 24	2 - 4 yrs	4+ yrs	Total
Apr-11	19	40	30	22	16	18	2	147
Jun-11	33	42	37	19	8	11	2	152
Aug-11	25	46	40	24	12	11	2	160
Oct-11	33	34	36	9	15	10	2	139
Dec-11	25	32	57	13	13	13	2	155
Feb-12	31	30	54	19	14	12	4	164
Mar-12	49	19	39	11	8	7	4	137



- In March 2012 30 children were subject to plans longer than 12months (22%). This is in contrast to the position at April 2011 where 58children were subject of plans (39%)
- In April 2011 89 children were subject of plans for less than 12 months. This had increased to 107 children in April 2012 (20% increase)
- A systematic multiagency audit of long term CP plans (over12 months) takes place through a multi agency panel that meets monthly.
- Neglect is the primary concern for long term CP plans. There is a need to prevent re plans through premature removal. This appears to be effective given the small number of children subject to repeat plans within 12 months of de registration

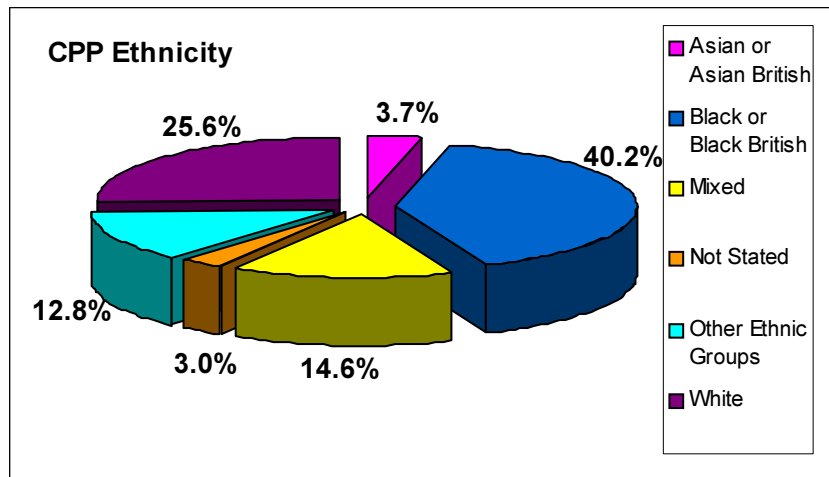
4.71 Age and Gender

Month End	0 - 1	%	2 - 3	%	4 - 8	%	9 - 14	%	15 +	%	Total
Apr-11	21	14%	21	14%	43	29%	54	37%	8	5%	147
Jun-11	21	14%	24	16%	44	29%	56	37%	7	5%	152
Aug-11	21	13%	21	13%	50	31%	59	37%	9	6%	160
Oct-11	20	14%	16	12%	47	34%	49	35%	7	5%	139
Dec-11	19	12%	20	13%	53	34%	53	34%	10	6%	155

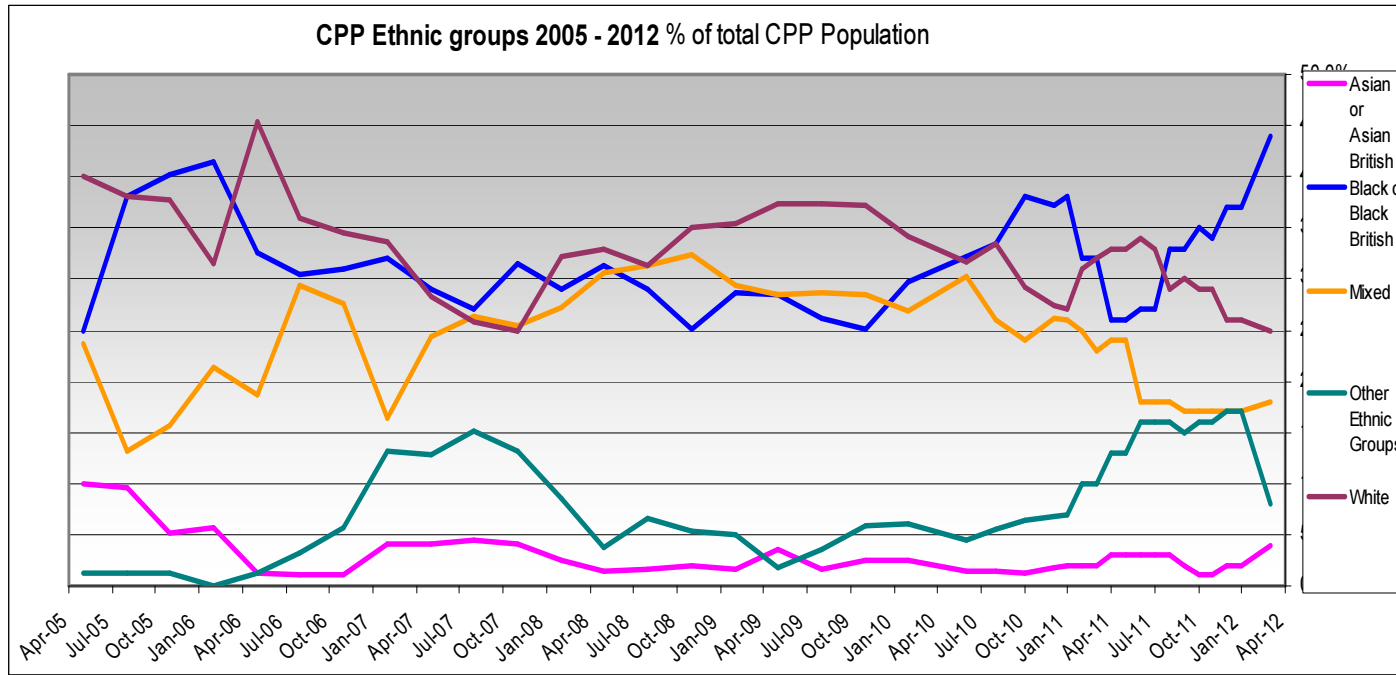
Feb-12	23	14%	16	10%	52	32%	61	37%	12	7%	164
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The proportion of children less than 4years has remained constant at approximately 25%

4.72 Ethnicity of CPL



- The CPL at April 2012 was made up of 40.2% Black or Black British 14.6% Mixed and 25.6% White.
- This represents an increase in proportions of Black or Black British children from 28.8% at April 2011 and a fall in proportion of White children from 34.2 % (April2011.)
- Representation of Asian children remains low at 3.7% (2.7%).



4.73 National Indicators – Performance

Summary of NI definitions

NI	Definition	Good performance
NI64	% of children ceasing to be the subject of a CPP during the year ending 31 March, who had been the subject of a CPP continuously for two years or longer	Typified by a lower percentage
NI65	% of children who became the subject of a CPP at any time during the year, who had previously been the subject of a CPP	10 < 15 good performance
NI67	% of children with a CPP at 31 March who at that date had had a Plan continuously for at least the previous 3 months, whose case was reviewed within the required timescales.	100%

Key to NI Bands

NI	Low					High			
	1	2	3	4	5	4	3	2	1
NI64						0<10	10<15	15<20	20<=100
NI65	0<3	3<6	6<8	8<10	10<15	15<17.21	17.21<20	20<24	24<=100
NI67	0<92.5	92.5<95	95<97.5	97.5<100	100				

Local Authority Indicator	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	H&F 10/11 Outturn**	H&F 09/10 Outturn	H&F 08/09 Outturn
NI64	26.7	32.4	28.2	21.2	22.6	15.1	15.8	15.2	12.8	12.5	12.6	4.9	6.4	9.6
NI65	0	0	15.9	22.2	24.3	23.8	25.7	23.6	20.9	18.9	18.2	29	17.8	16.8
NI67	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	TBC	95	97.7	100.0

Performance Table Figures @ March 2012 are Internally calculated only and Not validated by DFE

The 3 NI indicators for H&F show:

- NI65: Re-registrations show that the authority's performance needs to improve. This has been addressed early in report (4.67)
- NI67: Performance has slipped when compared to previous reporting periods .The shortfall has frequently been by a few days on account of administrative error.
- NI64: This is currently within high range because of the numbers of children remaining subject to plans over 2 years. Current practice suggests that the performance in 2012-2013 will be much improved on account of much lower numbers of children subject to long term plans.

4.74 Benchmark Data

Referrals Rate per 10,000 population aged under 18							
	2005	2006	2007	2008	2009	2010	2011
H&F	1378.0	1912.0	864.0	872.0	542.0	552.5	582.0
SN	811.0	828.0	715.0	682.0	640.0	544.8	627.0
England	499.0	515.0	496.0	490.0	497.0	551.6	555.0
Re-Referrals % of referrals that are repeat referrals within 12 months							
	2005	2006	2007	2008	2009	2010	2011
H&F	15.1	40.0	28.0	22.4	17.0	N/A	17.8
SN	18.0	17.0	18.0	15.5	16.7	N/A	18.4
England	22.1	23.3	22.7	24.3	23.0	N/A	25.6
Referrals to IA - % of referrals that led to initial assessments - NI68							
	2005	2006	2007	2008	2009	2010	2011
H&F	37.8	36.9	49.7	78.7	80.0	82.2	85.4
SN	48.2	49.9	57.2	63.6	72.6	75.2	78.1
England	52.6	52.7	56.0	59.4	64.0	65.5	72.0
Initial Assessments % of IA completed within 7 or 10 working days of referral - NI59(10 days from 2011)							
	2005	2006	2007	2008	2009	2010	2011
H&F	48.4	49.4	30.4	76.4	80.0	82.9	89.0
SN	62.4	63.2	73.5	77.7	78.5	75.5	82.8
England	61.7	64.9	68.4	70.7	72.0	67.1	79.6
Number of Core Assessments Rate per 10,000 population aged under 18							
	2005	2006	2007	2008	2009	2010	2011
H&F	143.9	183.7	113.3	142.8	186.0	209.0	241.4
SN	154.0	195.7	206.5	228.2	235.0	245.0	261.6
England	66.9	76.8	84.9	95.6	110.0	123.5	167.3
Core Assessments % of CA completed within 35 working days of Initial Assessment -							
	2005	2006	2007	2008	2009	2010	2011
H&F	71.5	81.7	65.8	83.0	85.0	91.6	84.3
SN	72.5	76.8	79.4	79.4	81.0	76.9	81.5
England	67.1	74.4	78.4	80.0	78.0	73.4	75.1
CPR - Child Protection Plan Rate per 10,000 population aged under 18 @ 31st							

No. of children 1st time registered							
	2005	2006	2007	2008	2009	2010	2011
H&F	105.0	90.0	145.0	150.0	135.0	194	98
SN	157.0	159.5	148.0	158.5	176.5	185	213
England	26600	27000	28800	29400	32800	38500	42030

NI65 - Percentage of children registered, previously registered							
	2005	2006	2007	2008	2009	2010	2011
H&F	6.0	18.0	18.0	11.0	17.0	17.8	29.0
SN	13.0	13.4	12.3	12.2	12.5	12.6	12.8
England	13.0	14.0	13.0	14.0	13.0	13.6	13.3

De-registration rates, per 10,000 population							
	2005	2006	2007	2008	2009	2010	2011
H&F	57.5	40.8	36.8	52.0	44.0	54.5	70.5
SN	41.4	40.6	40.2	37.5	38.1	46.2	51.0
England	28.0	28.1	28.7	30.0	30.0	34.5	40.6

NI64 - CPP Lasting 2 years or more							
	2005	2006	2007	2008	2009	2010	2011
H&F					10.0	6.4	4.9
SN			7.9	5.8	7.6	7.6	8.7
England			5.8	5.0	6.0	5.9	6.0

No. of children de-registered, on the register continuously for 2 years or more							
	2005	2006	2007	2008	2009	2010	2011
H&F	20.0	15.0	0.0	0.0	10.0	11.0	11.0
SN	16.5	17.0	10.0	5.0	9.0	19.7	22.0
England	1800	1800	1900	1760	1850	2300	2690

4.75 Summary

The past year has seen a fall in the numbers of children subject to child protection plans. There has been intensive work by Children's Services and other agencies, with continued focus on strengthening practice, thresholds, and improving participation. There remains a continued need for vigilance to prevent long term delay and ensure interventions are earlier.

The report has considered the quality of partnerships between agencies, which underpins good safeguarding practice. Whilst there is continued evidence of good practice, there are opportunities to consider further developments

4.8 Complaints

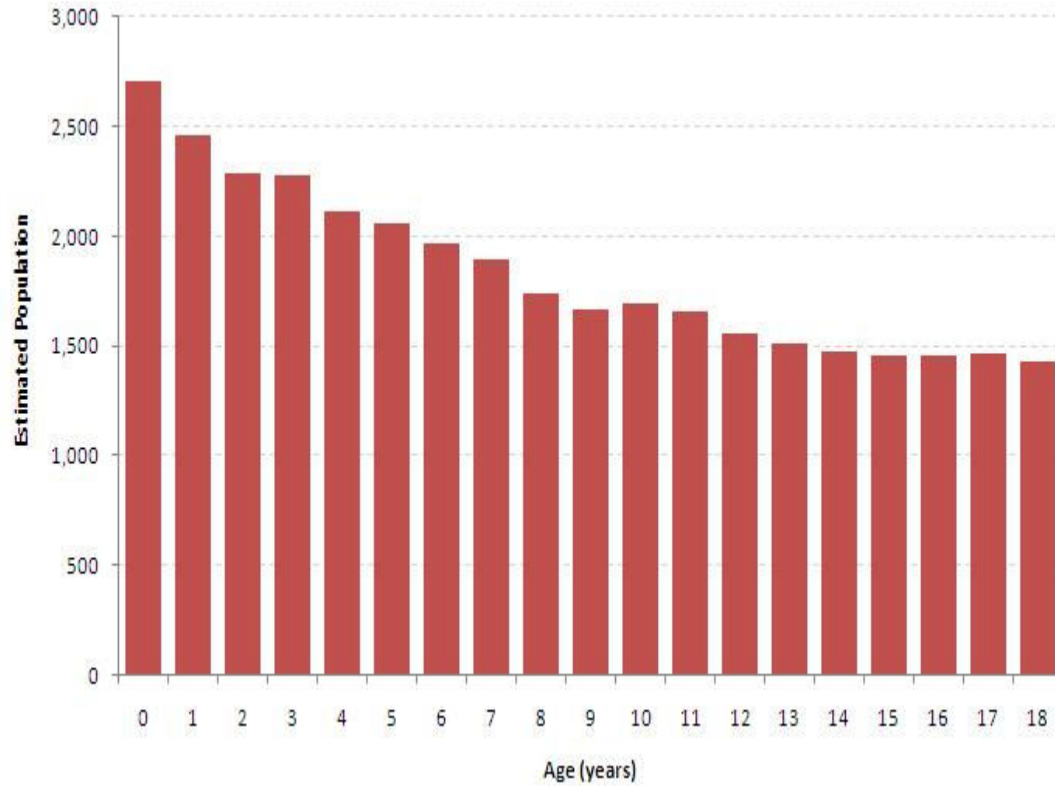
There has been no formal complaint in respect of CP conferences that has required the establishment of an independent LSCB panel. With the development of Tri Borough LSCB there has been a need to establish a new Tri Borough complaints process

4.9 Joint Strategic Needs Assessment (JSNA)

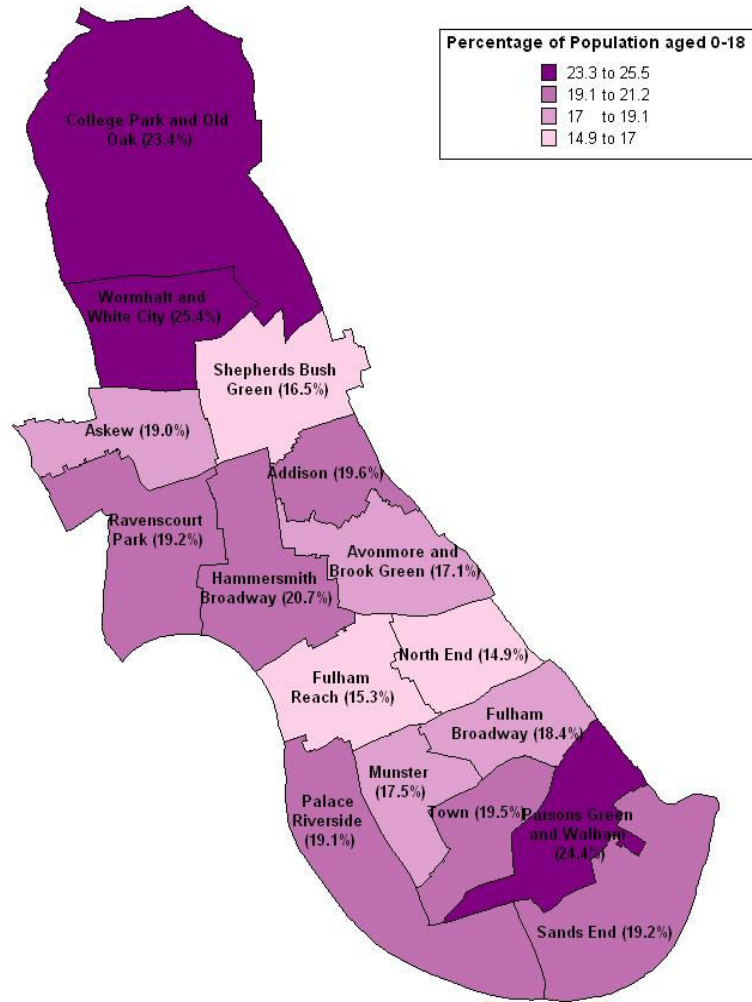
This provides an analysis of all key issues affecting children's lives, including vulnerable children and obesity. It also includes what children and young people have said about their priorities and what they think is the most appropriate service to respond.

4.91 Child Population

Currently there are an estimated 35,000 children and adolescents (0-18) in Hammersmith & Fulham accounting for 19.4% of the total population. A key conclusion from the profile below is the implication that the population of children is increasing. This is based on the fact that there are increasing numbers of younger children.



4.92 Distribution of Child Population



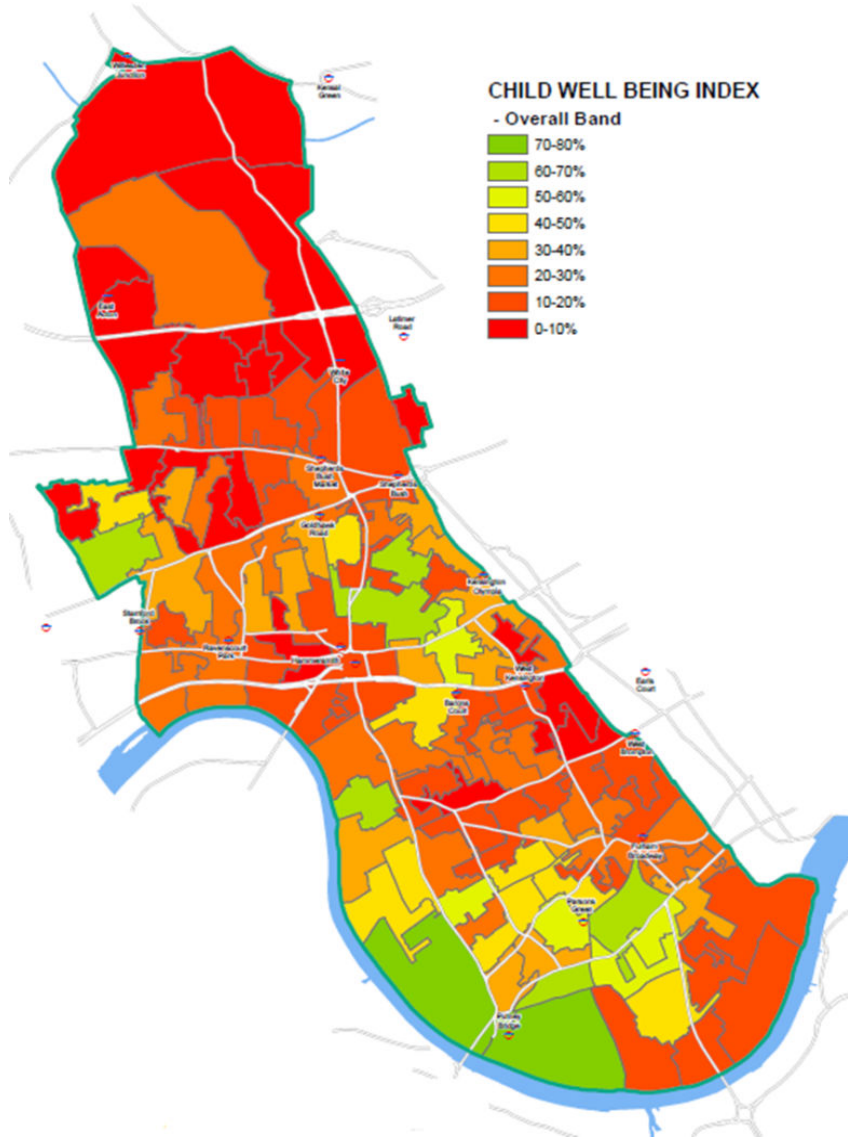
Across the borough the proportion of the population aged 0-18 years old ranges from 14.9% in the ward of 'North End' to 25.4% in the ward of 'Wormholt and White City'.

4.93 Child Well Being Index

The proportion of children in a ward aligns closely with deprivation.

Hammersmith & Fulham is ranked at 331 out of 354 local authorities (23rd most deprived) in England based on performance against all of the domains.

The seven domains that make-up the CWI are material well-being, health, education, crime, housing, environment and children in need. There are several indicators which are considered under each domain which can be found by entering the following link - <http://www.communities.gov.uk/documents/communities/pdf/1126232.pdf>.



5. How does the LSCB Monitor Activity and Quality Assure other specialist areas?

5.1 Sexual Exploitation

SEone has been working with Hammersmith and Fulham since July 2008.

Each month, cases are discussed through the multi agency forum of the Protocol Meetings under the London Procedure for Children Abused through Sexual Exploitation. The meetings assess each case on their level of risk of sexual exploitation, whether they should receive a direct work service from Barnardo's or whether Advice and Consultancy is provided to another professional for them to deliver the work.

The service also delivers preventative group work to schools using the Barnardo's published 'Bwise2 Sexual Exploitation' resource. The group work programme enables children and young people, to explore through a safe forum the areas of sexual exploitation, how young people are groomed, going missing, risks and keeping safe, abusive relationships, developing healthy relationships and the law regarding sex and young people.

Barnardo's SEone Service has continued to deliver 2 different training programmes. The '**Sexually Exploited Young People: Identifying the Need and Managing the Risk**' was delivered on 11.11.10. The other programme based on the published resource '**Bwise2 Sexual Exploitation: Training on how to use the prevention education programme.**' which introduces the direct work materials for using with groups and individual young people, so professionals have the skills to deliver the programme themselves.

In the year 2011-2012 the Child Sexual Exploitation Protocol Meetings have received referrals in respect of 23 girls and 3 boys aged 12-19. The Barnardo's Sexual Exploitation Service: has engaged with 14 girls and 2 boys

25 secondary school pupils have received a 6-9 session programme of small group prevention workshops. 534 secondary school pupils have received 1-2 awareness raising lessons.

5.2 Early Intervention

In June 2011 The Authority establish a new Localities Service, based on three multi disciplinary team in the north, central and south of the borough

The key priority areas include

Children with less than 81% school attendance

Children with at least 2 fixed term exclusions

Children experiencing neglect due to parental substance misuse

Children experiencing neglect due to parental mental health problems

Children exposed to domestic violence

Young Carers

Young people who are NEET

Young people who are substance misusing

Younger siblings of children/young people receiving defined specialist services: YOT, LAC

Adolescents at risk of becoming Looked After Children
Children at risk of suffering significant harm and requiring Protection Plans
Young People at risk of committing crime the Youth Justice System
Young People at risk of exhibiting Anti-Social Behaviour
Children at risk of being permanently excluded from school
Teenage parents

Together with Westminster and Kensington and Chelsea the Locality service is looking to develop a quality assurance framework to assess the impact it makes on outcomes of vulnerable young people.

5.3 Allegation against Professionals

Working Together to Safeguard Children (2010) defines the role of the Local Authority Designated Officer (LADO) in managing allegations and concerns that arise about people working in a position of trust with children. Where it is alleged such a person has:

- Behaved in a way that has harmed, or may have harmed a child
- Possibly committed a criminal offence against, or related to, a child, or
- Behaved towards a child in a way that indicates s/he is unsuitable to work with children

The employer must report it to the LADO. This means allegations can be referred by a wide variety of services and organisations – schools, early year’s providers, police, health, voluntary organisations, and independent schools. Allegations can also arise from complaints made directly by children, parents or third parties e.g., the NSPCC or Ofsted.

Data for 2011-2012 will be presented at tri Borough LSCB in October 2012

5.4 Missing Children

H&F’s protocol for young runaways from home and care is summarised as follows:

On unknown and closed cases these cases are responded to by H&F’s Contact and Assessment Service. If the case is open the social worker takes the lead in the assessment process.

If the child has returned when the notification is received, this information is assessed in light of previous referrals and/or the current assessment and care plan for the child by the social worker and team manager.

A decision is then made whether

- No further action to be taken

- offer support services
- allocate for an assessment or assess the circumstances and risk if the child is already receiving a service.

These decisions are based on frequency of missing incidents or details of the report relating to the responses of parents or carers. If the child remains missing then a full assessment process managed through the missing children procedure, agreed by the LSCB in 2008, until the child is found or other action is required.

5.6 Safe Workforce

Safer Recruitment training has been identified to ensure recruiting managers understand how to:

- Deter unsuitable applicants from applying
- Identify possible dangers in applications and interviews
- Develop and maintain a safer culture in the workplace

Training focuses on the good practices that should be adopted when recruiting and selecting adults to work with children, including procedures and strategies to help those involved in the recruitment process to deter, identify and reject applicants who are unsuitable to work with children.

Originally this training was introduced in response to the Bichard Inquiry into the Soham murders. The inquiry concluded that at least one member of all school recruitment panels should be trained in Safer Recruitment. Since it has been an OFSTED requirement that all Head teachers and one governor from every school must be safer recruitment trained.

Safer Recruitment training is offered via the LSCB and Early Years training programmes

5.7 Safeguarding in Schools

Child Protection and Safeguarding is given a high profile in LBHF schools. Each school has a designated person for Safeguarding and Child Protection and the Local Authority offers every school an opportunity to have a CP training session each year, over and above the 3 years recommended. Additionally, there is an annual seminar for designated teachers and 2 sessions each year for school governors.

From June 2011 The EWAS has been disbanded with the EWAs transferring to the new Locality teams, new multiagency teams designed to support families and children and focussing on preventative work. The Centrally Retained Education Welfare (CREW) continues to provide all schools with CP procedures and guidelines each year, a CP leaflet for parents for schools to use and a model CP policy. All LBHF schools have bought into the CREW CP training offer for 2011/12, the first year schools have had to purchase this service.

6.1 Priorities for next year

6.12 Individual Agencies and LSCB

Priorities for 2012/2013	
What are the safeguarding priorities and targets for your service during the next year?	
Contact and Assessment Team	<p>Continue the piloting of single child and family assessment Maintaining timescales and continuing to improve on assessment quality; Completing team managers' audit process; Develop a more robust feedback from service users and agencies Recruit more permanent staff.</p>
Disabled Children's Team	<p>To manage the service through considerable change and with reduced budgets and continue to provide high quality safeguarding services for disabled children. To work with partner agencies to identify whether we are getting appropriate referrals. Sharing safeguarding practice for disabled children across the Tri Borough. To continue to induct our next 30 new sessional workers and ensure they are trained in and able to recognise safeguarding concerns. Continued investment in the Key Worker Scheme. Continued investment in the Young Carers Service.</p>
Adoption and Fostering Services	<p>Increase the number of in-house foster carers. Work more closely with the Children in Care Council and Foster Carers' Association with the view to promoting service user feedback and improving the quality of service delivery. To enable and support children and service users to use the complaints process with confidence. To improved the quality of support provided to foster carers with the view to enhancing their skills and capacity to manage the challenges of undergoing an allegation or complaint from a Looked after Child more safely. To reduce the length of time children spend waiting for a permanent placement. To increase the number of adopters for children from a black and ethnic minority background. To enable and support adopters who opt to adopt children from different cultural and ethnic backgrounds. To launch of the Tri-Borough Service which will enable us to develop and build the</p>

	<p>infrastructure to ensure that we are in a sound position to promote and enhance the outcomes of all Looked after Children.</p>
Housing	<p>Service delivery in H&F advice will continue to take account of needs of those presenting as homeless taking account of risk to children Consultation will take place on proposed changes to Scheme of Allocation in relation to additional room for fostered children Continued provision of training to front line staff Continued enhanced CRB checks where relevant Review of representatives for department to bring a fresh approach</p>
3-borough Child Death Overview Panel (CDOP)	<p>Responsibilities The child death processes remain a statutory function. Clinical Commissioning Groups (CCGs) take on the PCT responsibility for securing the expertise of a Designated Paediatrician for unexpected child Deaths whilst the LSCB remains responsible for the provision of a Single Point of Contact.</p> <p>Panels The panels for 2012 have been planned. A panel was held in May which considered a range of cases. From July to December there will be 3 panels. These panels will be themed. The themes for the year will be: Neonatal Accidents SUDI Suicides Life limiting illnesses</p> <p>This will enable more efficient discussion at the panels and an improved quality of information being fed back to the LSCB. The themed approach will also allow effective dissemination of learning and identification of need for any significant local change to practice or requests for national alerts.</p> <p>Reporting A report will be presented to the LSCB following panels. The report will highlight: Performance</p> <p>Themes</p> <p>Learning / Research</p> <p>Dissemination process</p> <p>Rapid Response for unexpected deaths The process will undergo a review during 2012-13 to consider:</p>

	<p>Effectiveness of partnership working regarding the assessment of the home circumstances. Currently police carry out home visits and liaise with a paediatrician rather than actual joint visits, although if the necessity arose then this would be done.</p> <p>Quality of information collected to ensure that there are thorough forensic and medical investigations completed.</p> <p>Level of work regarding out of borough cases to inform commissioners and the LSCB.</p> <p>CCG service specification for Designated Paediatrician for Unexpected Deaths to ensure there is sufficient capacity to deliver a good service.</p> <p>Evaluation of family follow up and bereavement services.</p> <p>7.5 Sharing learning The Chair will continue to work as a member of the Pan London CDOP Chairs' Group to share learning. This will be fed back to the local CDOP.</p>
Community Drug and Alcohol Service (CDAS) CNWL	To further integrate safeguarding into every day practice through Supervision, Training and performance management systems
Standing Together Against Domestic Violence	<p>To continue to work with partners to maintain and improve responses to children and young people affected by domestic violence:</p> <ul style="list-style-type: none"> • Intimate partner violence • So-called honour based violence • Forced Marriage • Female Genital Mutilation • Family abuse <p>The current definition of domestic violence covers adults from 18 and above. This is potentially set to change to 16 and above. Standing Together welcomes this, but there will be a significant impact on safeguarding young people.</p> <p>We will also be concentrating on provision of therapeutic services to children, and provision of domestic violence sessions to health staff. We will be working closely with the new localities team in the Borough to ensure that enables us to make the most of Early Intervention.</p>
C&W NHS Trust	We strive to achieve 100% compliance in training across all levels. KPIs will

	continue to be refined and developed and it is hoped that feedback from the commissioners will enable us to reflect upon and strengthen our safeguarding practices. Our internal audit programme will be extended.
Health	<ul style="list-style-type: none"> • To ensure that secure arrangements for safeguarding children are in place during the NHS transition period. • Ensure that there are clear leadership arrangements in place in the relevant commissioning organisations for April 2013 when the PCTs cease to exist. • Review the role of Designated Paediatrician for Unexpected Child Deaths and health contribution to rapid response. <p>Review the effectiveness of DNA policies and develop tools to support practitioners to identify risk factors from non attendance at appointments</p>

6.13 LSCB Priorities for 2012-2013 LSCB.

The former Hammersmith and Fulham LSCB has contributed to the priorities of the new Tri Borough LSCB that held its first meeting in April 2012. This has taken the form of stock taking of the issues that have emerged from the June 2011 Inspection by Ofsted as well as the audits and reviews that have taken place during the past year.

The Key Recommendations from the Ofsted inspection for the Local Authority and its partners are :

<p>Safeguarding</p> <p>Within three months:</p> <ul style="list-style-type: none"> • extend the terms of reference of the LSCB's child protection panel to enable consideration of those child protection cases where the parents or carers are failing to cooperate with the child protection plan • increase the understanding across the partnership of the thresholds for access to children in need and child protection services so that appropriate referrals can be made • Improve the consistency of the recording of management oversight of cases to ensure that required actions are specified and measurable.

Within six months:

- improve the quality of supervision records for more senior social care
- professionals to ensure they show how their developmental needs are being met
- ensure that all front line and service managers are able to Understand and use data to support their management of services.

LAC

Within three months:

- work with the voluntary sector to maximise their contribution to the development, commissioning and delivery of service plans
- define the role and function of the children in care council and to further support its developing relationships with the council and its partners
- ensure that IROs bring to the attention of managers all cases where the care plan has not been implemented to enable the necessary action to be taken.

Within six months:

- ensure that the views of parents and carers of looked after children
- Inform service development and review.

Agenda Item 12

Tri-borough Executive Decision Report

[Note: For the purposes of the statutory record, this report will be accompanied by the relevant sign-off sheet used at each authority that is party to this decision. Such record will be retained at each such authority.]

Decision maker(s) at each authority and date of Cabinet meeting, Cabinet Member meeting or (in the case of individual Cabinet Member decisions) the earliest date the decision will be taken	<p><i>Full Cabinet</i></p> <p>Date of decision: 15 October 2012</p>	
	<p><i>Insert Full Cabinet, Cabinet Member for Family and Children</i></p> <p>Date of decision: 20th September 2012</p> <p>Forward Plan reference:</p>	
	<p><i>Insert Full Cabinet, Cabinet Member for X or Director for X as appropriate</i></p> <p>Date of decision: August 2012</p> <p>Forward Plan reference: <i>[insert]</i></p>	
Report title (decision subject)	TROUBLED FAMILIES – DEVELOPING AND IMPLEMENTING A TRI-BOROUGH APPROACH	
Reporting officer	Andrew Christie	
Key decision	Yes except for WCC	
Access to information classification	Public	
Cabinet Member or senior officer sign-off details	<p><i>[Report author to confirm that the authority of the relevant Cabinet Member at each authority has been obtained to the publication of this report – or Cabinet Member signature to be added below:</i></p> <p><i>Report authorised: The Cabinet Member has authorised this report</i></p> <p><i>Date: 17 September 2012</i></p>	

1 EXECUTIVE SUMMARY

- 1.1 In December 2011, the Government launched its programme to turn around the lives of the country's 120,000 most troubled families: those experiencing multiple problems and disadvantages such as unemployment, truancy and causing problems such as crime and anti-social behaviour at an annual estimated cost of £9 billion. The Government has estimated that there are 1720 Troubled Families in the Tri-borough local authorities that meet the criteria they have set, although this is before the data matching has been carried out to determine how many meet the criteria in reality.
- 1.2 The programme will run for three years funded by a combination of attachment fees and on a "payments by results" (PBR) basis to incentivise local authorities and other partners to prioritise this work.
- 1.3 Members have already approved the design principles for the Troubled Families intervention including agreeing to take a Tri-borough approach to delivery and to the establishment of a single triage and tracking unit.
- 1.4 This report updates Members on:
 - 1.4.1 the work which has been undertaken in identifying the Troubled Families in the Tri- borough according to the Government's criteria
 - 1.4.2 the specific proposals for delivering the interventions for the Troubled Families programme across the Tri- borough.

2 RECOMMENDATIONS

2.1 Cabinet Members for Children's services / Cabinet are requested to

2.1.1 Approve the proposals for delivering the service as set out in the report.

3 REASONS FOR DECISION

- 3.1 The Troubled Families programme is an important new programme for the government and the Tri- borough Local Authorities and will require considerable annual expenditure. Although some of the spend is funded upfront by the government (in attachment fees); some may subsequently be recouped through 'payment by results'.

4 BACKGROUND, INCLUDING POLICY CONTEXT, AND ANALYSIS OF OPTIONS

- 4.1 In December 2011 the Prime Minister announced additional funding for local government of £448 million over 3 years to turn around the lives of 120,000 Troubled Families in England. Troubled Families are a Government priority because of both the poor outcomes experienced by these families and their impact on the communities they live in, and because of the huge cost they impose on the public sector.
- 4.2 The DCLG Troubled Families offer is that if local authorities can intervene in the most troubled families and secure positive outcomes in terms of gaining employment, reducing youth offending and anti-social behaviour and improving educational attendance, they will receive a success payment. Authorities are expected to make their own investment in services that will 'turn around the behaviour and lives' of Troubled Families.
- 4.3 We have confirmed to (DCLG) that the three boroughs will establish a service that will:
- 4.3.1 oversee and account for successful engagement with Troubled Families in the area over the next 3 years, for which we will be eligible for funding.
 - 4.3.2 provide a figure of the number of families we aim to start working with within 2012-13 and the number of upfront attachment fees we will be claiming
 - 4.3.3 agree to work closely with European Social Fund (ESF) and work programme providers
 - 4.3.4 support and take part in research, learning and evaluation of the programme
 - 4.3.5 appoint a Troubled Families Co-ordinator to run the programme locally.
- 4.4 Tackling the issues surrounding Troubled Families is not new. We have undertaken a variety of programmes across the Tri-borough area in the last 4 years - Westminster's Family Recovery Programme and Kensington and Chelsea's Family Intervention Programme focus on a small number of the highest need, high cost families, and the Hammersmith and Fulham localities approach deals with a larger number of less high need families. There is ample evidence that these approaches work. However there have been insufficient funds to scale up provision to address the needs of all the families potentially in scope.

5 OPTIONS TO DELIVER SUSTAINABLE WORK WITH HIGH COST FAMILIES

- 5.1 Analysis has provided us with insights into the make-up of the Troubled Families Programme cohort; their needs and likely service requirements. It is important to note that the Troubled Families Programme cohort and a wider group of Families with Complex Needs are different and that there are varying degrees of need within each of the two cohorts. Some will simply need advice and signposting whilst others will have a complex network of support and have many unmet needs. There will therefore need to be a range of interventions to support these families – both to deliver the results to obtain the PBR and equally to enable families to make and sustain changes that improve their lives and reduce the demands, risks and costs to local and national public services.

- 5.2 The 'cohort' for the Troubled Families Programme is not homogenous. Not only do the 'problems' presenting vary in their degree and intensity within each family, but the main services who interact with the families vary (e.g. the Youth Offending Team, Children's social care, Housing and Anti-Social Behaviour teams).
- 5.3 Design criteria
The steering group endorsed some design principles for the service offer:
That it should work with the grain of existing service delivery and support statutory services and not seek to replace it or create another delivery silo.
- 5.4 That it should maximise the opportunities for cross council and partner working and be able to flex to deal with any implications, maximising the opportunities from the Whole Place Community Budget (the Families and Justice themes in particular).
- 5.5 We agreed the service should be structured to: offer a triage/ assessment process (particularly in relation to the DCLG Troubled Families Cohort as it is likely that 75% are current statutory services clients, and additional services may not be appropriate or needed) to ensure that need is met in an proportionate way. We agreed the key features of the intervention (based on the RBKC Family Intervention Project (FIP) and WCC Family Recovery Project (FRP) should be: intensity and persistence; practical whole family support – e.g. housing, parenting coaching, substance misuse, domestic violence and mental / emotional distress, debt management, affordable childcare, referral to 'family friendly' employment support, interventions to prevent youth offending and anti-social behaviour; highly effective identification and monitoring systems – particularly the use of the intelligence desk; seamless support: access to relevant support which families respect: the community and voluntary sectors, mentors, restorative approaches, conflict resolution, education support. Finally, given the focus on the issues of offending, anti-social behaviour and non-school attendance, sanctions and rewards will be part of the offer, including the use of robust family agreements and strong monitoring and enforcement of persistent youth offending and ASB.

6. THE PROPOSED SERVICE DESIGN AND THE COMMUNITY BUDGET CONTEXT

- 6.1 The success of the Troubled Families Programme will be dependent on a range of agencies working collaboratively together: they will need to share local intelligence in order to identify the families and then re-shape and deliver co-ordinated services to the families. The key local partners are the three Councils (in particular Community Safety Teams, Children's Services, Skills and Employment Services, Housing, Substance Misuse, Mental Health Services, Early Years and Childcare Services), Health (Public Health, Primary Care and Acute Services), the Metropolitan Police, Probation Service, Job Centre Plus, Reed Employment (providers of the DWP ESF provision), schools and voluntary sector organisations. They have been consulted throughout the design of the programme. The Community Budget team have been working on this aspect and preparing a case for government to sustain the PBR approach beyond the end of this programme.
- 6.2 **The new service design**
Each Troubled Families service offer will be based on the assessed needs of the family in relation to achieving the DCLG Troubled Families outcomes and turning their lives around. This will vary according to the families' need and circumstances.

6.3 Triage

All troubled families who meet the criteria will be triaged. This will be undertaken by a single unit of police, local authority researchers and social work trained staff. They will review the behaviour and needs of each family and make a recommendation about the service offer with a view to what interventions will be required to meet the desired outcomes and turn around the lives of the families. They will triage up to 600 families a year.

6.4 The service offer comprises three tiers with increasingly intensive services based on the complexity and risk presented by each family..

- A. Service delivered by the existing Children's and Employment Services at no extra cost. E.g. the Locality Teams in Hammersmith and Fulham and Westminster and Early Help in the Royal Borough of Kensington and Chelsea; the Tri-borough Youth Offending Service; DWP/ESF Employment Programme for Families.
- B. Medium intensity – a Family Coaching service offering intensive practical support to ensure families overcome a range of difficulties to get children back into school and reduce offending. This will complement the work of existing services.
- C. High complexity service for high need families – where families require intensive co-located multi-agency intervention in addition to their core service. This will be provided by the FIP/ Adolescent Service in the Royal Borough of Kensington and Chelsea and the Family Recovery Programme in Westminster, and may be commissioned by Hammersmith and Fulham from both.

It is proposed that the entire service will work under the umbrella term – Family Recovery but that each service will retain or develop a name that is locally acceptable. The advantages being: the term "Troubled Families" may not be an appealing one for families being recruited to the services; the Family Recovery Programme is an evidence based programme with significant "brand" recognition by central and local government partners; expanding the brand and developing the methods across the tri-borough and submitting them to rigorous evaluation will be advantageous in future lobbying and offer us an ability to compare the efficacy of the different local approaches against agreed metrics.

The services will work to ensure that families understand the sanctions that could be imposed if parents fail to comply with some elements of the programmes. This will apply for some cases of unauthorised absence, child neglect, youth offending or anti-social behaviour. These are not new powers and in many cases have been available to services for a number of years. There is however transferable learning from the FIP and FRP in relation to improved outcomes for the families and the communities in which they live by better co-ordination between agencies working with the most complex families and the phased use of the sanctions.

6.5 In order to get this service underway within the very demanding timetable it is recommended that we commence a directly managed service. As the programme develops consideration will be given to opportunities to outsource.

6.6 Benefits

The single Tri-borough team that will carry out assessment, single care/ intervention plan, allocate resources and monitor, with service delivery through a wrap-around of the main service delivery, has the following benefits:

- 6.6.1 Opportunity to develop intelligence capacity across three boroughs, with an intelligence function, and opportunities to combine with MASH (Multi-Agency Safeguarding Hub)
 - 6.6.2 Opportunity for best practice to be shared across three boroughs
 - 6.6.3 Efficient/ effective use of specialised resource including procurement and commissioning
 - 6.6.4 Mitigates the PBR risk but maximized resource available
 - 6.6.5 Enables the allocation of services and performance (and therefore the PBR) within each borough to be recognised, with money following success with individual families in individual boroughs, and charges for service usage
 - 6.6.6 Ability to develop an evidence base of what works over time to drive better commissioning decisions, and develop sustainable investment mechanism
 - 6.6.7 Ability to work with partners on the joint delivery of wrap around services
 - 6.6.8 Ability to wrap around partner services (e.g. Registered Providers, GPs, ALMOs etc)
 - 6.6.9 Potential to explore social investment for those outcomes paid for on a PBR basis.
- 6.7 There are a number of strategies which will be deployed to mitigate any risk of building in a dependence upon payment by results as follows:
- 6.7.1 Plan the initial investment in additional Troubled Families provision on the basis of the average level of attachment fees, thereby enabling the actual progress in achieving payment by results (PBR) to determine any additional flexing up of investment
 - 6.7.2 Weight the provision of additional wrap around services to our in-house Family Intervention Programme in the Royal Borough of Kensington and Chelsea, relevant Locality services in Hammersmith and Fulham and the Family Recovery Programme in Westminster where the scale of provision can be flexed up and down rapidly
 - 6.7.3 Continue to explore options for social investment for some sub-cohorts of Troubled Families, where the risk of PBR can be shared with an external investor.
 - 6.7.4 This delivery option is flexible in relation to finance. It allows accounting for individual Boroughs performance and therefore the success payments be accounted for on a borough basis. There is interest in social investment mechanisms for this cohort.
 - 6.7.5 A social impact bond is under development as a small scale pilot as part of the Hammersmith and Fulham White City Challenge Programme. It is targeted at families with multiple complex needs with children at risk of coming into care.

The learning from this may be utilised in the development of the Troubled Families programme.

7. EQUALITY IMPLICATIONS

- 7.1 An Equality Impact Assessment has been completed. There will be no direct or indirect impact on staff. By focusing on the most vulnerable families in the community who are likely to reflect the more disadvantaged minority groups the project is likely to have a positive impact on equality.

8. LEGAL IMPLICATIONS

- 8.1 There are no particular legal implications arising from this report.

9. FINANCIAL AND RESOURCES IMPLICATIONS

- 9.1 Funding for this project is to be provided by the Government. The funding model is established over three years and authorities will receive a sum of money for each family they support. The payment is split between a guaranteed upfront payment (attachment fee) and a reward based that recognises the achievement of outcomes, should the family be supported to achieve the metrics set out elsewhere in this report. (Payment by Results). Although the total 'Successful Family Payment' is the same in each year (£4,000) the split between the two types of payment alters between the years, as set out below.

Successful Family Payment	Attachment Fee	Payment by Results	Total
Year1	£3,200	£800	£4,000
Year2	£2,400	£1,600	£4,000
Year3	£1,600	£2,400	£4,000

- 9.2 The total amount of money each authority receives will depend upon the number of families supported in their borough in any particular year. When developing a costed plan for the design and implementation of the new support procedures, consideration has been given to the total amount of funding available and given the risks associated in relying upon achieving payment by results prudent assumptions have been made as to the amount of available funding. The following table sets this out:

Year	Total Expected Cohort Volume (projected number of families we will receive funding for)	Payment offered as attachment fee, £	Estimated Attachment Fee	Co-ordinator grant & Contributions in kind	Total TF Funding
1	416	3,200	1,331,200	£275,000	£1,606,200
2	770	2,400	1,848,000	£275,000	£2,123,000
3	167	1,600	267,200	£275,000	£542,200
Total	1353	7200		£825,000	£4,271,400

- 9.3 When developing an expenditure plan, whilst the total expenditure has been contained within the estimated total Troubled Families funding, the profile reflects where and when the resources need to be applied, not when the funding has been received. This is set out in the following table that shows the funding being received before it is applied, and carried forward in to years 2 and 3, with an expected underspend of £20,583 in total

Year	Total TF Funding	Estimated	In-Year Variance
1	£1,606,200	£653,000	£953,200
2	£2,123,000	£2,028,000	£95,000
3	£542,200	£1,569,817	£1,027,617
Total	£4,271,400	£4,250,817	£20,583

- 9.4 The current model is based on prudent assumptions of funding but is still dependent on providing support to the expected number of families and ensuring that expenditure is kept in alignment. The project is set to run for three years and it is not expected that there will be any unaccounted residual expenditure at the end of this period.

9.4.1 Other Financial Considerations

9.4.2 Budget/funding arrangements

Budget/funding arrangements
The Tri-borough Troubled Families co-ordinator (Head of FRP WCC) is the budget holder.
The Troubled Families service will be fully funded externally by the Troubled Families' attachment fees and the Co-ordinator Grant. Funding has been secured for 3 years (2012/13, 2013/14 and 2014/15) and is dependent on the number of Troubled Families going through the Tri-borough programme.
A revenue budget will need to be created to match the external revenue grant.

9.4.3 Current/future costs

Current/future costs
The spend over the three years of the programme is profiled as follows:

REVENUE	2012/13		2013/14		2014/15		Total costs		
	App bud	Propos a l £'000	Appr budg	Prop £'00	App bud	Prop £'00	Appr budg	Prop £'00	Vari £'00
Costs	1,6	653	2,1	2,0	54	1,5	4,2	4,2	-20
External funding	-	-	-	-	-	-	-	-	0
Charging income									
TOTAL	0	-953	0	-95	0	1,0	0	-20	-20

Table 1

Budget carry forward
The proposed budget carry forward, based on indicative costs and project funding totals is: £1.048m under-spend in 2012/13 and 2012/14 to offset an over-spend of £1.028m in 2014/15.

9.4.4 Savings, value for money

Savings, value for money
<i>Demonstrate how the proposal achieves savings and how these will be realised. Show other options considered and how the route chosen achieves best value for money.</i>
The interventions will be focused on a cohort who cost the council significant sums in relation to Looked After Children's care costs, anti-social behaviour enforcement and eviction. The hypothesis is that the interventions will impact on these outcomes as well as the CLG ones. The cohort will be tracked for impact on these wider benefits.

<p><i>Identify any risks and opportunities arising from the proposal and how these will be mitigated and exploited. Consider any optimism bias within the proposals and how customer behaviour/demand may be impacted.</i></p> <p>The PBR risks are mitigated by the budget only including the attachment fees which are more secure. The benefits of the programme will be agreed and tracked from the outset so that if elements are successful they can be extended or conversely decommissioned where they are not.</p>

9.4.5 Other technical and commercial decisions

Other technical & commercial considerations
<p>Are there any tax and accounting implications relating to this recommendation? If so, please explain.</p> <p>None</p>
<p>Are there any complexities around the commercial structuring of the project, e.g. loans, leases, asset ownership etc. Are there any unusual aspects, e.g. foreign currency payments? If so, please explain.</p> <p>None</p>
<p>For larger value items seek advice from your Business Partner on calculating cash flow, pay back periods and net present value of the proposals.</p> <p>Not applicable</p>

10. CONSULTATION

10.1 Ward Members have not been consulted as the proposals are not ward specific at this stage. A comprehensive group of interested tri – borough statutory and provider organisations have been consulted. There has also been engagement with the two local neighbourhood community budget areas in White City and Queen’s Park.

Local Government Act 1972

Background papers used in the preparation of this report

Cabinet member decision report, July 2012, Troubled Families - developing and implementing a Tri-borough approach

Evaluation of staff and parents’ experiences of the Westminster City Council ‘Work Focused Services in Children’s Centres’ Pilot, completed in September and October 2010

Local Authority Child Poverty Innovation Pilots Evaluation: Final Synthesis Report, GHK Consulting/DfE, 2011

Making decisions about working in one-earner, couple households, Collard & Atkinson, 2009

Turning around the lives of families with multiple problems - an evaluation of the Family and Young Carer Pathfinders Programme, York Consulting, DFE.RB154

Process and outcome research on the Westminster Family Recovery Pathfinder, October 2011, June Thoburn, Neil Cooper, Sara Connolly and Marian Brandon. UEA

Understanding and tackling child poverty on Peabody estates, Feb 2012, Nicholas Pleace, David Rhodes and Deborah Quilgars, 2012

Analysis of needs and characteristics of Tri- Borough Troubled Families cohort. August 2012. C. O'Rourke.

Contact officer:

Natasha Bishopp. Head of Family Recovery, Westminster City Council and Tri-borough Troubled Families Co-ordinator. nbishopp@westminster.gov.uk. Tel - 07850 901779

APPENDIX 1: Other Implications

Business

Plan

In the Children's Services Tri-borough Strategic Business Plan 2012/13 DRAFTv1.3 Troubled Families is named as a key project in the business plan and it is matched against 5 of the 15 key priorities. These are: 2. Identify need early, 3. Resources, 4. Achieving potential (education), 8. Child poverty and 12. Lead active and purposeful lives. In addition it contributes significantly to the following: 9. Improve the health and wellbeing of children and young people, 10. Looked after children (by impacting on those on the edge of care), 14. Ensure all parents, children and young people have access to a range of high quality services, and 15. Work with our partners to reduce crime and antisocial behaviour and tackle serious youth violence and gang activity.

Risks and Issues

Ref	Risk description "If.., then.."	Mitigating actions	RAG impact on project deliverables RED – High Amber-medium Green – low
R1	If BAU does not own the opportunity it will be difficult to maintain referral numbers and drive through the savings from services from current services	Stakeholder have been listed and mapped, with further work planned on which key business managers in each borough need to be engaged. A communications plan is under development	A
R2	The new programme could identify greater levels of need than the Tri-borough has the capacity to serve.	Existing thresholds for current services will manage access to services. TF is an add-on, 'wrap around' to current services for families who meet the criteria and aims to harness current services more effectively for families that meet the criteria.	G
R3	The model may improve the service users' lives but not get them into work -	Conversations are taking place with	A

Ref	Risk description "If.., then.."	Mitigating actions	RAG impact on project deliverables RED – High Amber-medium Green – low
	because of the wider macro-economic context. Risk to the success of PBR model.	Greater Manchester to learn from the model they are using. Some outcomes are more easily impacted than others and this is why we have managed the impact of this risk on the TF budget by using the attachment fee to fund additional interventions and re-investing the PBR the following year.	
R4	Families' offending may not reduce because of factors outside both professional/family control e.g. increased criminal justice or police enforcement activity or legislative changes leading to greater number of arrests and convictions	There needs to be recognition that not all factors the TF intervention seeks to influence may be positively influenced. One of the functions of the Triage/ Information Desk is to provide a fuller picture to other agencies about family history and work being done with the family, and to monitor the effect of current interventions. If the family does not engage in change this may, for example, increase enforcement activity.	A
R8	ASB: without standardised recording and monitoring assumptions/methods across Tri-borough there is a risk of poor data leading to an inaccurate identification of target families and benefits to be realised.	Working with partners to agree standardisation of reporting. ASB referral pathways to be agreed with all relevant Tri-borough stakeholders prior to go live,	A

Ref	Risk description "If.., then.."	Mitigating actions	RAG impact on project deliverables RED – High Amber- medium Green – low
		including detailed criteria and monitoring methods. These are to be signed off by the project board as appropriate for auditing purposes. First task is to identify relevant stakeholders through the Triage communications strand.	
R9	If not enough families are identified to enable the business case to be viable then there will be insufficient attachment fees to fund the programme	Flex size of teams up or down to manage this.	A

Issues

No.	Issue	Mitigation	RAG impact on project deliverables RED – High Amber- medium Green – low or nil
I1	Delay in getting data from DWP. H&F data was delayed a number of weeks.	This has impacted upon timescales but every effort is being made to recover lost time which should minimise impact	R
I3	Access to IT – need access to multiple systems in a co-located area	A work around has been found where data exists on systems. There is an ongoing issue re records	G

No.	Issue	Mitigation	RAG impact on project deliverables RED – High Amber- medium Green – low or nil
14	Ability to recruit quality staff at short notice: staffing / training / capacity implications – need skilled staff at short notice to be able to interrogate systems and assess cases	Propose to deliver project in-house initially and build on our expertise	G
15	Additional resources – e.g. police and job centre plus required to set up Triage	Request made via MASH and CDRPs for this resource.	A
16	Case recording system – ability to monitor / evidence outcomes and case record	Agreed with partners to use SharePoint (tried and tested in FRP) in the short term, and to look for an alternative in the longer term	G
17	The agency that delivers the delivers the savings will only receive a small portion of the benefit. The CB single conversation piece with Greater Manchester and Whitehall is concerned with finding a national way forward on this	The CB single conversation piece with Greater Manchester and Whitehall is concerned with finding a national way forward on this	R

Health and Wellbeing, including Health and Safety Implications

The use of the triage intelligence function should promote both worker and client safety by providing an up to date picture of risk of violence.

Crime and Disorder

The programme specifically seeks to address young offenders and if successful will contribute to a reduction in re-offending by young people under 18 years. In addition it seeks to address anti-social behaviour by families in relation to their neighbours.

Staffing

The Tri- Borough may need to employ up to 25 staff to deliver both the Information / Triage element and a large part of the intervention element of the programme. All staff contracts will be time limited to the duration of the programme. Redeployees will be given first consideration for any of the roles created. The budget will include an allowance for redundancy should it be required at the end of the programme.

Human Rights

There are no implications for human rights.

Impact on the Environment

There are no implications for the Environment.

Energy measure issues

There are no implications for the Energy measurement.

Communications

As the programme goes live, there will be communication considerations in relation to government, members, local residents, service users and stakeholders. A plan is under development.

APPENDIX 2: Definition of a Troubled Family

DCLG wrote to all local authorities setting out the number of Troubled Families they estimated to be living in each area. Across the Tri-borough they estimated there were 1720 Troubled Families (Westminster - 780 families, LBHF - 540 and RBKC - 400). To qualify for a payment a 'Troubled Family' must meet 3 of the 4 following criteria:

Crime/Anti-Social Behaviour: the family contains one or more 18 year olds or under with a proven offence in the last 12 months AND/ OR one or more member has an ASBO, ASB Injunction, Acceptable Behaviour Contract or the family has been subject to a housing related ASB intervention in the last 12 months;

School truancy/exclusion: A child has been subject to permanent exclusion; three or more fixed school exclusions in the last three consecutive terms; OR; is in a Pupil Referral Unit or alternative provision because they have previously been excluded; OR is not on a school roll AND/ OR a child has had 15% unauthorised absences or more from school in the last three consecutive terms;

Unemployed: household has an adult on working age benefits (ESA, IB, Carers Allowance, Income Support and/ or Jobseekers Allowance);

Local discretion: to add other families who meet any two of the three criteria above AND are a cause for concern e.g. a child on the edge of care ,with a Child Protection Plan or living with Domestic Violence, parental Drugs or alcohol abuse or parental mental health issues.

APPENDIX 3: The Financial Deal from DCLG

Upfront monies have been made available for capacity building, through the appointment of a Troubled Families coordinator. In addition DCLG are offering a maximum payment of £4000 for every family successfully 'turned around'. This is a mixture of Attachment Fee and a success payment. The balance of Attachment Fee to PBR payment varies over the three years of the Programme. In the first year the payment is 80% Attachment Fee, with DCLG recognizing that local authorities will take time to re-design/scale up services. By year three however, 60% of the payment is on success through PBR.

The results for which DCLG will pay are:

Offending/ASB reduced AND school attendance improves – £3,900 per family;

Referral to a DWP European Social Fund provider - £100 per family; OR

At least one adult has moved off working age benefits into continuous unemployment - £4000.

To reflect the difficulty that local authorities face, the Government has structured their offer so that there is a guaranteed attachment fee and an outcome fee based on the successful achievement of results. This is managed over the three years by a sliding scale with greater emphasis on results as set out below:

Successful Family Payment	Attachment Fee	Payment by Results	Total
Year1	£3,200	£800	£4,000
Year2	£2,400	£1,600	£4,000
Year3	£1,600	£2,400	£4,000

The Government is seeking a commitment across the three boroughs to oversee and account for successful engagement with up to 1,720 Troubled Families over the next 3 years, 1,441 of which are eligible for funding from within the payment-by-results element of this programme. The eligibility criteria are based on the presumption that existing targeted funding e.g. European Social Fund employment programme for families is already available to support 1/6 of the identified Troubled Families.

The breakdown of families across the three boroughs is set out below and includes the total available funding over the three years should the service be successful in ensuring that all families met the targets set. The total level of funding for the next three years could be as much as £5.76m across the Tri-borough, subject to achievement of results.

	Target No of Troubled Families	Eligible Number	Total over 3 years.
Hammersmith & Fulham	540	450	£1,800,000
Kensington & Chelsea	400	333	£1,332,000
Westminster	780	658	£2,632,000
	1,720	1,441	£5,764,000

The Financial framework requires authorities to predict the numbers of families they will support in 2012/13 and therefore the number of upfront attachment fees. As a guide the Government has budgeted for a third of the 120,000 Troubled Families nationally to be worked with in 2012/13 though they encourage authorities not to be restricted in their plans by that assumption. The following table sets out an exemplification of the funding available in 2012/13 based on the assumption that the number of Troubled Families are supported in equal numbers over the three year period.

2012/13	Troubled Families	Eligible Number	Attachment	PBR	Total
Hammersmith & Fulham	180	150	£480,000	£120,000	£600,000
Kensington & Chelsea	133	111	£355,200	£88,800	£444,000
Westminster	263	219	£701,867	£175,467	£877,000
	577	480	£1,537,067	£384,267	£1,921,333

Whilst the same level of funding is available over the three year period it is important to appreciate that the gearing will change so that by 2014/15 the differential between the amount of attachment fee and payment by results will have altered significantly. It is essential to realise that this total level of funding is only available if all of the eligible families are supported in the programme to achieve the reported targets.



London Borough of Hammersmith & Fulham

Cabinet

15 OCTOBER 2012

**CABINET MEMBER
FOR COMMUNITY
CARE**

*Councillor Marcus
Ginn*

ACTON CARE CENTRE CONTRACT EXTENSION

**All
Wards**

The current contract with Acton Care Centre provides good quality care at a reasonable price. Officers are keen to ensure continuity of provision while the current implementation of rehabilitation and continuity of care programmes is put into place. Therefore officers consider that a year's extension is appropriate to provide continuity of provision and give the Council time to consider the impact of these programmes on our intentions to reduce reliance on residential and nursing provision.

A separate report on the exempt Cabinet agenda provides exempt information regarding the financial and resource implications of the contact.

CONTRIBUTORS

Head of Complex
Needs Commissioning

Tri Borough Head of
Procurement and
Contracting

EDFCG
DoL

Recommendations:

- 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.**

- 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.**

**HAS AN EIA BEEN
COMPLETED?**

N/A

**HAS THE REPORT
CONTENT BEEN RISK
ASSESSED?**

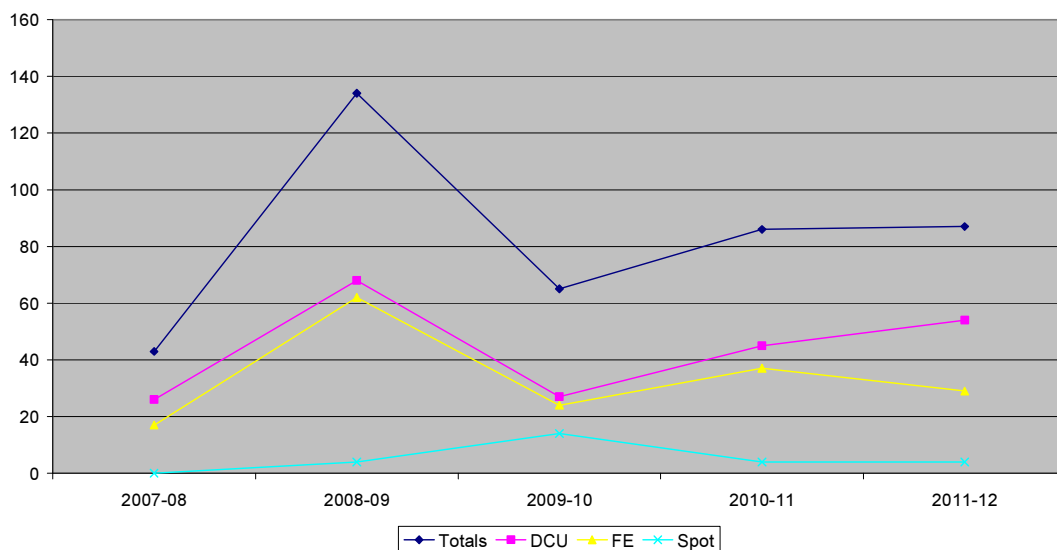
N/A

1. BACKGROUND, INCLUDING POLICY CONTEXT, AND ANALYSIS OF OPTIONS

- 1.1 The contract was awarded by the Council to Ealing Family Housing Association (subsequently renamed Catalyst Housing) originally for a 10 year period and began in 2003.
- 1.2 The home was built on the site of the former Acton Hospital and Charing Cross and the policy intention behind the project was to reduce the amount of time people spent in hospital.
- 1.3 Prior to 2008, the contract operated on contract and spot subcontract basis. However, in 2008-2009 revised Informal Block arrangements came into effect. This resulted in the formal frail elderly block & all subcontracted beds being reclassified and replaced with informal frail elderly blocks & informal dementia care blocks which are not charged unless occupied.
- 1.4 Prior to the creation of the LBHF PFIs, the PCT used a significant number of beds in Acton Care Centre. However this has significantly reduced to only eight people, given the wish to maximise Health's usage in the PFI.
- 1.5 The high number of new placements recorded in 2008-2009 in Table 1 below reflects the changes from formal to informal bed types described in para. 1.3.

Table 1

Historic Placement Activity at Acton Care Centre: 2007 - 2012
New Placements made per year



- 1.6 The total number of beds available is 125: 54 dementia care beds and 61 frail elderly care. Out of this total, the current configuration of beds for LBHF is:
- 30 Dementia Care beds (formal)
 - 10 Dementia Care beds (informal ie not paid for if not occupied)
 - 20 frail elderly beds (informal ie not paid for if not occupied)
- 1.7 The remainder of the 125 beds are sold by Catalyst to other local authorities and PCTs.
- 1.8 Officers consider that the management of Acton is strong and the workforce stable, providing a consistently high standard of care.
- 1.9 The contract is currently monitored through six monthly monitoring meetings and bi-monthly site visits. These frequencies would be increased if the need arose.

2. VOIDS

- 2.1 As set out in para. 1.6, the 20 frail elderly informal beds and 10 dementia care informal beds do not incur any void payments.
- 2.2 The 30 bed dementia care formal beds do incur void payments if vacancies occur. However this is rare, as any vacancies that occur in this block are instantly filled by the longest-standing resident in an informal dementia care bed. As a result of this policy, there have been no void payments in this Block since the informal block arrangements were introduced in 2008-09.

3. PROJECTION

- 3.1 Officers project that LBHF is likely to make 75 new placements to Acton Care Centre in 2012-13 (there have been 11 new placements made to Acton Care Centre in the 53 days between 1 April 2012 and 23 May 2012. This number of new placements has been scaled up by a factor of 6.887 ($265 \text{ days} / 53 \text{ days} = 6.887$) to generate the projected figure of 75.
- 3.2 Seasonal variations only tend to affect the weeks leading up to Christmas and New Year, where a rise in the number of Respite episodes can usually be seen. This rise in numbers is generally offset by a lack of activity immediately after this holiday period. There is sometimes a similar rush before and lack of activity after Easter.
- 3.3 Current figures indicate the following usage:
- 85% of the 20 frail elderly beds available to LBHF are in use.
 - 92.5% of the 40 dementia care beds available to LBHF are in use.

- 3.4 Although the provision is slightly under-utilised, we are not paying any voids. In effect, we have bed 'reservations' for placements which we are yet to make. These reservations do not incur any cost.
- 3.5 LBHF have only one other frail elderly block provision, a 20 bed block in St Vincents Care Home which is currently fully-occupied. It was always the Council's intention to have a home in the north of the Borough and one in the south. Acton Care Centre was chosen as the home in the north of the Borough which would complement the other two block homes.

4. EQUALITY IMPLICATIONS

- 4.1 There are no specific equality implications arising from this report.

5. PROCUREMENT CODE IMPLICATIONS

- 5.1 The recommendations of this report are in accordance with London Borough of Hammersmith and Fulham's Contract Standing Orders.
- 5.2 Para 18.2 of the Standing Orders sets out that the Cabinet may vary or extend a contract providing that to do so is in accordance with current legislative provision and consistent with the Council's Financial Regulations.

6. OUTSTANDING ISSUES

- 6.1 There are no outstanding issues arising from this report.

7. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

- 7.1 These are in the separate exempt report.

8. COMMENTS OF THE DIRECTOR OF LAW

- 8.1 These are in the separate exempt report.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

BACKGROUND PAPERS	None
CONTACT OFFICER:	NAME: Paulo Borges, Contracts Manager, 020 8753 5748 paulo.borges@lbhf.gov.uk Mary Dalton, Head of Complex Needs Commissioning 020 7641 6615 mdalton@westminster.gov.uk



Cabinet

15 OCTOBER 2012

**CABINET MEMBER
FOR HOUSING**

*Councillor Andrew
Johnson*

**CABINET MEMBER
FOR COMMUNITY
CARE**

Councillor Marcus Ginn

**STRATEGIC REVIEW OF SHELTERED
HOUSING STOCK AND THE PROVISION OF
EXTRA CARE UNITS IN HAMMERSMITH
AND FULHAM – PHASE 1 CLOSURE
REPORT**

**Wards:
All**

This has been a joint project between Housing and Adult Social Care to explore the ability to secure additional Extra Care units within the borough to assist in meeting a ASC Transformation Board Saving of £1.1m by 2014.

Phase 1 of this project was to commission a comprehensive survey of the existing Sheltered Housing stock. Part of the brief was to assess the potential for conversion of existing stock to Extra Care.

The report concludes that conversion is not a practical option. It also presents additional findings and recommendations which have arisen during the course of the comprehensive survey and review of the current Sheltered Housing stock.

CONTRIBUTORS

EDH&R
EDASC
EDFCG
DoL

**HAS A EIA BEEN
COMPLETED?
N/A**

**HAS THE REPORT
CONTENT BEEN
RISK ASSESSED?
N/A**

Recommendations:

- 1. That Cabinet note 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**
- 2. That approval be given to recommendations 1-14 set out in this report and that their implementation be authorised.**

1. BACKGROUND TO PHASE 1 OF THE OF THE STRATEGIC REVIEW

1.1 The genesis of this project comes from the original Brief, which was proposed by joint Cabinet Members' Decision (Cabinet Members for Housing and Community Services). It was:

1.1.1 *The vision is to ensure that LBHF HRA stock is managed efficiently and profiled to meet changing aspirations and needs in the Borough. A key driver is to provide sustainable, fit for purpose accommodation that meets the corporate objective of delivering high quality, value for money services. Whilst the outcome of the review of the Sheltered Housing Stock cannot be predetermined, a primary objective is to deliver an additional 105 units of Extra Care accommodation within our existing Sheltered Housing Stock to support the operational requirements of Adult Social Care. Current stock will be assessed for potential conversion as part of the Review.*

1.2 The Cabinet Members' Decision paper also set out the following terms of reference

1.2.1 *A review of support for elderly persons undertaken by Adult Social Care Services has indicated the need to provide 105 units of Extra Care accommodation by 2014/15, which will lead to £1.1m savings.*

1.2.2 *There is a need to challenge and ensure LBHF stock is "fit for purpose" for current and future provision. This is particularly relevant at the moment when there is demographic change and funding pressure in the borough.*

1.2.3 *A cross-cutting Project Board has been set up to carry out a review of Sheltered Accommodation as it has work streams that affect many Council services, aims and objectives. This Project Board is led by Members and facilitated by officers, representing both Housing and Adult Social Services.*

1.2.4 *The purpose of this review will be to ensure the LBHF has a joined up approach to the provision of care in the community, that is tenure neutral and focuses on the needs of the individual. A secondary, but important, aim will be to ensure limited resources are used strategically to ensure maximum impact in the community in the medium and long term.*

1.2.5 *As part of the review there will be an assessment of the potential for conversion of existing sheltered accommodation into Extra Care. However, if this is not feasible all other options will be explored.*

1.3 The Project objectives were as follows:

1.3.1 *To produce a fully costed options appraisal of the Council's Sheltered Housing stock, identifying specific options for each scheme.*

1.3.2 *To produce an action plan with recommendations for the Council's sheltered housing stock.*

2. THE APPOINTMENT OF CBRE AND THEIR REPORT

- 2.1 The Brief for the survey was put out to competitive tender via the London Tenders Portal, and was awarded to CB Richard Evans (CBRE). CBRE is the world's largest commercial real estate advisor, and relevant for this assignment, with colleagues who specialise in areas such as Care and Health facilities provision at both national and international levels. Moreover CBRE are skilled in assisting clients to implement solutions in addition to providing reports to support evidenced based decision making.
- 2.2 The CBRE Executive Summary Report is attached as Appendix 1.

3. RECOMMENDATIONS FROM THE STRATEGIC REVIEW OF SHELTERED HOUSING PROJECTBOARD FOLLOWING CONSIDERATION OF THE CBRE REPORT

- 3.1 On 19 July the Strategic Review of Sheltered Housing Project Board met to consider the CBRE report, and to challenge and clarify the findings of the report with senior officers from CBRE. The membership and minutes of this meeting are attached as Appendix 2.
- 3.2 The conclusions and recommendations made by the Strategic Review of Sheltered Housing Project Board are set out in the sections below.

4. PROVISION OF EXTRA CARE BY CONVERSION FROM EXISTING STOCK

- 4.1 Further to the Terms of the joint decision by the Cabinet Members for Housing and Community Services, the Strategic Review undertaken by CBRE has concluded there is no practical ability to deliver 105 units of Extra Care from conversion of existing stock.
- 4.2 **Recommendation 1:** Phase 2 of this project, the provision of additional Extra Care units, is primarily an issue for Adult Social Care (ASC) as the emphasis will be on commissioning of services. However, the Housing and Regeneration Department (HRD) have offered to continue to give whatever practical advice and assistance as necessary and Transformation Board will be updated

5. JOINT WORKING

- 5.1 Members noted this project had forged a good working relationship between HRD and ASC. This good practice anticipated, and is now endorsed by, the draft Care and Support Bill. Housing and Social Care departments will be required to work together to effectively to meet the needs of vulnerable people.
- 5.2 **Recommendation 2:** HRD and ASC continue to explore a closer working relationship which prioritises the needs of the service user. This shall include areas such as information sharing, and developing joint assessment processes for allocations to sheltered accommodation.

- 5.3 **Recommendation 3:** HRD and ASC review the needs of our current residents. There are concerns that the current allocation system may have lead to inappropriate allocations to Sheltered Accommodation. A review will establish residents' short, medium and long term needs and assist in future planning of services, and the provision of services. It should also quantify the issue of supply and demand to ensure the current provision is adequate, rather than an overprovision.

6. SERVICE REVIEW

- 6.1 The report has highlighted a number of areas for further investigation. HRD have already identified many of these issues, but this report validates the need for that work.
- 6.2 **Recommendation 4:** HRD to take account of the review findings in finalising LBHF's revised Housing Allocations Policy, which is currently out for public consultation, prior to formal adoption. In particular, to ensure that those in housing need, where ASC are currently providing support, are appropriately prioritised in the new, reduced, Housing Register.
- 6.3 **Recommendation 5:** HRD will work with ASC to agree a revised definition and physical attributes for designated sheltered accommodation. Properties will be required to be "fit for purpose" and meet modern criteria. This would be known as the "H&F standard for modern sheltered accommodation".
- 6.4 **Recommendation 6:** Notwithstanding the anticipated "H&F standard for modern sheltered accommodation" it was agreed that bedsit/studio apartments were not appropriate modern accommodation and should be phased out as soon as practically possible. Bedsit/studio accommodation is only currently provided in Edward Woods and Underwood House.
- 6.5 **Recommendation 7:** HRD to investigate the provision of wireless alarm systems to replace the current hardwired system. This could save a considerable capital amount, as well as ensuring more flexibility with the property (supporting portable and personalised services over institutional services supplied to designated properties).
- 6.6 **Recommendation 8:** HRD will invite input from ASC to review the void process and the impact of the revised allocation policy and procedure. Related to this, HRD will record the reasons for refusal of its properties. This will allow analysis and deter unreasonable refusals.

7. OPTIONS APPRAISAL

- 7.1 The report findings raise a number of issues which require further and detailed clarification. There is a strong suggestion that there could be an overprovision of sheltered accommodation leading to inappropriate services, and misdirected resources.
- 7.2 **Recommendation 9:** In the event of proven overprovision, HRD will undertake scheme by scheme analysis, and make recommendations for de-designation,

rationalisation or additional investment, as appropriate. This will be done through full consultation with Members and the affected residents.

- 7.3 **Recommendation 10:** Notwithstanding the need for a detailed assessment, Members were of the view that the Edward Woods scheme was not ideal for the provision of sheltered accommodation and they would support proposals to de-designate as sheltered accommodation with no further allocations for such use at the earliest opportunity, with existing sheltered residents offered transfers to other schemes. (The Edward Woods scheme is a “scattered site” comprising 19 units in Poynter House, 11 in Stebbings House, and 10 in Norlands House, composing 31 one bed flats, and 9 bedsits).

8. PILOTING OF NEW APPROACHES

- 8.1 **Recommendation 11:** Partnership working with other local providers of accommodation for the elderly is acknowledged best practice and increasingly encouraged. It was agreed that joint working with Hammersmith United Charities, specifically their Sycamore Gardens site, should be explored as this was a very good example of modern elderly housing provision.

9. PHASE 1 - CONCLUSION

- 9.1 **Recommendation 12:** It be noted by Cabinet that Phase 1 of the project had been completed and all outcomes achieved on time and on budget. Outcomes included:
- 9.1.1 Conversion of existing stock had been robustly tested and found not to be an option;
 - 9.1.2 The Council now had a 30 year building cost model for its sheltered sites;
 - 9.1.3 Detailed options appraisals for each site had been independently completed.

10. PHASE 2 – COMMENCEMENT

- 10.1 Initially, in addition to the terms of reference for the review set out in 1.1.1 above, the Council had the following options for the provision of Extra Care:
- 10.1.1 Option 1: Refurbish existing Council owned stock if suitable;
 - 10.1.2 Option 2: Provide accommodation in alternative Council owned buildings;
 - 10.1.3 Option 3: Provide accommodation in non-Council owned stock;
 - 10.1.4 Option 4: Provide accommodation in alternative existing buildings out of Borough;
 - 10.1.5 Option 5: Develop new buildings.

- 10.2 Phase 1 had clearly concluded that Option 1 was not viable. Members serving on the Sheltered Housing Project Board had stated that out of Borough provision was not a preferred option thus ruling out Option 4 in the absence of any Tri or Bi-Borough projects. Effectively this means that only Options 2, 3, and 5 are viable at present.
- 10.3 Having regard to the findings of the CBRE report, there are considered to be four main options for funding any future provision:
- 10.3.1 Option A: Bring in the private sector to develop/ finance/ operate new facilities;
 - 10.3.2 Option B: The Council's own capital/borrowing facility;
 - 10.3.3 Option C: Sale and leaseback, a variant of Option A;
 - 10.3.4 Option D: Extra Care units facilitated by Section 106 planning gain [*Note: Outside the terms of reference of the original review*]
- 10.4 There is work underway within ASC to test and validate the likely future demand for Extra Care accommodation in terms of base load and variable peaks. In order to model scenarios, and subsequently to test market appetite and financial implications for the provision of this requirement on LBHF or third party land, this work will need to be concluded.
- 10.5 **Recommendation 13:** It should be noted that this project has a Transformation Board agreed saving £1.1m to be achieved by 2014. It is recommended these options are quickly evaluated by ASC and a further report presented to Transformation Board detailing the current and future Extra Care needs, and how they will be met through commissioning of services, together with other measures required to achieve the target ASC saving in 2014/ 15.
- 10.6 **Recommendation 14:** The extent to which Extra Care units could be facilitated through Section 106 planning gain should be tested.

11. MONITORING AND REPORTING

- 11.1 Agreed actions arising from this report, or related actions will be recorded in a SMART Action Plan, attached as appendix III. The Plan will be circulated to the members of the Strategic Review of Sheltered Housing Project Board on monthly basis, and officers will be accountable at regular meetings to give Members further detail and updates.

12. RISK MANAGEMENT

- 12.1. It is considered that there are no new specific risks arising from this report. However, some of these recommendations, if adopted, will require a further report and new risk management issues may arise. Any new risk management issues will be addressed at that time.

13. EQUALITY IMPLICATIONS

13.1 It is considered that there are no new specific Equality implications arising from this report. However, some of these recommendations, if adopted, will require a further report and Equality implications may then arise. Any new Equality implications will be addressed at that time.

14. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

14.1 There are no immediate financial implications arising from this report. However, implementation of a number of the recommendations will have financial implications, particularly in the case of appraising options for the future delivery of the service and with regard to the achievement of the £1.1m saving required from 2014/15 onwards. Further reports will be produced as appropriate.

15. COMMENTS OF THE DIRECTOR OF LAW

15.1. There are no direct legal implications arising from this report.

16. COMMENTS OF THE DIRECTOR FOR PROCUREMENT AND IT STRATEGY

16.1 There are no direct procurement implications arising from this report.

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS**

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	CBRE Executive Summary Report	Geoff Wharton, 6374	HRD, 3 rd Floor THEX
2.	Minutes of the Strategic Review of Sheltered Housing Project Board meeting held 19 th July 2012	Geoff Wharton, 6374	HRD, 3 rd Floor THEX
3.	SMART Action Plan	Geoff Wharton, 6374	HRD, 3 rd Floor THEX
CONTACT OFFICER: Geoff Wharton EXT. 6374		LEAD OFFICER: Stephen Kirrage 3064	



LONDON BOROUGH OF HAMMERSMITH & FULHAM

Strategic review of sheltered housing stock, and
the provision of extra care units in Hammersmith
and Fulham - Phase 1

Executive Summary Report

July 2012



Executive Summary

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Strategic review of sheltered housing stock and the provision of extra care units in Hammersmith and Fulham - Phase 1

Scope of Work

CBRE was appointed in April 2012 to review the sheltered housing accommodation in LB Hammersmith & Fulham with a view to assessing its condition and fitness for purpose. As part of this review we were asked to ascertain whether it was possible to convert 105 units of sheltered housing into extra care units, and for these units to be operational by 2014.

Our work consisted of a survey of the 22 schemes that are in scope, and supplemented by interviews with residents, Council officers and Members and data provided by the Council. For data provided or opinions provided to us we have not undertaken any due diligence or verification.

Key Conclusions and Recommendations

The key conclusions and recommendations are:

Conclusion 1: We conclude that other than the noted exceptions, the stock is currently in sound condition, meets the needs of residents under the current policy for sheltered housing and is likely to be manageable for the short term (up to 10 years).

Conclusion 2: We conclude that based on the demand profile provided, none of the schemes can be considered unsuitable from a demand perspective. Any change to the sheltered accommodation schemes should therefore be based on other criteria. This conclusion needs to be re-visited if the nature of the qualification policy or service level to sheltered accommodation residents is changed.

Conclusion 3: Benchmarks indicate void levels are higher than expected and the financial performance of the sheltered accommodation could be improved if this is addressed. However, we have noted that HRD were fully aware of the issues and are already addressing them as part of a service review.

Conclusion 4: We conclude that none of the sheltered accommodation schemes represent practical options for conversion to extra care.

Recommendation 1: The Council undertakes a review of the service requirements for people with elderly support/care needs linked to sheltered accommodation in order to ensure it is appropriate for residents' needs. The link between these needs and whether the physical attributes of the current sheltered housing stock meets those needs can then be better assessed.

Recommendation 2: The Council reviews the current qualification and allocations system to ensure that only residents in need of sheltered accommodation become eligible. Such a review should culminate in a revised qualification policy that reflects on service needs, from which the demand and supply of sheltered accommodation can then be assessed.

Recommendation 3: Further investigation should be undertaken on the net revenue position for sheltered accommodation. Furthermore, any future options should clearly take account of any potential loss of net income to the Council.

Recommendation 4: We recommend the Council considers its position on sheltered housing in the Borough in light of the key findings set out in this report. There is scope to vary the

Executive Summary

number of sheltered housing units but this should only be done in the context of a full understanding of the service needs associated with sheltered units.

Recommendation 5: From a property perspective, there is clear potential to re-develop low density schemes. This could provide an opportunity for the re-provided units to be of a quality and design that better meets the requirements of residents with sheltered housing needs, particularly if a revised policy on sheltered accommodation were to require higher spec units.

Recommendation 6: We recommend that if redevelopment is an option the Council intends to evaluate then consideration is given to all potential forms of finance, including some innovative solutions now being proposed in the private sector market. These can allow the Council to retain capital receipts and finance new accommodation in a more strategic way.

Recommendation 7: We recommend that the Council undertakes further review of the options for the provision of extra-care units given that conversion of sheltered accommodation is not, in our opinion, a viable option.

APPENDIX 2 - Strategic Review of Sheltered Housing Project Board

Minutes of the Members update – CBRE Report
Committee room 2, Hammersmith Town Hall, 16.00hrs, 19th July 2012

1.0 Present

- 1.1 Cllr Johnson – Joint Chairman (*Cllr AJ*)
- Cllr Ginn – Joint Chairman (*Cllr MG*)
- Cllr Alford – Sheltered Housing Forum Chair (*Cllr AA*)
- Mel Barrett – Project Sponsor (HRD) (*MB*)
- Lyn Swinamer – Organisational Development and Transformation (ODT) (*LS*)
- Martin Waddington – Adult Social Care (ASC) (*MW*)
- Hannah Carmichael – Adult Social Care (ASC) (*HC*)
- Stephen Kirrage – Housing and Regeneration (HRD) (*SK*)
- Jo Rowlands – Housing and Regeneration (HRD) (*JR*)
- Mike Atherton – CBRE (*MA*)
- Mark Longley – CBRE (*ML*)
- Tom Morgan – CBRE (*TM*)
- Geoff Wharton – Project Manager (*GW*)

2.0 Apologies

- 2.1 Jonathan Weisgard - Communications

3.0 Introduction

- 3.1 MB opened the meeting by reminding the group of the original brief for this project, which was proposed by joint Cabinet Members Decision (Cabinet Members for Housing and Community Care) and adopted at the 30th January 2012 Cabinet Briefing.

3.1.1 The vision is to ensure that LBHF HRA stock is managed efficiently and profiled to meet changing aspirations and need in the Borough. A key driver is to provide sustainable, fit for purpose accommodation that meets the corporate objective of delivering high quality, value for money services. Whilst the outcome of the review of the Sheltered Housing Stock cannot be predetermined, a primary objective is to deliver an additional 105 units of Extra Care accommodation within our existing Sheltered housing stock to support the operational requirements of Adult Social Care. Current stock will be assessed for potential conversion as part of the Review.

- 3.2 MB thanked all parties for their attendance and advised that that the most substantial item for discussion was the draft Strategic Review of Sheltered Housing Stock and Provision of Extra Care Units in Hammersmith and Fulham – Phase 1: Summary Report and Key Findings from CBRE circulated in advance of the meeting. The meeting would begin with CBRE presenting their report, and taking questions from the members on any issues which required clarification.

4.0 CBRE Report

- 4.1** MA gave some background on his organisation. CBRE is the world's largest commercial real estate advisor, and relevant for this assignment, with colleagues who specialise in areas such as Care and Health facilities provision at both national and international levels. Moreover CBRE were focused on assisting clients to implement solutions in addition to providing reports to support evidenced based decision making. As a result the report was able to address more than a conventional survey which advised on the current fabric of the buildings, but also covered the practicalities of provision and means of facilitating it.
- 4.2** The report was the executive summary of the detailed reports on each scheme, however it was detailed enough to draw a number of conclusions and recommendations which were clearly set out in the report. MA highlighted these points, and the methodology employed to arrive at them
- 4.3** CBRE then focused Members attention to the latter sections of the report which drew upon their specialist knowledge of the sector, and gave some detailed background on how the Council could meet its objectives of providing Extra Care, including development options and financing, and invited questions from the Members.
- 4.4** The conclusions and recommendations from the CBRE reports were clearly set out and Councils responses are set out in the table below:

CBRE Conclusion	LBHF Response
Conclusion 1: We conclude that other than the noted exceptions, the stock is currently in sound condition, meets the needs of residents under the current policy for sheltered housing and is likely to be manageable for the short term (up to 10 years).	Accepted See recommendations 1, 9 and 11
Conclusion 2: We conclude that based on the demand profile provided, none of the schemes can be considered unsuitable from a demand perspective. Any change to the sheltered accommodation schemes should therefore be based on other criteria. This conclusion needs to be re-visited if the nature of the qualification policy or service level to sheltered accommodation residents is changed.	Accepted See recommendations 2, 3 and 4
Conclusion 3: Benchmarks indicate void levels are higher than expected and the financial performance of the sheltered accommodation could be improved if this is addressed. However, we have noted that HRD were fully aware of the issues and are already addressing them as part of a service review.	Accepted See recommendation 8
Conclusion 4: We conclude that none of the sheltered accommodation schemes represent practical options for conversion to extra care.	Accepted See recommendations 1, 12 and 13
CBRE Recommendation	LBHF Response
Recommendation 1: The Council undertakes a review of the service requirements for people with elderly support/care needs linked to sheltered accommodation in order to ensure it is	Accepted See recommendations

appropriate for residents' needs. The link between these needs and whether the physical attributes of the current sheltered housing stock meets those needs can then be better assessed.	2, 3, 4, 5, and 6
Recommendation 2: The Council reviews the current qualification and allocations system to ensure that only residents in need of sheltered accommodation become eligible. Such a review should culminate in a revised qualification policy that reflects on service needs, from which the demand and supply of sheltered accommodation can then be assessed.	Accepted See recommendation 3
Recommendation 3: Further investigation should be undertaken on the net revenue position for sheltered accommodation. Furthermore, any future options should clearly take account of any potential loss of net income to the Council.	Accepted See recommendation 9
Recommendation 4: We recommend the Council considers its position on sheltered housing in the Borough in light of the key findings set out in this report. There is scope to vary the number of sheltered housing units but this should only be done in the context of a full understanding of the service needs associated with sheltered units.	Accepted See recommendation 9
Recommendation 5: From a property perspective, there is clear potential to re-develop low density schemes. This could provide an opportunity for the re-provided units to be of a quality and design that better meets the requirements of residents with sheltered housing needs, particularly if a revised policy on sheltered accommodation were to require higher spec units.	Accepted See recommendation 9
Recommendation 6: We recommend that if redevelopment is an option the Council intends to evaluate then consideration is given to all potential forms of finance, including some innovative solutions now being proposed in the private sector market. These can allow the Council to retain capital receipts and finance new accommodation in a more strategic way.	Accepted See recommendations 13 and 14
Recommendation 7: We recommend that the Council undertakes further review of the options for the provision of extra-care units given that conversion of sheltered accommodation is not, in our opinion, a viable option.	Accepted See recommendations 13 and 14

5.0 Points of clarification

- 5.1** Members welcomed the report and thanked CBRE and officers for its preparation. The report was considered to be clear and logical. The methodology employed by CBRE appeared to be very sound which, coupled with CBRE's experience and reputation, made the report a good basis for subsequent decision making.
- 5.2** Members questioned what seemed to be high void rates. It was discovered that there were a range of factors affecting this such as LOCATA allocations system, and retrospective Decent Homes work. However, this was part of an ongoing service review and significant improvements were expected.
- 5.3** Members requested further details as to why none of the existing schemes were suitable for conversion through refurbishment. TM advised that the major factors were the inability to convert enough units on a single site to get

a minimum critical mass of at least 30 units, small existing units which would require conversion of 2 units in 1 to achieve modern space standards of 50 square metres, and the very significant cost of retrofitting lifts and other works to provide level access and accessibility. These, and other lesser factors, meant it was not financially or practically possible to deliver the specifications of units which had been set out in the original brief from ASC.

- 5.4 The long term sustainability of the schemes was discussed. CBRE reported that whilst there was no immediate concerns, expenditure would start to significantly increase in the 5-10 year period, and continue thereafter. As a result the Council would have to consider the long-term benefit in investing in each specific scheme.
- 5.5 Redevelopment to provide Extra Care housing had been a considered option for every site. CBRE explained that this was set out in the brief as part of work programme. It was further discussed that some of these site have significant land value, and could potentially offer the Council assistance in delivering future Extra Care units or resources if they were to be redeveloped.
- 5.6 Members felt very strongly that any accommodation provided should be high quality and be as close as possible to “Lifetime Homes” specification. The discussion concluded with their agreement that conversion was not a viable option to produce the high quality of units residents deserve.

At this point Members thanked CBRE for their contribution to the meeting and asked them to leave the room so that discussion on their feedback could be had, and distilled into a series of conclusions and recommendations that could be made to Cabinet following conclusion of this phase of the Sheltered Housing Review

6.0 Recommendations to Cabinet

6.1 Provision of Extra Care by conversion from existing stock

- 6.1.1 Further to the Terms of the joint paper (see 3.1.1 above) presented by the Cabinet Members for Housing and Community Services, the Strategic Review undertaken by CBRE has concluded there is no practical ability to deliver 105 units of extra care from conversion of existing stock.
- 6.1.2 **Recommendation 1:** Phase 2 of this project, the provision of additional extra care units, is primarily an issue for ASC as the emphasis will be on commissioning of services. However, HRD have offered to continue to give whatever practical advice and assistance necessary and Transformation Board will be updated accordingly.

6.2 Joint working

- 6.2.1 Members noted this project had forged a good working relationship between HRD and ASC. This good practice anticipated, and is now endorsed, by the draft Care and Support Bill. Housing and social care departments will be required to work together to effectively to meet the needs of vulnerable people.

- 6.2.2 **Recommendation 2:** HRD and ASC continue to explore a closer working relationship which prioritises the needs of the service user. This shall include areas such as information sharing, and developing joint assessment processes for allocations to sheltered accommodation.
- 6.3.3 **Recommendation 3:** HRD and ASC review the needs of our current residents. There are concerns that the current allocation system may have lead to inappropriate allocations to sheltered accommodation. A review will establish residents short, medium and long term needs and assist in future planning of services, and the provision of services. It should also quantify the issue of supply and demand to ensure the current provision is adequate, rather than an overprovision.

6.3 Service review

- 6.3.1 The report has highlighted a number of areas for further investigation. HRD have already identified many of these issues, but this report validates the need for that work.
- 6.3.2 **Recommendation 4:** HRD to take account of the review findings in finalising LBHF's revised Housing Allocations Policy, which is currently out for public consultation, prior to formal adoption. In particular, to ensure that those in housing need where ASC are currently providing support are appropriately prioritised in the new, reduced, Housing Register.
- 6.3.3 **Recommendation 5:** HRD will work with ASC to agree a revised definition and physical attributes for designated sheltered accommodation. Properties will be required to be "fit for purpose" and meet modern criteria. This would be known as the "H&F standard for modern sheltered accommodation".
- 6.3.4 **Recommendation 6:** Notwithstanding the anticipated "H&F standard for modern sheltered accommodation" it was agreed that bedsit/studio apartments were not appropriate modern accommodation and should be phased out as soon as practically possible. Bedsit/studio accommodation is only currently provided in Edward Woods and Underwood House.
- 6.3.5 **Recommendation 7:** HRD to investigate the provision of wireless alarm systems to replace the current hardwired system. This could save a considerable capital amount, as well as ensuring more flexibility with the property (supporting portable and personalised services over institutional services supplied to designated properties).
- 6.3.6 **Recommendation 8:** HRD will invite input from ASC to review the void process and the impact of the revised allocation policy and procedure. Related to this, HRD will record the reasons for refusal of its properties. This will allow analysis and deter unreasonable refusals.

6.4 Options appraisal

- 6.4.1 The report findings raise a number of issues which require further and detailed clarification. There is a strong suggestion that there could be an overprovision of sheltered accommodation leading to inappropriate services, and misdirected resources.
- 6.4.2 **Recommendation 9:** In the event of proven overprovision, HRD will undertake scheme by scheme analysis, and make recommendations for de-designation, rationalisation or additional investment, as appropriate. This will be done through full consultation with Members and the affected residents.
- 6.4.3 **Recommendation 10:** Notwithstanding the need for a detailed assessment, Members were of the view that the Edward Woods scheme was not ideal for the provision of sheltered accommodation and they would support proposals to de-designate as sheltered accommodation with no further allocations for such use at the earliest opportunity, with existing sheltered residents offered transfers to other schemes. (The Edward Woods scheme is a “scattered site” comprising 19 units in Poynter House, 11 in Stebbings House, and 10 in Norlands House, composing 31 one bed flats, and 9 bedsits).

6.5 Piloting of new approaches

- 6.5.1 **Recommendation 11:** Partnership working with other local providers of accommodation for the elderly is acknowledged best practice and increasingly encouraged. It was agreed that joint working with Hammersmith United Charities, specifically their Sycamore Gardens site, should be explored as this was a very good example of modern elderly housing provision.

6.6 Phase 1 - Conclusion

- 6.6.1 **Recommendation 12:** It be noted by Cabinet that Phase 1 of the project had been completed and all outcomes achieved on time and on budget. Outcomes included (i) conversion of existing stock had been robustly tested and found not to be an option (ii) the Council now had a 30 year building cost model for its sheltered sites (iii) detailed options appraisals for each site had been independently completed.

6.7 Phase 2 - Commencement

- 6.7.1 Initially, in addition to the terms of reference for the review set out in 3.1.1 above, the Council had the following options for the provision of Extra Care:
- 6.7.1.1 Option 1: Refurbish existing Council owned stock if suitable;
- 6.7.1.2 Option 2: Provide accommodation in alternative Council owned buildings;

- 6.7.1.3 Option 3: Provide accommodation in non-Council owned stock;
 - 6.7.1.4 Option 4: Provide accommodation in alternative existing buildings out of Borough;
 - 6.7.1.5 Option 5: Develop new buildings.
- 6.7.2 Phase 1 had clearly concluded that Option 1 was not viable. Members serving on the Sheltered Housing Project Board had stated that out of Borough provision was not a preferred option thus ruling out Option 4 in the absence of any Tri or Bi-Borough projects. Effectively this means that only Options 2, 3, and 5 are viable at present.
- 6.7.3 Having regard to the findings of the CBRE report, there are considered to be four main options for funding any future provision:
- 6.7.3.1 Option A: Bring in the private sector to develop/ finance/ operate new facilities
 - 6.7.3.2 Option B: The Council's own capital/borrowing facility
 - 6.7.3.3 Option C: Sale and leaseback, a variant of Option A
 - 6.7.3.4 Option D: Extra Care units facilitated by Section 106 planning gain [*Note: outside the terms of reference of the original review*]
- 6.7.4 There is work underway within ASC to test and validate the likely future demand for Extra Care accommodation in terms of base load and variable peaks. In order to model scenarios, and subsequently to test market appetite and financial implications for the provision of this requirement on LBHF or third party land, this work will need to be concluded.
- 6.7.5 **Recommendation 13:** It should be noted that this project has a Transformation Board agreed saving £1.1m to be achieved by 2014. It is recommended these options are quickly evaluated by ASC and a further report presented to Transformation Board detailing the current and future Extra Care needs, and how they will be met through commissioning of services, together with other measures required to achieve the target ASC saving in 2014/ 15.
- 6.7.6 **Recommendation 14:** The extent to which Extra Care units could be facilitated through Section 106 planning gain should be tested.

7.0 Next steps and timeline

- 7.1 The recommendations arising from this meeting would be presented to Cabinet in the following timeline:
 - 7.1.1 Completion of the final report for Strategic review of sheltered housing stock and the provision of extra care (Phase 1) – 08/08/12

7.1.2 Completion of the report for H&F Business Board - 15/08/12

7.1.3 Report to Cabinet Briefing – 03/09/12

7.1.4 Cabinet decision – 15/10/12

8.0 Date of next meetings

8.1 The time and date of the next meeting will be determined by Members, and circulated to the group.

END OF MINUTES

APPENDIX 3 - STRATEGIC REVIEW OF SHELTERED HOUSING STOCK - Closure of Phase 1 report SMART Action Plan - August 2012

Topic	RECOMMENDATION	SPECIFIC Action	MEASURABLE Indicator / Target	ACHIEVABLE Milestone	RESOURCED By	With Trans. Board	TIMED Start date	End date	Risk & RAG
EXTRA CARE PROVISION	<p>Phase 2 of this project, the provision of additional extra care units, is primarily an issue for Adult Social Care (ASC) as the emphasis will be on commissioning of services. However, the Housing and Regeneration Department (HRD) have offered to continue to give whatever practical advice and assistance necessary and Transformation Board will be updated accordingly.</p>	<p>Transformation Board to be updated on progress. The joint project will continue with ASC retaining ownership of the commissioning of services, and HRD assisting in the provision of units of accommodation</p>	<p>Transformation Board updated, and changes acknowledged</p>	<p>Minutes of Transformation Board reflect this action</p>	HRD, ASC	Trans. Board	01/08/12	01/09/12	L
	<p>HRD and ASC continue to explore a closer working relationship which prioritises the needs of the service user. This shall include areas such as information sharing, and developing joint assessment processes for allocations to sheltered accommodation.</p>	<p>The Sheltered-Extra Care Joint Project Group continues to meet with an amended terms of reference and agenda to facilitate these aims</p>	<p>The group set out a clear SMART Action Plan which is sent to the Members who sit on the Joint Project Board on a Monthly basis</p>	<p>(i) Terms of Reference agreed (ii) SMART Action Plan agreed (iii) Monthly Monitoring reports sent to Members (iv) Regular Project Board meetings with Members are agreed and diarised</p>	HRD, ASC	Project Board	Ongoing	TBD	L
JOINT WORKING	<p>HRD and ASC review the needs of our current residents. There are concerns that the current allocation system may have led to inappropriate allocations to sheltered accommodation. A review will establish residents short, medium and long term needs and assist in future planning of services, and the provision of services. It should also quantify the issue of supply and demand to ensure the current provision is adequate, rather than an overprovision.</p>	<p>A needs assessment of some form is carried out by HRD and ASC (actual depth and breadth to be judged by Officers based upon cost and benefits analysis). The result will be used to inform and determine future policy and/or procedure recommendations made to Members</p>	<p>Officers have sufficient knowledge of current users, and future needs, make informed recommendations to Members</p>	<p>(i) Scope of the needs analysis determined by officers (ii) Research carried out (iii) Data collated and analysed (iv) Need for policy or procedural changes determined (v) Recommendations for policy or procedural change made to Members with completed Risk Analysis and Equalities Impact Assessment</p>	HRD, ASC	None	01/09/12	TBD	L
	<p>HRD to take account of the review findings in finalising LBHF's revised Housing Allocations Policy, which is currently out for public consultation, prior to formal adoption. In particular, to ensure that those in housing need where ASC are currently providing support are appropriately prioritised in the new, reduced, Housing Register.</p>	<p>Joint meetings are held between HRD and ASC to ensure the findings from the CBRE and Cabinet reports are understood and, where applicable, fed into the revised Allocations Policy</p>	<p>The revised Allocations Policy demonstrates it has acknowledged the CBRE report findings and Cabinet report, and is signed off as "fit for purpose" by the Council</p>	<p>(i) Joint meetings held (ii) Allocations Policy amended if necessary (iii) Revised Allocations Policy (with completed Risk Analysis and Equalities Impact Assessment) is presented to Council (iv) If implemented, the revised policy is monitored to ensure it continues to be "fit for purpose"</p>	HRD, ASC	None	Ongoing	TBD	L
	<p>HRD will work with ASC to agree a revised definition and physical attributes for designated sheltered accommodation. Properties will be required to be "fit for purpose" and meet modern criteria. This would be known as the "H&F standard for modern sheltered accommodation".</p>	<p>A definition will be agreed designated Sheltered Accommodation in the Borough consisting of 2 categories (a) existing dwellings and (b) new dwellings</p>	<p>A definition exists for designated Sheltered Accommodation in the Borough and all existing and future provision is graded against this definitions as either (a) Fit for purpose, (b) Suitable for upgrade (c.) Not suitable for upgrade</p>	<p>(i) Definitions agreed (ii) All appropriate new properties designed to meet minimum standard for Sheltered Housing (iii) Existing properties assessed under defined system (iv) Strategy prepared to resolve properties which do not meet fit for purpose standard and are not suitable for upgrade</p>	HRD, ASC	TBD	01/09/12	TBD	L
SERVICE REVIEW	<p>Notwithstanding the anticipated "H&F standard for modern sheltered accommodation" it was agreed that bedsit/studio apartments were not appropriate modern accommodation and should be phased out as soon as practically possible. Bedsit/studio accommodation is only currently provided in Edward Woods and Underwood House.</p>	<p>HRD to phase out the use of Bedsit/Studio for Sheltered Accommodation</p>	<p>Bedsit/Studio accommodation no longer managed in the Sheltered Accommodation Portfolio</p>	<p>(i) Void bedsit/studios are not offered to persons registered for Sheltered Accommodation (ii) Current residents to be offered transfers to suitable accommodation (iii) Transitional plans are put in place in consultation with existing residents who do not want to transfer (iv) a local lettings plan for these properties is devised and implemented whilst transitional plans are in force</p>	HRD	Residents	01/08/12	TBD	L

<p>Recommendation 7</p> <p>HRD to investigate the provision of wireless alarm systems to replace the current hardwired system. This could save a considerable capital amount, as well as ensuring more flexibility with the property (supporting portable and personalised services over institutional services supplied to designated properties).</p>	<p>An immediate cost benefit analysis is began to determine the best form of alarm system to be installed, and make a suitable recommendation to the Cabinet Member for Housing</p>	<p>Report to Council with evidenced options, cost and timescales for a replacement alarm system</p>	<p>(i) Joint working with ASC to understand the changing needs of the community and funding implications (ii) Determine options (iii) Options appraisal (iv) Report to Cabinet Member for Housing with Recommendations</p>	<p>HRD</p>	<p>ASC</p>	<p>01/08/12</p> <p>TBD</p>	<p>L</p>
<p>Recommendation 8</p> <p>HRD will invite input from ASC to review the void process and the impact of the revised allocation policy and procedure. Related to this, HRD will record the reasons for refusal of its properties. This will allow analysis and deter unreasonable refusals.</p>	<p>Void process to be mapped and subject to a "Lean review" to ensure it is efficient and "Fit for purpose". This will be done prior to the introduction of the revised Allocations Policy and after to determine the impact. Identified operational service improvements, such as recording the reason for refusal, will be implemented as soon as practically possible</p>	<p>The services will be measured via agreed performance indicators (to include average void time, number of refusals per property) to determine service improvement, and the impact of the revised Allocations Policy</p>	<p>(i) Lean review of current service (ii) Implementation of operational service improvements (iii) Recording of reason for refusal to be noted on the IT system (iv) Implementation of the revised Allocations Policy (v) Lean review and impact assessment of revised system</p>	<p>HRD</p>	<p>ASC</p>	<p>01/08/12</p> <p>TBD</p>	<p>L</p>
<p>Recommendation 9</p> <p>In the event of proven overprovision, HRD will undertake scheme by scheme analysis, and make recommendations for de-designation, rationalisation or additional investment, as appropriate. This will be done through full consultation with Members and the affected residents.</p>	<p>Once need is determined, this shall be mapped against existing stock to determine if there is an overprovision of Sheltered Accommodation. Is this the case, HRD will analyse its stock and make recommendations for any necessary realignment of the service to the Cabinet Member for Housing</p>	<p>Following conclusion of this process, the number and type of accommodation designated as Sheltered Accommodation is realigned to meet the profile for current and future Housing Need in the Borough</p>	<p>(i) Completed of the needs analysis (set out above in Recommendation 3, above) (ii) Conclusion of the Assessment of current stock (set out in Recommendation 5, above) (iii) Analysis of the combined findings to form a report to Cabinet Member for Housing with recommendations for a realignment of service (if necessary) (iv) A Cabinet Member report detailing any schemes with issues and the recommended action if required</p>	<p>HRD</p>	<p>ASC, Cabinet</p>	<p>01/08/12</p> <p>TBD</p>	<p>L</p>
<p>Recommendation 10</p> <p>Notwithstanding the need for a detailed assessment, Members were of the view that the Edward Woods scheme was not ideal for the provision of sheltered accommodation and they would support proposals to designate as sheltered accommodation with no further allocations for such use at the earliest opportunity, with existing sheltered residents offered transfers to other schemes. (The Edward Woods scheme is a "scattered site" comprising 19 units in Poynter House, 11 in Stebbings House, and 10 in Norlands House, composing 31 one bed flats, and 9 bedsits).</p>	<p>HRD to phase out the use of Bedsit/Studio provision wherever practically possible</p>	<p>Bedsit/Studio accommodation no longer managed in the Sheltered Accommodation Portfolio</p>	<p>(i) Void bedsit/studios are not offered to persons registered for Sheltered Accommodation (ii) Current residents to be offered transfers to suitable accommodation (iii) Transitional plans to be agreed with Cabinet Member for Housing (iv) Transitional plans are put in place in consultation with existing residents who do not want to transfer (v) a local lettings plan for these properties is devised and implemented whilst transitional plans are in force</p>	<p>HRD</p>	<p>Affected Residents</p>	<p>01/09/12</p> <p>TBD</p>	<p>L</p>
<p>Recommendation 11</p> <p>Partnership working with other local providers of accommodation for the elderly is acknowledged best practice and increasingly encouraged. It was agreed that joint working with Hammersmith United Charities, specifically their Sycamore Gardens site, should be explored as this was a very good example of modern elderly housing provision.</p>	<p>HRD begin more intensive partnership working with other providers of accommodation in the Borough to deliver its corporate objectives. This process will begin with Hammersmith United Charities given their proven record as a provider of good quality housing and shared vision of high quality accommodation for the elderly of the Borough.</p>	<p>Delivery against the Councils Corporate Objectives against the benchmarks of efficiency, effectiveness, equity and economy</p>	<p>(i) Continue and intensify liaison with other accommodation providers in the Borough (ii) Initially concentrate on liaison with HUC to determine if joint working can benefit both parties, and ultimately the elderly or vulnerable residents of the Borough (iii) To update the Cabinet Member for Housing on progress on a monthly basis, and make recommendations for consideration as appropriate</p>	<p>HRD</p>	<p>ASC, RSLs, others TBD</p>	<p>01/09/12</p> <p>TBD</p>	<p>L</p>

<p>Recommendation 12</p>	<p>It be noted by Cabinet that Phase 1 of the project had been completed and all outcomes achieved on time and on budget. Outcomes included (i) conversion of existing stock had been robustly tested and found not to be an option (ii) the Council now had a 30 year building cost model for its sheltered sites (iii) detailed options appraisals for each site had been independently completed.</p>	<p>Members of the Cabinet noted the report, and its recommendations. Following consideration Members either authorise its full implementation or instruct officer to pursue an alternative course of action</p>	<p>Consideration of the report at the Cabinet meeting to be held 15th October 2012, and instructions thereafter.</p>	<p>Consideration of the report at the Cabinet meeting to be held 15th October 2012, and instructions thereafter.</p>	<p>15/10/12</p> <p>TBD</p>	<p>L</p>
<p>Recommendation 13</p>	<p>It should be noted that this project has a Transformation Board agreed saving £1.1m to be achieved by 2014. It is recommended these options are quickly evaluated by ASC and a further report presented to Transformation Board detailing the current and future Extra Care needs, and how they will be met through commissioning of services, together with other measures required to achieve the target ASC saving in 2014/15.</p>	<p>ASC to update Transformation board as to how it will achieve its £1.1m savings target</p>	<p>ASC put proposal to Transformation Board to deliver £1.1m of savings, and approval given</p>	<p>Transformation Board endorse ASC proposal</p>	<p>Ongoing</p> <p>TBD</p>	<p>L</p>
<p>Recommendation 14</p>	<p>The extent to which Extra Care units could be facilitated through Section 106 planning gain should be tested.</p>	<p>ASC to determine the need for Extra Care, and HRD to work with the Planning Officers to determine the feasibility of providing any of these required units through Section 106 gains</p>	<p>Number of units of Extra Care (a) determined to be feasible (b) determined to be feasible and which were approved for delivery, and (c.) actually delivered in the timescale</p>	<p>(i) ASC project and determine the number of EC units required (ii) Minimum specification and other critical factors of the units is determined by ASC (iii) HRD work with Planning Officers and Developers to determine the feasibility of individual sites to deliver the specified units (iv) Individual schemes are approved for development (v) Projects subject to regular reporting and updates to the joint HRD and ASC Project Board Members</p>	<p>Ongoing</p> <p>TBD</p>	<p>L</p>



London Borough of Hammersmith & Fulham

Cabinet

15 OCTOBER 2012

**CABINET MEMBER
FOR HOUSING**

*Councillor Andrew
Johnson*

**BUILDING A HOUSING LADDER OF
OPPORTUNITY INCORPORATING:
HOUSING STRATEGY (Annex A)
HOUSING ALLOCATION SCHEME (Annex B)
TENANCY STRATEGY (Annex C)
HOMELESSNESS STRATEGY (Annex D)**

Wards: ALL

The purpose of this report is to seek Cabinet's approval and endorsement of the documents listed above following public consultation with interested parties and the Mayor of London who is a statutory consultee.

The **Housing Strategy** provides an overarching framework for the other documents and for the Council's Housing activities as a whole. There are 3 key themes of Delivering Major Economic and Housing Growth, Tackling Economic and Social Polarisation and Managing a better, streamlined council housing service. It sets out the Ladder of Housing Opportunity and the vision of social housing for the majority as a platform for progression into other housing options, not a final destination.

The **Tenancy Strategy** proposes fixed-term tenancies for new social housing lettings, typically 5 years, but 2 years in cases such as special schemes for working households and those aged 18 to 25 years old.

The **Housing Allocation Scheme** will significantly increase the proportion of social housing lettings allocated to working households and those making other contributions to the community and promotes Local Lettings Plans to produce more balanced communities. It proposes changes to the inefficient Housing Register to clarify who qualifies for Housing and restricts access to the Register to those who have a reasonable chance of being housed. The

report proposes ending the Choice-Based Lettings system which creates false hopes and expectations for applicants.

The **Homelessness Strategy** sets out how the Council will meet its statutory obligations but also proposes breaking the link between a homelessness application and a social housing tenancy through using new powers to discharge duty into the private sector.

The proposed changes will yield significant General Fund savings from 2014/15.

CONTRIBUTORS

EDHRD
EDFCG
DoL

**HAS A EIA BEEN
COMPLETED?
YES**

**HAS THE REPORT
CONTENT BEEN
RISK ASSESSED?
YES**

Recommendations:

- 1. To approve the Housing Strategy, Tenancy Strategy, Housing Allocation Scheme and Homelessness Strategy documents annexed to this report.**
- 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.**

1. SUMMARY

- 1.1 Cabinet approved a report on 21 May 2012 to publicly consult on four related housing strategy documents under the generic heading of 'Building a Housing Ladder of Opportunity'. This report seeks approval from Cabinet to formally adopt the four documents following consultation and implement the respective actions and policies set out in each.
- 1.2 The over-arching draft document is the Housing Strategy, setting the overall 'direction of travel' to the Council's future housing approach. The other three draft documents – Housing Allocation Scheme, Tenancy Strategy and Homelessness Strategy – are geared towards implementing the changes set out in the Housing Strategy document. More detail on the content and approach is set out below.
- 1.3 The four housing strategy documents were the subject of a consultation process. A summary of the online survey and a further summary of individual responses are attached as annexes to this report. These comments have been considered and key changes (and other matters to note) that are proposed to be accepted are set out in Section 4 of this report. In summary, there was strong support for the three Housing Strategy objectives:
 - **Deliver economic and housing growth:** 65% agreeing compared to 18% disagreeing
 - **Tackle economic and social polarisation:** 55% agreeing compared to 20% disagreeing
 - **Manage a better, streamlined service:** 59% agreeing compared to 22% disagreeing
- 1.4 More detail on consultation responses can be found in Sections 3.6 – 3.12 of this report.

2. THE FRAMEWORK SET BY THE HOUSING STRATEGY AND HOW THE OTHER DOCUMENTS FIT TOGETHER

- 2.1 The Housing Strategy is attached as Appendix A. A cross cutting theme of all the Council's future work on Housing will be our ambition to **Build a Housing Ladder of Opportunity**. A cross cutting theme of our housing approach is to increase home ownership. The Council aims to achieve this in a range of direct ways, such as through the reinvigorated right to buy to council tenants; increasing discount market sale opportunities in new housing developments; delivering new housing through the Local Housing Company; promoting shared ownership and other 'First Steps' opportunities such as slivers of equity in Council homes. Our broader objective is to treat affordable housing as a valued, integrated and more accessible segment of the housing market, playing

a greater part in regenerating local communities and local economies. To achieve this, the Council will:

- (a) **Deliver Major Economic and Housing Growth** – To be achieved using housing investment acting as a catalyst for wider socio economic change. Hammersmith & Fulham is uniquely positioned to continue that through delivery of its five regeneration opportunity areas, three of which are identified by the Mayor of London as strategic priorities.
- (b) **Tackle Economic and Social Polarisation** – To be achieved by promoting Right-to-Buy and creating low cost home ownership initiatives such as slivers of equity and part-rent and part-buy in Council housing; tackle concentrations of mono-tenure provision; an allocation policy, local lettings plans, and flexible tenancies that prioritise hard working households and those making a community contribution for affordable housing.
- (c) **Manage a better, streamlined council housing service** – To be achieved through more effective and efficient housing and leasehold management services with clear, realistic performance targets using other housing management service providers as required to increase resident satisfaction with repairs, resident involvement and dealing with anti-social behaviour.

2.2 The Housing Strategy sets the overarching policy framework for taking forward the Council's policy objectives. The Tenancy and Homelessness Strategies and Scheme of Allocation documents are crucial components within the overarching Housing Strategy through which the Council will ensure that it delivers on making flexible use of available, affordable housing stock.

2.3 The common thread running through these work streams is to ensure that outcomes are aligned to the Council's 'Borough of Opportunity' vision which seeks to foster more balanced, mixed-income communities, increase and balance housing and home ownership options and to support hardworking households in affordable housing.

- **Housing Allocation Scheme (Annex B)** – Comprehensive review of the allocations policy with the Council setting its own qualification rules to support its objectives to build sustainable mixed communities, support people on a low income who work and those who contribute positively to the community.
- **Tenancy Strategy (Annex C)** – Sets out the Council's approach to introducing fixed term tenancies and the exceptional circumstances where a lifetime tenancy will be granted.
- **Homelessness Strategy (Annex D)** – Review of the Council's current approach to homelessness and development of an effective

prevention methodology that meets legislative requirements and aligns with the Housing Strategy, Scheme of Allocation, and the Council's working households' agenda.

3. THE CONSULTATION PROCESS

Who we engaged with

- 3.1 The consultation process involved consultation with three core audiences:
- Council tenants and leaseholders representatives who were sent a letter from the Cabinet Member with the four strategy documents. Other residents of the borough were able to contribute to the process through use of the Citizenspace consultation portal.
 - Council staff both within the Housing and Regeneration Directorate and wider staff membership, particularly staff responsible children and the elderly agendas as well as staff responsible for vulnerable adults such as people with dependency issues, and victims of domestic violence
 - Key agencies responsible for approving and/or delivering the Housing Strategy document, e.g., Mayor of London (who has to ensure that the local strategy is in broad compliance with his own regional document); private and affordable housing developers; providers of supported housing services; voluntary sector agencies; local advisory agencies.
- 3.2 In addition to the four draft documents, a housing strategy annex and draft initial screening equalities impact assessment was circulated either by post to local interested parties and available on the Council's Citizenspace consultation portal.
- 3.3 The Council wrote to borough Tenants and Residents Associations; gave a presentation to the Tenants' Borough Forum on 22 May 2012; attended a stand at the Tenants' Conference on 14 July 2012; met with residents when requested; convened two housing strategy meetings of the H&F Housing Association Forum on 18 May 2012 (before the official start of the consultation process) and 6 July 2012. One-to-one meetings were held with housing association and homelessness organisation representatives on housing strategy matters and specific issues of interest. A meeting was convened with the Mayor of London's housing representatives on 4 July 2012 (note of meeting attached as Annex E). The Council also wrote to local Members of Parliament; Assembly Member; and contacted elected Members by email. A meeting of the Housing, Health and Adult Social Care Select Committee discussed the housing strategy documents on 17 July 2012. The consultation process was also advertised on the Locata, the Council's choice based letting application and also on the Community and Voluntary Sector Association Hammersmith & Fulham website.

The Council's own intranet was used to advertise the process to council officers. Letters were sent to national housing bodies – Chartered Institute of Housing, Shelter, Crisis, National Housing Federation – and also London Councils. The documents were also the subject of media attention in the national, regional and trade press.

- 3.4 The consultation period was initially publicised as being from 22 May 2012 to 18 July 2012, following approval by Cabinet of the documents on 21 May 2012. However, the process could not fully begin until after the 'call-in' period had expired. Letters and other email correspondence did not begin being sent out until after the call-in date of 30 May 2012. To compensate for this, the consultation deadline was extended 25 July 2012 to interested parties to ensure there was reasonable time for responses.
- 3.5 In total, there were a maximum of 114 respondents to the short online survey (see below). Some respondents did not answer certain questions, meaning the number of responses varied according to question. Using the Council's Citizenspace web-based consultation application, an eleven question online 'short' survey was prepared to cover key issues raised in each of the housing strategy documents. More detailed online surveys (which for consistency included the questions in the short survey) were created for each of the four documents. Set out below are summary comments on the key questions in the housing documents. The survey report is attached as Annex F to the Cabinet Report. The more in-depth survey will be made available and will help inform the policies and procedures process referenced later on in this report.

What did online respondents say?

- 3.6 Focusing on the responses to the short online consultation survey, the responses ranged from strongly agree; agree; neither agree, nor disagree; disagree; strongly disagree. Where respondents neither agreed nor disagreed, their percentage response has been removed, hence the responses do not add up to 100%). On the issue of the three housing strategy themes (identified in section 2.1), there was support for the approach being adopted:
- **Deliver economic and housing growth** – 65% agreeing compared to 18% disagreeing
 - **Tackle economic and social polarisation** – 55% agreeing compared to 20% disagreeing
 - **Manage a better, streamlined service** – 59% agreeing compared to 22% disagreeing
- On the housing allocation scheme, there was strong agreement – 80% - for the council's proposals to **verify needs at the point of application**, compared to 13% who disagreed. On stopping

applicants from outside the borough applying for housing in Hammersmith & Fulham, there was strong agreement – 66% - compared to 24% disagreeing. There was strong support – 54% - for the Council's intention to modify its approach to the choice based lettings scheme compared to 32% disagreeing.

- On the issue of introducing a **five year local connection rule**, 47% of respondents thought the length 'about right' with 21% thinking it too short, and 32% thinking it too long.
- On the issue of **tenancy succession**, 47% agreed with the approach being adopted with 41% disagreeing.
- Just under half of respondents (47%) thought that the **guideline maximum household income of £40,200 for accessing social housing** was about right, with 37% thinking it too low and 19% thinking it too high.
- On the Council's intention to **give greater housing allocation priority to groups who make a community contribution**, there was strong support with 61% agreeing compared to 27% disagreeing.
- On priority for particular community groups, the strongest support was for **working households** – 78% - with the lowest support for young people (52%), applicants in training and employment (50%) and volunteers (50%).
- On the Council's intention to issue **five year fixed term tenancies**, 48% agreed compared to 39% who disagreed. In respect of using two year tenancies for those who had a history of anti-social behaviour, committed a crime, etc, 68% agreed compared to 24% disagreeing. And for issuing 2 year tenancies that were between the ages of 18 and 25 years old, 53% agreed compared to 31% who disagreed.
- On homelessness issues, there was **strong support for the Council's intention to end the perception that a homelessness application will lead to a social housing tenancy**, with 53% agreeing compared to 24% disagreeing. On using private sector rented housing outside the borough to meet its homelessness duties, 47% agreed compared to 33%.

What did written respondents say?

- 3.7 A number of respondents preferred to submit their responses in writing rather than use the online mechanism. This was particularly relevant where respondents had convened their own meetings and wished to present their views in the form of meeting minutes or written responses. And some specialist organisations, e.g. from the homelessness and

learning disabilities sectors had issues of detail which did not necessarily lend themselves to a survey response. Also received was a response from the Member of Parliament for Hammersmith. The responses from individual groups are summarised in Annex G, and will be published in full, subject to permission from respondents. Some respondents saw the changes proposed as an opportunity to stop perceived shortcomings in current policy and practice. Many interested parties across the spectrum saw the changes as a fresh opportunity to engage with the borough on housing issues.

- 3.8 In summary, for **Housing Strategy** interest groups representing people who are physically disabled, learning disabled, and elderly were concerned that their needs were not sufficiently identified and consequently would not be prioritised under the new strategic approach. There was also a broader concern that existing development planning policies designed to meet these groups' needs were not delivering on the ground, despite sound policies being in place. Delivery of housing that is wheelchair accessible and meeting lifetime homes standards were quoted as concerns. Housing Associations (described as Private Registered Providers in the strategy documents) were concerned that their potential role in helping delivering the strategy objectives, which they were broadly supportive of, was not being given sufficient profile, given that they collectively own and manage as much affordable housing as the Council. In a similar vein, some housing associations considered the strategy to be 'council-centric' and not sufficiently partnership focused. On this last point, the Council will be working more closely with housing associations in the future and reference has been made in the revised housing strategy document.
- 3.9 On the **Housing Allocation Scheme**, there were concerns from housing associations that the move towards more direct lettings reduces the element of choice for applicants and may in practice be more time-consuming to operate. There was a general concern from disabilities organisations that the housing needs of their client groups might be marginalised. There were additional concerns about how the community contribution mechanism might work in practice for people who may not be able to spend time volunteering or access sustainable employment. Concern was also expressed about how the Accessible Housing Register (which is to be retained) will work with the new Assisted Choice approach, replacing the current Choice Based Letting scheme. Homelessness organisations expressed concern that their client groups needs may be marginalised, although there was some 'in principle' support for the overall strategic approach. Concerns were expressed about how ex-offenders and the fairness of the proposal for 2 year tenancies for this and other client groups, such as 18-25 year olds. There was a broader issue of how the new Scheme could reduce 'silting up' of supported housing, where vulnerable households were reluctant to 'move on' to other permanent accommodation. However, a number of respondents were broadly supportive of the additional

priority being given to community contribution groups, e.g, working households, ex-armed services personnel, and also recognised that the current choice based lettings scheme was not flexible enough to disabled people's needs.

- 3.10 On the **Tenancy Strategy**, housing associations (described as Private Registered Providers in the strategy documents) were clear that they would have regard to the strategy on fixed term tenancy matters. However, they were generally reluctant to change their approach based on the Council's adopted position. Whilst many are issuing fixed term tenancies (and have been able to for some time), they are generally of the view that differing local authority positions on fixed term tenancies make it difficult for them to adopt a single position. An issue of contention was also the fairness of granting 2 year fixed term tenancies for 18-25 year olds and to a lesser degree, people who had history of anti social behaviour, tenancy fraud, etc.
- 3.11 On the **Homelessness Strategy**, the general concern was about how sustainable an option the private rented sector would be to meet homeless people's needs, whether within the borough or outside it. The potential break up of friend and family networks was also highlighted. This change would need to be monitored to assess its impacts. There was also a concern that the needs of rough sleepers weren't sufficiently profiled.

Mayor of London's Housing Strategy

- 3.12 A key consideration for the Council was to ensure that the documents were in general conformity with the Mayor's Housing Strategy, the latest iteration of which is the Revised Housing Strategy (December 2011). Representatives from the Mayor's Housing Team attended a meeting with the Council on the 4th July 2012 to discuss any changes that the Mayor may seek to the Council's four draft documents to address conformity issues. There were some issues raised (see Annex E attached to this report) which the Council considers to be satisfactorily addressed in the revised documents.

CLG Regulations, Guidance and Consultation Papers

- 3.13 Since the drafting of the 21 May 2012 Cabinet Reports and annexes, a number of Government Community and Local Government (CLG) documents have been published which have influenced the content of some of the housing strategy documents.
- The CLG Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 (July 2012)
 - Allocation of accommodation: Guidance for Local Housing authorities in England (June 2012)
 - The CLG Homelessness (Suitability of Accommodation) (England) Order 2012 – Consultation set out the Government's proposals for

defining the suitability – quality and location - of private rented housing for homeless people (May 2012)

- The CLG Pay to Stay Consultation Paper on charging higher rents to social housing tenants (June 2012).

3.14 The Council has had regard to the first two of these documents when preparing the housing strategy documents (principally the Housing Allocation Scheme in these instances) and made reference to the likely direction of travel that may follow the adoption of policy on the second two documents.

4. What we are proposing to Change following Consultation and Other Matters to Note

4.1 On the **Housing Strategy** the key areas proposed for change/addition (marked with an asterisk) and/or to note are

- Further development of a strategic approach to meeting the housing needs and aspirations of vulnerable, disabled and elderly residents *
- Making reference to a closer working relationship with Private registered providers (normally housing associations) to deliver the housing objectives set out in the strategy *
- Highlighting the Council's private sector housing role *

4.2 On the **Housing Allocation Scheme**, the key areas proposed for change/addition (marked with an asterisk) and/or to note are:

- Clarification within the text of those matters which relate to criteria for qualification for the Housing Register and those which relate to the priority to be afforded to groups within those which qualify for the Register *
- The introduction of clearer qualification criteria for allocations via Local Lettings Plans to applicants from the Homebuy register. These involve a combination of local connection, status within reasonable preference categories and income *
- Clarification of the operation of the income threshold for qualification for the Housing Register. This involves both taking account of the size of accommodation required by the applicant and an assets and savings cut-off beyond which a household would be unlikely to qualify for entry to the Register *
- Updating the Scheme to take account of recent Government guidance and Regulations on armed services personnel. This includes in particular a provision that local connection cannot be used to disqualify this category of applicant from the Housing Register *
- The retention of the proposal to exclude households owed a homelessness duty and who are in long term temporary accommodation from the categories of qualifying persons for the Housing Register. Although they sit within one of the statutory reasonable preference categories, these households are by definition

already suitably housed within their temporary accommodation. The Council is concentrating its resources on dealing with households who need urgent assistance because of their homelessness and those in long-term temporary accommodation would anyway be brought into scope for qualification for the Register at the point at which the accommodation was no longer available to them. The limited turnover of stock of accommodation available to the Council also means it is reasonable for it to consider the realistic prospect of a household being offered accommodation in setting its qualification criteria for the Register

4.3 On the **Tenancy Strategy**, the key areas proposed for change/addition (marked with an asterisk) and/or to note are:

- Clarification of the timing of work in preparation for the renewal or non-renewal of fixed-term tenancies *
- The retention of the proposal to offer 2 year fixed-term tenancies to younger households between the ages of 18 and 25. The rationale is that such households will by definition tend on average to be less experienced than others in managing a tenancy, that the landlord needs a particular flexibility in these cases to be able to review how things are going after a relatively short period and that particular incentives need to be in place to encourage tenants to manage their tenancies well. There is the additional factor that since the thrust of the Housing Allocation Scheme is to encourage and prioritise those who are making a community contribution this is an additional demand on younger households who may be less experienced than others in making such a contribution. There is evidence that the early ending of tenancies is more common amongst younger people. A study of lettings in the properties of Glasgow Housing Association (which received the transfer of housing stock from Glasgow City Council) in 2003, for example, found that the rate of tenancy non-sustainment was relatively high amongst younger single people and younger childless couples. This lends support to the proposition that initial tenancies for this group should be for a shorter period. Internal research has indicated that tenancy turnover in the last three years amongst newly let Hammersmith & Fulham Council stock was proportionately greatest amongst the 18-25 year old cohort.

4.4 On the **Homelessness Strategy**, the key areas proposed for change/addition (marked with an asterisk) and/or to note are:

- The inclusion of references to the Government's draft Suitability Order on the placement of homeless households in the private sector and in temporary accommodation. At the time of writing the Government has not issued the Order, following a consultation earlier in the year *

4.5 The comments and feedback that the Council has received has helped considerably to improve the content of the strategy documents and changes have been made on that basis. The comments and feedback

has also helped highlight where interested parties concerns are and where the Council needs to be mindful of impacts. Regarding how the changes will impact on specific groups, an element of this will depend on how the changes will be implemented and what the change in approach will mean in practice for applicants. This is particularly relevant to the implementation of the Housing Allocation Scheme and the Homelessness Strategy. The Council intends to work with interested parties on how the changes will impact on particular client groups which will include a focus (as referenced elsewhere in this report) on how the housing needs and aspirations of the vulnerable, elderly and disabled are met in the future. Monitoring and evaluation of the impacts of implementing the new approach will need to be an integral part of the new approach.

5. NEXT STEPS AND INTERIM MEASURES

- 5.1 With the adoption of the Core Strategy in October 2011; adoption of the Borough Investment Plan in Dec 2011; and the proposed adoption of the Housing Strategy; Housing Allocation Scheme; Tenancy Strategy; and Homelessness Strategy, the Council is in a strong position to switch its focus from strategy development to delivery.
- 5.2 The most time-intensive and sensitive elements of the changes proposed centre on the changes to the Housing Allocation Scheme. Work to develop the policies and procedures necessary to implement the new approach has already begun, with a view to achieving a 'go live' date in April 2013. There is still considerable work to be undertaken, e.g., new application form templates; ICT adjustments; associated training & development; etc.
- 5.3 There will need to be an effective and ongoing engagement process with interested parties both within the Council and outside it to ensure the reasons for the new strategy documents' objectives are understood. Specific activities will involve liaising closely with council officers and agencies responsible for dealing with the needs and aspirations of vulnerable, elderly and disabled residents, to ensure resources are used to maximum effect. Officers will also need to fully review information held on the website, some of which needs updating independent of the changes in the strategic approach.
- 5.4 Specifically on short term actions:
 - Local Lettings Plans can be adopted under the existing Scheme of Allocations to increase the numbers of eligible working households who are allocated accommodation for specific housing areas/schemes
 - The 2012/13 for October 2012 to March 2013 Allocations Plan to be adopted can include higher quotas for categories such as ex armed

services personnel; working households; and other groups providing they meet the reasonable preference criteria.

- 5.5 The Housing Strategy, Tenancy Strategy and Homelessness Strategy 'go live' from adoption. The Council's stated intention to use private rented sector accommodation to discharge its homelessness duty can be adopted, once the Homelessness Order comes into force, expected in late 2012.
- 5.6. As set out in 4.1 it is intended that Officers further develop the strategic housing and health approach to effectively meet the local needs of the vulnerable, disabled (including people with learning disabilities) and elderly residents. In addition it is recognised in the Equality Impact Assessment that further scoping work needs to be undertaken to understand the housing needs and aspirations of some of groups who share a relevant protected characteristic (in particular age and disability). It is intended that Officers will carry out this work, update the Equality Impact Assessment and report to the Cabinet Member for Housing in March 2013.
- 5.7 It is also anticipated that there will be further developments in central Government policy which will impact on the Allocation scheme and Homeless strategy. In particular the expected regulations concerning additional preference for the allocation of housing to members of the Armed forces and the suitability of accommodation regulations mentioned in 3.13. These developments may necessitate changes to the policy.
- 5.8 It is proposed that delegated Authority be given to the Cabinet Member for Housing in conjunction with the Executive Director of Housing and Regeneration to make such changes to the documents annexed to this report as they consider necessary as result of the further work on Equality Impact Assessment or because of changes in government policy. If they consider it necessary a further report will be made to cabinet.

6. FINANCIAL IMPLICATIONS

- 6.1 Financial issues relating to the proposals are in four areas:

Homelessness and Temporary Accommodation

The Council has had considerable success in meeting and containing the costs of homelessness through its Housing Options and prevention operations and through matching the cost of temporary accommodation to rents payable and changing Housing Benefit and Local Housing Allowance arrangements. The HB Assist team has succeeded in negotiating rent reductions with private Landlords of homeless households in temporary accommodation.

The Housing Options service faces considerable challenges in addressing homelessness particularly in the light of recent and prospective changes to Housing and Welfare Benefit entitlement. These arise both from increasing difficulty for some households in sustaining a private sector tenancy and for the council itself in procuring access to private sector accommodation within the resources available to it. The proposals in this report may have some indirect impact on homeless households. In particular, the prospects of a homeless household receiving an offer of a social housing tenancy will be more dependent in the future on their being in work or making a community contribution within the terms of the Housing Allocation Scheme. To the extent that this results in fewer allocations being made to households applying down the homelessness route, this will increase the need to secure access to private sector accommodation.

Against this, the new system set out in this report may be perceived as affording less advantage to the making of a homelessness application and may start to exert downward pressure on the number of homelessness applications.

6.2 Income to the Housing Revenue Account and the Cost of Void Properties

A key proposal in this report is the introduction of flexible tenancies in Council property and the potential increase in the number of households in work living in the Council's social housing stock. The question therefore arises as to whether this may lead to more voids and bad debts as flexible tenancies come to an end, and hence additional financial pressure on the HRA due to:

- additional void rent loss
- increased maintenance void costs
- increased staff costs due to the volume of relets required
- a risk of additional bad debts due to the increased tenancy turnover and due to an increase in the number of tenants not on full housing benefit

On the other hand, there are a number of potentially countervailing factors:

- While there is no presumption that a tenancy will be renewed, equally there is no presumption that it will not. This will depend upon a case by case assessment. It is likely that a significant number of tenancies will be renewed and the issue of the majority of the additional void costs will not arise. There may still be a residual impact on staff costs.
- The proposals have a built-in incentive for tenants to look after their property;

- The proposals have a built-in incentive for tenants to keep a clear rent account.
- Proposed welfare reforms are likely to result in a cessation of direct Housing Benefit payments in all but vulnerable cases. This may in any case result in additional bad debt pressures.

The effect of the proposals on income and void costs will require careful monitoring and revised assumptions are currently being fed into the business plan. Any impact will not arise until 2014/15 at the earliest as the first 2 year tenancies come up for renewal.

6.3 Staffing Costs

As noted above, there will be an increased cost for Housing Services in dealing with the renewal of flexible tenancies. This will be factored into the specification for the MTFS Transformation of Housing Services.

Within the Housing Options service there will be some additional general fund costs in administering a system of review and appeals and the assessment of applicants making a community contribution. Nevertheless, from 2014/15 this should be outweighed by significant General Fund savings in dealing with a reduced number of housing applicants, albeit seeking to provide them with a more comprehensive service.

6.4 Transitional and Development Costs

There will be a number of transitional and development general fund costs in implementing the proposals. These costs will relate to programme and project management, resident communication and consultation, amendments to IT systems and staff training. These costs can be met from the Housing Options reserves agreed for the 2012/13 financial year, in particular the amount set aside for the review of the Housing Register.

7. **RISK MANAGEMENT**

7.1 A separate Risk Log has been raised and will be incorporated into the departmental risk register once the final document contents have been agreed by the Cabinet Member for Housing and the Executive Director for Housing & Regeneration. Key risks identified include:

- A dependency on Government formally bringing into force certain provisions, particularly in respect of Homelessness
- The need to secure access to additional private sector accommodation to deal with the local impact of changes in Local Housing Allowances and the introduction of Universal Credit in 2013.

- 7.2 The report incorporates and illustrates risks presented by the adoption of the four housing strategy documents and implementing their objectives and specific actions. These will be managed in accordance with the council's project management approach.

8. EQUALITY IMPLICATIONS

- 8.1 The Council's statutory duty under the Equality Act 2010 applies to the housing strategy documents which are the subject of this report. The protected characteristics to which the Public Sector Equality Duty ("PSED") applies now include age as well as the characteristics covered by the previous equalities legislation applicable to public bodies (i.e. disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex).

- 8.2 The PSED is set out in section 149 of the Equality Act 2010 ("the Act") provides (so far as relevant) as follows:

(1) A public authority must, in the exercise of its functions, have due regard to the need 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.

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- 8.3 Case law has established the following principles relevant to compliance with the PSED which Council will need to consider:

(i) Compliance with the general equality duties is a matter of substance not form.

(ii) The duty to have "due regard" to the various identified "needs" in the relevant sections does not impose a duty to achieve results. It is a duty to have "due regard" to the "need" to achieve the identified goals.

(iii) Due regard is regard that is appropriate in all the circumstances, including the importance of the area of life of people affected by the decision and such countervailing factors as are relevant to the function that the decision maker is performing.

(iv) The weight to be given to the countervailing factors is in principle a matter for the authority. However in the event of a legal challenge it is for the court to determine whether an authority has given “due regard” to the “needs” listed in s149. This will include the court assessing for itself whether in the circumstances appropriate weight has been given by the authority to those “needs” and not simply deciding whether the authority’s decision is a rational or reasonable one.

(v) The duty to have “due regard” to disability equality is particularly important where the decision will have a direct impact on disabled people. The same goes for other protected groups where they will be particularly and directly affected by a decision.

(vi) The PSED does not impose a duty on public authorities to carry out a formal equalities impact assessment in all cases when carrying out their functions, but where a significant part of the lives of any protected group will be directly affected by a decision, a formal equalities impact assessment (an EQIA as opposed to an Environmental Impact Assessment, also known as an EIA) is likely to be required by the courts as part of the duty to have 'due regard'. The EQIA is attached and will need to be read and taken into account in reaching a decision on the recommendations in the report.

(vii) The duty to have “due regard” will normally involve considering whether taking the particular decision would itself be compatible with the equality duty i.e. whether it will eliminate discrimination, promote equality of opportunity and foster good relations. Consideration must also be given to whether, if the decision is made to go ahead, it will be possible to mitigate any adverse impact on any particular protected group, or to take steps to promote equality of opportunity by, for example, treating a particular affected group more favourably

8.4 A full EQIA is attached to this report as an appendix. Here, officers have summarised the positive and negative impacts which have been identified in the analysis and the proposed mitigation measures.

Housing Strategy

8.5 Of the four strategy documents, the Housing Strategy is the overarching document which sets the parameters for the other three of documents, namely the Housing Allocation Scheme, the Tenancy Strategy and the Homelessness Strategy. This section highlights the specific equality impacts arising from the Housing Strategy with more detail set out in the comments under each of the other three strategy

document headings where applicable. Note: where disability is specified, this includes people with learning disabilities.

8.6 The analysis of equality impacts of the adoption of the Housing Strategy (and the associated strategy documents described below) on protected groups as defined by the Act shows that:

1. There are likely to be positive impacts on age, disability, pregnancy and maternity; marriage and civil partnership; race; and sex protected groups. These may arise from increasing the supply of new affordable housing (including homes that meet the lifetime homes standard and homes that are wheelchair accessible); and, adoption of a housing allocation scheme that gives priority to people meeting statutory reasonable preference criteria.

2. There are likely to be negative impacts on age, disability, pregnancy and maternity, race and sex protected groups. These may arise from adoption of the Housing Allocation Scheme; Tenancy Strategy; and Homelessness Strategy and are detailed further below.

Housing Allocation Scheme

8.7 The analysis of equality impacts of the adoption of the Housing Strategy on protected groups as defined by the Act shows that:

1. There are likely to be positive impacts on age; disability; marriage and civil partnership; pregnancy and maternity; race; sex; and sexual orientation protected groups. One of the guiding principles to the new Housing Allocation Scheme is that applicants will need to meet one or more of the needs based reasonable preference criteria. Where applicants do not have a defined need, they will not be able to access the register (unless there is a Local Lettings Plan in place). Another guiding principle is the adoption of a more flexible, customer focused approach to allocations. This will allow officers to match household needs and preferences in a direct manner for applicants from protected groups, as opposed to relying on a choice based lettings approach which people from protected groups have not always found user-friendly.

2. There are likely to be negative impacts on age; race and sex protected groups as private rented sector housing is expected to be increasingly used to meet both homelessness need but also other housing applicants' needs. These impacts can be mitigated by ensuring that the private rented housing meets CLG homelessness guidance regarding suitability and quality grounds as set out in statutory regulations which have yet to be published. The impact of placing applicants from protected groups in the private rented sector itself cannot be mitigated because these groups are highly represented amongst the current cohorts of homeless people.

Tenancy Strategy

8.8 The analysis of equality impacts of the adoption of the Tenancy Strategy on protected groups as defined by the Act shows that:

1. There are likely to be positive impacts on age; disability protected groups. These may arise from older people and disabled people continuing to be granted 'lifetime' tenancies as opposed to fixed term tenancies for other need groups.

2. There are likely to be negative impacts on age; disability; pregnancy and maternity and race protected groups. These may arise from granting fixed term tenancies and also charging affordable rents which are closer to market rent (as opposed to target social rent) for younger people and can be mitigated for certain groups (such as care leavers) but cannot be mitigated for any other protected groups because of the Council's commitment to adopting fixed term tenancies. Adopting such tenancies does not preclude tenancies being renewed if tenancy conditions are met.

Homelessness Strategy

8.9 The analysis of equality impacts of the adoption of the Homelessness Strategy on protected groups as defined in the Act show that:

1. There are likely to be positive impacts on the age; disability; marriage and civil partnership; pregnancy and maternity; sex protected groups. These may arise from the adoption of a proactive homelessness strategy which is focused on preventative actions and a Housing Allocation Scheme that centres on applicants meeting one or more of the reasonable preference criteria.

2. There are likely to be negative impacts on age; race protected groups. These impacts may arise from the Council's intention to use private rented accommodation to discharge its homeless duties. It is therefore likely to have a high impact on these protected groups. These impacts can be mitigated by ensuring that the private rented housing meets CLG homelessness guidance regarding suitability and quality grounds as set out in statutory regulations which have yet to be published. The impact of placing applicants from protected groups in the private rented sector itself cannot be mitigated because these groups are highly represented amongst the current cohorts of homeless people.

Conclusion

8.10 Members are advised that there are likely to be positive and negative impacts following the adoption and implementation of the housing strategy documents described above. The expected impacts may not

occur but positive and negative impacts will be evidenced through effective monitoring and evaluation. Section 7 of the Equalities Impact Assessment sets out an Action Plan designed to monitor and evaluate equality impacts as and when they arise and take mitigating action where both possible and necessary. This section of the EqIA describes further scoping and evaluation work to be undertaken on equalities impacts with a specific focus on the needs of the disabled, vulnerable and the elderly and is to be completed by March 2013 in line with Sections 5.6 – 5.8 of this Cabinet Report.

9. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

- 9.1 The project costs have been estimated to be £100k and consist of mainly IT costs. There are sufficient funds within the reserve mentioned in paragraph 6.4 to fund this expenditure which will be monitored as part of usual budget monitoring activities.

10. COMMENTS OF THE DIRECTOR OF LAW

- 10.1 As set out in the report officers have carried out a statutory consultation process on the housing strategy documents. In making their decision Members must conscientiously take into account the issues raised by the consultees. Failure to do so could give rise to a challenge by way of Judicial Review. In addition Members will have to weigh the potential adverse impacts on the protected groups as identified in the EqIA, together with proposed mitigation measures; and will have to consider these and any countervailing factors before reaching their final decision.
- 10.2 Housing Allocation Scheme
The Localism Act 2011 has introduced changes to the way the Council can allocate social housing. In particular the Council has power to determine which applicants do or do not qualify for an allocation of social housing in the borough.
- 10.3 The Council must give “reasonable preference” to the categories of people set out in the Housing Act 1996 (the Act) and this includes the homeless and those who need to move on medical or welfare grounds. The term “reasonable preference” is not defined in the Act but case law defines this as a ‘reasonable head start’ it is accepted that this does not guarantee a person an allocation. Additional preference must be given to particular descriptions of people with urgent housing need within the reasonable preference categories. The proposed scheme has taken this into account by providing high priority in band 1.
- 10.4 It is proposed that only persons with reasonable preference will qualify for social housing but the scheme is framed to also take into factors

such as financial resources, behaviour and local connection. It is also proposed to give additional priority to working households, those in training leading to employment and those making a significant contribution to the community.

- 10.5 This policy is considered to be justifiable and lawful. The Council has a broad discretion to allocate accommodation in such manner as considers appropriate. This discretion is subject to general common law principles of public law and in particular the requirement of “Wednesbury” reasonableness which means the decision must not be irrational or one which no reasonable authority could take. Case law has established that as long as a scheme complies with the statutory requirements the courts should be very slow to interfere on the ground of alleged irrationality. It is accepted the allocation of housing is a matter of political sensitivity, judgement and local expertise and knowledge.
- 10.6 Under the Act the Council is also required to have regard to guidance given by the Secretary of State which was issued in June 2012. It should be noted that the guidance does suggest housing authorities should avoid setting criteria which disqualify groups of people whose members have reasonable preference, for example the homeless. It is intended to disqualify homeless applicants who are in long term temporary accommodation and the justifications for this are set out in section 4 of the report. The scheme does give the Director of Housing Options, Skills and Economic Development discretion to make allocations to non qualifying persons in cases of exceptional housing need.
- 10.7 It is suggested that the Officers should monitor the operation of the scheme to ensure that the Council complies with its obligations to towards persons in the reasonable preference categories. Should any major changes be made to the scheme there is a duty to consult with local private registered providers of social housing.
- 10.8 Tenancy Strategy
The Localism Act has amended the Housing Act 1985 to give the Council the right to grant flexible tenancies for a minimum term of 2 years. But the Council must also comply with “tenancy standard” set the Social Housing Regulator and this suggests that 2 year fixed term tenancies should only be granted in “exceptional circumstances”. It is considered that the exceptional cases set out in Section 4.4 of the Tenancy Strategy are lawful. But Members should note that during the consultation process concerns were raised about the proposal to grant 2 year tenancies to 18-25 year olds. Officers reasons for adopting this policy are set also set out in section 4.
- 10.9 The Homelessness strategy
Section 148 of the Localism Act amends section 193 of the Housing Act 1996 to allow housing authorities to make “private rented sector

offers” to end the homeless duty to a household. It is intended that the Council make use of this but it should be noted that the section is not yet in force and that we await Regulations dealing with suitability of accommodation in the private sector. The Strategy may need to be reviewed when the Secretary of State publishes these Regulations.

11. COMMENTS OF THE DIRECTOR FOR PROCUREMENT AND IT

11.1 There are no procurement issues arising directly from this report.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Housing Strategy Annex comprising Evidence Base; Borough Investment Plan - Executive Summary (Dec 2011); Background Reference Documents; Glossary.	Aaron Cahill x 1649	Housing Options/145 King St W6
2.	In-house research on tenancy turnover in LBHF housing stock	Aaron Cahill x 1649	Housing Options/145 King St W6
3.	Investigating Tenancy Sustainment in Glasgow.” Heriot-Watt University, 2007	Aaron Cahill x 1649	Housing Options/145 King St W6
CONTACT OFFICER		NAME: Mike England EXT. 5344	

Building a Housing Ladder of Opportunity

Hammersmith & Fulham Council

Housing Strategy

Note: This Housing Strategy will remain a draft document until the 2011 Census data has been published and analysed. For the present, the Council is inviting comment on the 'direction of travel' set out in this document.

Introduction

The over-arching vision of Hammersmith & Fulham's Community Strategy is *creating a borough of opportunity for all*, enabling all local people to have a real stake in the area and share in its growing prosperity. This Strategy centres on the real contribution that housing can make to deliver that vision, providing the catalyst for the borough's regeneration opportunities. Delivering these opportunities will create better places to live; more housing choice; more local employment and training opportunities; improved transport infrastructure; better education opportunities; and better housing and management services for residents.

The central theme of all our future work will be **Building a Housing Ladder of Opportunity**. The Council aims to achieve this in a range of direct ways, such as through the reinvigorated right to buy to council tenants; increasing discount market sale opportunities in new housing developments; promoting shared ownership and other 'First Steps' opportunities. Our broader objective is to treat affordable housing as a valued, integrated and more accessible segment of the housing market, playing a greater part in regenerating local communities and local economies. To achieve this, the Council will:

1. **Deliver Major Economic and Housing Growth** – To be achieved using housing investment acting as a catalyst for wider socio economic change. Hammersmith & Fulham is uniquely positioned to continue that through delivery of its five regeneration opportunity areas, three of which are identified by the Mayor of London as strategic priorities.
2. **Tackle Economic and Social Polarisation** – To be achieved using more imaginative and flexible approaches to estate regeneration; allocations policies prioritising working households; local lettings plans; flexible tenancies; through a strategic housing and health approach which effectively meets the local needs of vulnerable, disabled and elderly residents; and low cost home ownership initiatives
3. **Manage a better, streamlined council housing service** – To be achieved through more effective and efficient housing and leasehold management services with clear, realistic performance targets using other housing management service providers as required.

Core to the success of these three objectives will be increasing the numbers of working households and others who are making a community contribution, such as ex armed services personnel, who can access affordable accommodation.

Much of the change that is being sought will be delivered through other new or revised documents such as the tenancy strategy; Housing Allocation Scheme; local lettings plans; or through day to day service and regeneration delivery. In view of the opportunities now at our disposal, this Strategy sets out what the Council is seeking to achieve in a clear and transparent way.

Cllr Andrew Johnson,
Cabinet Member for Housing

Contents Page

Section 1 – Building a Housing Ladder of Opportunity

Section 2 – Deliver Major Economic and Housing Growth

Section 3 – Tackle Economic and Social Polarisation

Section 4 – Manage a better, streamlined council housing service

Section 5 – Action Plan

Annexes

Annex 1 – Evidence Base

Annex 2 – Borough Investment Plan – Executive Summary (Dec 2011)

Annex 3 – Background Reference Documents

Annex 4 – Glossary

Section 1 – Building a Housing Ladder of Opportunity

- 1.1 With the publication of the Coalition Government's National Housing Strategy and the Mayor's London Plan and Revised Housing Strategy, the pan-regional planning, regeneration and investment setting is relatively certain and streamlined, leaving local authorities to take responsibility for their future. The Council has the advantage of a recently adopted Core Strategy providing a planning framework for the jobs and housing that Hammersmith & Fulham needs. To help deliver the Council's objectives, the enactment of the 2011 Localism Act has given freedoms and flexibilities to local authorities to calibrate their housing approach to suit the localities they are responsible for: the Council intends to take advantage of these new powers for maximum effect.

Increasing Home Ownership

- 1.2 Core to this Housing Strategy is increasing the levels of affordable home ownership in the borough. With house prices the fourth highest nationally, the challenge is great. Compounding that is the wide disparity of house prices and deprivation levels between the north and south of the borough. The Council will promote the Government's reinvigorated right to buy programme to ensure the tenants access the new discounts and will continue to deliver new discount market sale housing and other low cost home ownership housing through the planning system.

Objective 1 - Deliver Major Economic and Housing Growth within our Opportunity Areas

- 1.2 Growth is the engine of economic opportunity and the pathway to helping people out of poverty. Cities are built for people, but they are also built around their transportation systems. The stations are more important than the railway lines. That is why Hammersmith & Fulham is going for growth in Earl's Court, White City and Old Oak/Park Royal, three of West London's major transport nodes. In total we want to create 38,000 jobs and build 22,000 homes in these three Opportunity areas to provide the much-needed economic lung for London in the west. The Council's Local Housing Company will play an increasingly key role in creating affordable housing opportunities in areas of disadvantage. With the fourth highest property prices in Britain and unrivalled transport infrastructure, Hammersmith & Fulham is poised for major economic and housing growth.

Objective 2 - Tackle Economic and Social Polarisation through the creation of more mixed and balanced communities where no one

tenure predominates and where housing aspirations and needs are met

- 1.3 Hammersmith & Fulham is a polarised borough has some of the most deprived neighbourhoods in the country and is ranked the 13th most deprived borough in London. In 2010, the GLA published the Children in Poverty report which shows the proportion of children living in families in receipt of out of work benefits or of tax credits where their reported income is less than 60% of median income. According to that measure, 35% of children in the borough were in poverty in 2008; this is the 10th highest in London. The Joseph Rowntree Foundation 2006 report Local Affordability Issues for Working Households Buying their First Home showed that 75% of households with occupants aged under 40 who would not normally be able to access social housing, could not afford to buy properties in the lower quarter of house prices in the borough. Through its Building a Housing Ladder of Opportunity work programme, the Council intends to give greater housing priority to this cohort of housing need, who up until now have had minimal access to the housing ladder.
- 1.4 The Council is committed to ensuring that the borough's residents have maximum opportunities to access home ownership opportunities as a means to alleviating economic and social polarisation. Continuing to facilitate the delivery of low cost home ownership products, such as discount market sale and shared ownership/equity will continue to be part of the council's strategic housing approach. Maximising opportunities from the Government's reinvigorated right to buy programme will be a simple and effective way of tackling economic and social polarisation in disadvantaged areas. The Council intends to develop and implement a 'slivers of equity' approach whereby tenants who wish to exercise their right to buy gain an additional discount through meeting their tenancy obligations in an exemplary way as well as making community contributions as set out in the Housing Allocation Scheme. The Council will work with the Mayor of London to achieve this objective. In tandem, the Council intends to pursue 'part' right to buy / part ownership approaches to council housing to help deliver wider social and economic objectives.
- 1.5 The Council through its new Housing Allocation Scheme intends that households who are working or otherwise making a community contribution and those who can demonstrate a local connection with the borough should get greater priority in the housing register. The community contribution will include ex-services personnel who meet the reasonable preference criteria. The Council also intends to adopt a more flexible approach to tenure, with the adoption of fixed term tenancies to ensure available affordable rented housing is used to its maximum value. The Council must have regard to the housing needs and aspirations of the vulnerable, disabled and the elderly, ensuring that there is a robust connection with statutory health responsibilities that local authorities are being vested with.

Objective 3 – Manage a better, streamlined housing service, with a focus on local decision making, delivering outcomes that improve resident satisfaction

- 1.6 Council tenant and particularly leaseholder satisfaction with housing services is far too low. The Council has the challenge of improving efficiency and service quality, whilst at the same time reducing the level of debt and ensuring that an effective long term asset management strategy is put in place and applied. The Council's housing stock should be viewed in the context of assets to be managed as well as providing a housing service to tenants and leaseholders.
- 1.7 The Council intends to give consideration to the localisation of housing management services. This will follow market testing which may necessitate eventual contracting out of some housing management services. There will need to be a clear link between resident satisfaction and performance on issues such as anti-social behaviour, repairs and resident involvement, with an incentive to increase service level satisfaction within the contract.

Conclusion

- 1.8 Successfully delivering the three objectives set out above, will decide the success of the vision of creating a housing ladder of opportunity.

Section 2 - Deliver Major Economic and Housing Growth

Key Facts - Hammersmith & Fulham:

- Has capacity to deliver a minimum of 14,400 additional homes and 25,000 jobs in the next twenty years, with potentially more that can be delivered in the 3 Mayor of London Opportunity Areas
- Has the fourth most expensive market sale housing in England with an average price of £646,257
- Has private rents ranging from £215 per week for a one bedroom home up to £700 per week for a four bedroom home
- Has 4,143 households on the Council's Home buy Register

See Annex 1 for more information

Planning for Regeneration and Growth

- 2.1 The Council's Core Strategy is the key document that governs the planning framework for regeneration and growth in Hammersmith & Fulham. The following abstract from the Core Strategy sets out in clear terms the Council's approach to the borough's spatial development:

The council will focus and encourage major regeneration and growth in the five key regeneration areas shown below and on the Proposals Map. All development must respect its context and setting. Elsewhere in the borough, development of smaller sites will be more constrained by the local context and character of neighbourhoods.*

The regeneration areas could provide at least 13,200 additional dwellings and 25,000 jobs during the period 2012-2031 as indicated in the table below. The extent to which these figures can be met or could be exceeded will depend on acceptable development proposals coming forward.

The acceptability of any development in the borough will be dependent on a number of factors including:

- *the appropriate response to the local context and setting;*
- *the creation of inclusive and accessible places that provide acceptable living environments with a suitable mix of housing types, sizes and affordability;*
- *there being satisfactory public transport and highway accessibility and capacity, and measures to produce acceptable trip generation;*
- *environmental impact assessment; and*
- *the provision of services, facilities and infrastructure to support new development.*

*The indicative quantities of new housing and indicative new jobs for each area are set out below. Further detail on the basis for these figures, is provided in specific area and site policies elsewhere in this document** and in supporting planning frameworks.*

* summarised in Table 1 below

** LBHF Core Strategy (October 2011)

Regeneration Opportunity Areas

2.2 The Council's Core Strategy (Oct 2011) sets out in clear terms the development and wider regeneration potential that Hammersmith & Fulham has. Despite being one of the smallest boroughs in London it represents a considerable and attractive regeneration proposition. The large majority of that capacity is located in the five regeneration areas identified in the Core Strategy. Of these five, three are endorsed by the Mayor of London as Opportunity Areas in his London Plan.

Table 1 – Regeneration Areas – Core Strategy Indicative Additional Homes and New Jobs

	Indicative Additional Homes	Indicative New Jobs
White City Opportunity Area*	5,000 (of which 4,500 in White City East)	10,000
Hammersmith Town Centre and Riverside	1,000	5,000
Fulham Regeneration Area (including Earl's Court and West Kensington Opportunity Area) *	3,400 (excluding any increase in estate lands)	5,000 – 6,000
Park Royal *	1,600	5,000
South Fulham Riverside	2,200	300-500

Note: * Mayor of London Opportunity Areas

Source: Abstract from Hammersmith & Fulham Core Strategy (October 2011)

2.3 Since the Core Strategy was adopted, the potential jobs and housing opportunities identified above has increased significantly. With the Government's commitment to build a High Speed 2 interchange station at Park Royal City International, the potential housing capacity is likely to be significantly greater than that set out above.

2.4 In terms of the numbers of homes that will be developed, the Core Strategy **Policy H1 on Housing supply** states that the council will work with partner organisations and landowners to exceed the proposed London Plan target of 615 additional dwellings a year up to 2021 and to continue to seek at least 615 additional dwellings a year in

the period up to 2032. The Council believes that Hammersmith & Fulham can exceed that target and deliver 720 homes per annum, but that delivery will be less in the early years of our programme and greater in the later years due to the long lead in times associated with major project delivery.

- 2.5 One of the major strengths of Hammersmith & Fulham is its transport infrastructure. The Council intends to see improved north-south connectivity facilitated by its growth strategy, as well as capitalising on the potential of existing and new transport nodes. Four of the five regeneration areas (i.e., excluding Fulham Riverside) have the benefit of significant existing transport infrastructure that can be used and developed to achieve this objective.
- 2.6 The most obvious example of this is realising the Council's vision for Park Royal City International. With the Government's January 2012 statement supporting the development of High Speed 2 including a transport hub with Crossrail and other elements of the railway network, the Council estimates that up to 10,000 homes could be developed in the wider area. This will be subject to an Opportunity Area Planning Framework being developed by the Mayor of London in conjunction with the four boroughs who are impacted by the vision for Park Royal.
- 2.7 The Council expects Private Registered Providers (usually housing associations) to play a key partnership role in delivering affordable housing that the borough needs over the next twenty years.
- 2.8 In meeting the needs of the vulnerable, disabled and elderly, Core Strategy **Housing Policy H4 – Meeting Housing Needs** states that 'housing for people who need care and support must be protected, and, subject to continuing need, applications for new developments where there is an established local need will be supported'. Residents who benefit from this form of housing are often from groups identified in the 2010 Equality Act. In light of the authority's new statutory health well-being role, there is an opportunity to strategically align and organised housing and health services and interventions more effectively to meet the local needs of vulnerable, disabled (including people with learning disabilities) and elderly residents.
- 2.9 In line with Policy A3 of the Council's Proposed Submission Development Management Document (DPD) (June 2012), all new housing development should provide a mix of housing including aiming for 15% intermediate and 50% affordable rented family housing with three or more bedrooms .
- 2.10 The Council's Borough Investment Plan (BIP) adopted by the Mayor of London in December 2011 sets out in strategic terms the investment needed to deliver the homes and jobs identified above. The BIP also details the community infrastructure, e.g., schools; health facilities;

affordable housing necessary to ensure that the housing development sought is sustainable.

Local Housing Company

2.11 In order to both give leadership and take responsibility for affordable housing delivery in the borough, the Council has established a Local Housing Company (LHC) to deliver an element of future new housing supply. Hammersmith & Fulham is one of the few councils in the country to adopt this radical approach to remedying the shortage of housing it is experiencing. The Council has initiated the first phase of conversion/infill sites, exclusively funded from the Decent Neighbourhoods Fund. The pilot programme of 25 discount market sale homes are in development, heralding a significantly larger rolling programme of new housing development activity.

Rest of Borough Sites

2.12 Additional capacity for 1,200 homes has been identified on 'Rest of Borough' sites. This will be an important source of new housing in the short to medium term, as the housing delivery trajectory is generally long for major regeneration projects. Much planning work, time and expenditure is often undertaken acquiring, remediating and preparing such sites for new housing and accompanying infrastructure. Therefore, short to medium term delivery of both market and affordable housing will be critical to maintaining levels of housing delivery. It is important that the Council and Private Registered Providers work closely together to ensure that short to medium delivery is increased and sustained to meet short term needs and targets.

Quality housing

2.13 The Mayor of London's draft Housing Supplementary Planning Guidance (SPG) sets out design requirements for new housing which the Council wishes to see applied in future developments. The scope of the document is as follows: Shaping Good Places; Housing for a Diverse City; From Street to Front Door; Dwelling Space Standards; Home as a Place of Retreat; Climate Change Mitigation and Adaptation; and Managing the Design Process. The design sections of the draft Housing SPG also makes reference to delivering accessible housing and the sixteen Lifetime Homes Standards.

To achieve the Economic and Housing Growth objectives, the Council will:

- Seek to deliver the regeneration potential in each of its five opportunity areas, maximising housing capacity from new and existing transport infrastructure
- Develop a strategic housing and health approach to effectively meet the local needs of the vulnerable, disabled (including people with learning disabilities) and elderly residents
- Roll out a wider programme of Local Housing Company-led housing delivery
- Work with Private Registered Providers to deliver new housing in the rest of the borough
- Deliver high quality housing in line the design standards set out in the Mayor of London's draft Housing Supplementary Planning Guidance

Section 3 - Tackle Economic and Social Polarisation

Key Facts - Hammersmith & Fulham:

- Has an average of 36% social housing compared to a London average of 24%
- Has 10, 238 households on the Council's Housing Needs Register
- Is a polarised borough with some of the wealthiest and disadvantaged wards in London

See Annex 1 for more information

Tackling Economic and Social Polarisation

- 3.1 Hammersmith & Fulham is one of the most prosperous boroughs in the country, but paradoxically suffers greatly from social and economic deprivation. Concentrations of poverty exist on our council estates. Causes of this poverty include embedded economic and social under-achievement in areas where the inter-related challenges of unemployment; low educational attainment; and benefit dependency has caused social and economic exclusion to become a norm.
- 3.2 Through a range of interventions, the Council intends to change this situation. This will partly be achieved through regeneration and development interventions described in Section 2, where more working households will be able to access new low cost home ownership housing. The Council also intends to promote a reinvigorated right to buy scheme. But in terms of who is allocated to affordable housing in the future, the Council intends to give greater priority to working households; ex armed services personnel; and other households who are making a community contribution.

Affordable Housing and the Ladder of Opportunity

- 3.3 A central theme to the Council's approach to affordable rented housing is to consider it as an important and flexible segment of the local housing market which provides a platform to other types of accommodation. Social housing for rent historically has been allocated to households in acute housing need and in some instances housing crisis where their personal circumstances require Council support. Affordable housing for rent offers support and shelter for people who are experiencing such housing need or crisis. However, the Council would expect over time many, but not all, such tenants' needs to stabilise and that they will be able to move on to other housing options.

This will enable homes that they vacate to be used for new households that require accommodation.

- 3.4 As part of its ladder of opportunity approach, the Council wishes a wider section of the community to be able to access affordable rented housing. Specifically, the Council intends to give greater priority to future applicants who are making a community contribution, such as ex armed services personnel and working households. The Council also wishes households whose incomes rise above a certain threshold, to access housing options in the private sector (e.g., private rented housing, discount market sale housing); other intermediate housing options run by private registered providers; or, where eligible, exercise their right to buy.
- 3.5 The Ladder of Opportunity set out below, illustrates affordable rented housing as one of a number of 'rungs' on a ladder. To emphasise the point, the Council sees affordable rented housing as a staging point for households' housing aspirations not a destination point.

Ladder of Opportunity

Freehold home ownership	Higher levels of income and wealth	Leasehold home ownership
Low Cost Home Ownership / inc Shared Ownership & Shared Equity		Private Rented Assured Shorthold Tenancy
Assured Tenancy / Assured Shorthold Tenancy		Secure Tenancy / Flexible Tenancy
Starter Tenancy		Introductory Tenancy
Non Secure Tenancy		
Living in Shared Accommodation		Living at Home
Homeless	Lower levels of income and wealth	Refuge / Hostel / Supported Accommodation

- 3.6 Due to the high cost and restricted access to the home ownership market, it may not be possible for residents to reach the top of the ladder. It may also be the case that residents do not wish to reach the top of the ladder for personal reasons or simply move further afield to fulfil their aspirations, e.g., to live in a suburban location or move to new employment. Whilst the Council respects the right of residents to exercise choice, there will be limits as to what choices they can exercise at the expense of the public purse. Whether through the need to repay debt associated with historic capital expenditure on affordable housing or through financial limits imposed by the housing benefits regime, the Council has to ensure that available public and social sector housing assets and resources are used to maximum effect.
- 3.7 In that vein, the Council's approach to flexible tenancies is about ensuring that there is more movement between the affordable rented sector and other tenures, providing the necessary level of support where it is needed.

Increasing Affordable Home Ownership: A Reinvigorated Right to Buy

- 3.8 Delivering the reinvigorated right to buy will be central to tackling social and economic polarisation on the Council's housing estates. Exercising the right to buy is a simple and effective means to realising tenants' aspirations; increasing wealth; and encouraging ambition. The Government's maximum discounts of £75,000 for eligible households is expected to lead to increased interest in the right to buy locally which the Council plans to both meet and encourage.
- 3.9 In tandem, the Council will continue to work with partner organisations to develop innovative approaches whereby tenants through community contributions can build up additional equity that can be used at some point to increase the discount on homes sold under the right to buy.

Housing Allocation Scheme

- 3.10 The Council intends to radically change the way it prioritises and allocates accommodation to applicants on its housing register. Specific objectives the Council wants to achieve following the adoption of this document and its broader approach are as follows:
- Gives additional preference to working households and applicants such as former Armed Forces Personnel who are making a community contribution
 - Adopting a Housing Allocation Scheme that realistically reflects housing options available to applicants
 - Introduces a 'Assisted Choice' approach, modifying a system which has allowed the registration of applicants who have no realistic prospect of successfully bidding for affordable rented housing

- Increases the use of the private rented sector both in the borough and outside its boundaries in order for the Council to meet its housing obligations
 - Meets its statutory homelessness obligations
 - Introduces a more rigorous approach to registrations, ensuring that the Housing Register is up to date; that registration information is verified at the earliest stage ensuring all applications are *bona fide*; and, applicants being required to personally update their applications on an annual basis
- 3.11 Two of the direct consequences of this approach will include the discharging of homelessness duties into the private rented sectors, and giving greater priority to those currently in work. More detail on how the Council intends to adopt and implement this approach is set out in its Housing Allocation Scheme document.

Tenancy Strategy

- 3.12 In tandem with the Housing Allocation Scheme, the Council intends to adopt flexible tenancies for its own rented housing and recommend to Private Registered Providers (normally housing associations) that they should adopt such an approach also. Over time, this will help increase number of homes that the Council is able to let. In the shorter term this will place greater obligations on new tenants to pay their rent on time; refrain from engaging in anti-social behaviour; and avoid attempts at tenancy fraud, as engaging in such behaviour may lead to their tenancy not being renewed. The approach is also designed to facilitate interim rented housing options for working households who aspire to low cost home ownership.
- 3.13 More detail on how the Council intends to adopt and implement this approach is set out in the Tenancy Strategy.

Local Lettings Plans that Deliver Mixed and Balanced Communities

- 3.14 The Council intends to adopt a number of Local Lettings Plans for specific schemes and areas in the borough so that no one single tenure dominates. In line with the broader approach set out in the Housing Allocation Scheme to diversify the income and wealth levels of households receiving affordable accommodation in the borough, Local Lettings Plans offer an opportunity to deliver area-specific outcomes. This will include allocating affordable rented homes to working households who wish to rent who are registered on the Council's Home buy Register.
- 3.15 More detail on how the Council intends to adopt and implement different Local Lettings Plans and approaches to them will be consulted on as and when appropriate.

Homelessness Strategy: Tackling the worst impacts of economic and social polarisation

- 3.16 The Council has a statutory obligation to produce and implement a homelessness strategy. Just as the Council is keen to create incentives for people on low to medium incomes, it is also keen to ensure that there is a safety net for those who are unable to fend for themselves. Such people may include victims of domestic violence; people with mental health or dependency issues; people with major health issues; and, households with vulnerable children. In addressing the needs of the homeless and those threatened by homelessness, the Council will need to continue effective cross-departmental working, particularly those responsible for supporting people funding, to ensure a holistic and effective strategy is in place to prevent homelessness where possible.
- 3.17 More detail on how the Council intends to adopt and implement this approach is set out in its Homelessness Strategy.

Asset Management and Estate Regeneration

- 3.18 In recent years, the Council's housing stock has benefited from circa £200m of decent homes resources, it nonetheless requires significant ongoing investment. The Council estimates that this could entail an annual average of c £30m expenditure over the next five years alone. The programme of work that the Council has in place seeks to build on the achievement of the decent homes programme, maintaining the standard whilst addressing the backlog of works that were not covered by that programme.
- 3.19 The Council intends to adopt a forward looking, funded and deliverable asset management strategy and has already begun the process with a review of its sheltered housing stock. In the absence of any significant public capital funding, the Council intends to be innovative and radical in its approach to regenerating its estates. When considering individual sites – whether vacant/poorly used sites, individual blocks or whole estates, the Council will take into account the following factors:
- Asset Management Appraisal
 - Redevelopment opportunities with adjacent land owners and/or development agencies, helping to ensure that new investment benefits local residents
 - Unpopularity of housing with residents (e.g., high levels of transfer requests)
 - Opportunities to deliver a wider mix of tenures to increase community sustainability in line with Core Strategy and London Plan policies.
- 3.20 The over-arching objective of the Council's asset management approach will be to reduce social and economic polarisation by

diversifying tenures on Council estates; raising the quality of housing either through comprehensive refurbishment or redevelopment; maximising urban densities particularly where there is developed transport infrastructure; and creating local employment opportunities. Whether through a development partner or the Council's Local Housing Company, creating more low cost home ownership choice through its asset management approach will be a key driver for change.

To tackle economic and social polarisation, the Council will:

- Encourage council tenants to take up their right to buy and develop alternative approaches such as 'slivers of equity' that enable tenants to earn additional equity from meeting tenancy obligations and making community contributions
- Implement a Housing Allocation Scheme that will give greater priority to people with a local connection who can make a community contribution, including working households and ex-armed service personnel
- Implement a Tenancy Strategy that introduces flexible tenancies, helping to improve mobility in the affordable rented sector
- Implement Local Lettings Plans where needed to encourage more balanced, sustainable communities
- Implement a Homelessness Strategy which supports preventative approaches to homelessness
- Develop and implement a council housing stock asset management strategy

Section 4 - Better, streamlined council housing services

Key Facts - Hammersmith & Fulham:

- Has approximately 82,000 homes in the borough, of which nearly a third are owned by the Council or other social landlords (26,000 homes) with the remaining two thirds (56,000 homes) in private ownership.
- Provides direct services to residents living in 17,500 homes managed by the Council. 13,000 homes are for rented by tenants with the remaining 4,500 owned by leaseholders

See Annex 1 for more information

Improve resident involvement and satisfaction in housing and wider management services

- 4.1 Responsibility for the management of the council housing returned to the borough from Hammersmith & Fulham Homes Ltd. (the arms length management organisation) in April 2011. Now managed by the Council's Housing and Regeneration Directorate, the Council directly provides housing management services to over 17,500 tenanted homes and leasehold homes.
- 4.2 The Council is determined to increase the quality of housing management services and will need greater resident involvement to make that happen.
- 4.3 In March 2012, the Council adopted a Resident Involvement Strategy and Action Plan designed to promote the Council's accountability as a housing service provider to its residents, whilst providing a means for residents to feedback and improve those same services. In terms of the principles to the approach, the Council will increase the number and diversity of residents involved; widen the ways in which residents can be involved; ensure resident involvement delivers continuous improvement, value for money and services shaped by residents; ensure that residents have the information needed to monitor and make accountable housing service provision.
- 4.4 The Council also intends to introduce greater transparency on the costs of housing management provision. An initial means to achieving this will be through the introduction of tenant service charges, providing clearer information on the cost of various estate management services. As importantly, there is the broader objective of increasing awareness to tenants and other interested parties the levels of expenditure and income from rent and the public purse required to support the services provided.

- 4.5 The Council intends to give consideration to the localisation of housing management services. This will follow market testing which may necessitate eventual contracting out of some housing management services. The Council believes a 'mixed economy' approach where new agencies have the opportunity to provide services in a cost-efficient, innovative way can form the basis for both increased resident satisfaction and service improvement.
- 4.6 In addition to improving housing management services, the Council will continue to deliver a range of community safety initiatives on and around its estates. It will continue to adopt a zero-tolerance approach to anti-social behaviour and where possible extend CCTV to improve in personal and community security.

Maximises opportunities for more effective, integrated service delivery

- 4.7 The Government has backed the council's proposal for a White City Neighbourhood Community Budget where improvements in the quality of public sector services in the area are being sought, working collaboratively with local residents and other local partners.
- 4.8 The Council intends to work with Government and local partners on reviewing local procedures and national rules governing the delivery of local services and entitlements, and to explore some 're-design' of local service delivery and associated governance at the local level to provide integrated service delivery. To allow a genuinely flexible local system to take root in White City, the Council wishes to work with the local community, partners and Government to develop new local procedures and identify (and seek derogations from) national rules that impose barriers to joined-up delivery.
- 4.9 Housing is a significant component to this radical approach. The White City housing estate has over 2,000 homes of which three quarters are council tenancies. There are significant opportunities for local residents in the redevelopment of the land in the east of the area, where 4,500 new homes are being built. 25% of these are intended to be reserved for existing White City tenants, creating space in the current housing stock which can be used to create a more diverse social mix in the community. Through this approach, there is scope to establish a special purpose vehicle, capturing the asset values and income streams that are currently in the area. Freedoms and flexibilities following HRA reform and other powers following the passing of the 2011 Localism Act will play a key role in realising the vision for White City.

Deliver Effective Private Sector Housing Services

- 4.10 The Council plays an important role in improving the quality and safety of private sector housing in the borough. This includes licensing and

regulating houses in multiple occupation (HMOs); regulating fire safety in partnership with the London Fire and Emergency Planning Authority (LFEPA); improving energy efficiency, tackling excess winter deaths, reducing fuel poverty; bringing empty homes back into use, increasing the available housing stock particularly to assist in reducing housing need within the borough; targeting “eyesore” properties, co-ordinating council services – planning, building control, legal, valuers as well as private housing and health; and safeguarding public health.

Lobby Government for increased ‘freedom to manage’ their housing revenue accounts in order to create and sustain strong and balanced neighbourhoods in deprived areas

- 4.11 The Council welcomes the reform of the Housing Revenue Account (HRA) system, but is concerned that the opportunity to maximise the use of councils’ assets is being un-necessarily limited, particularly where there is the paradox of high value assets and significant socio-economic deprivation.
- 4.12 Specifically, the Council wishes to use its housing property assets to deliver new jobs, additional housing, economic growth and to deliver the local regeneration necessary to arrest and reverse local deprivation without increasing debt levels, the Council needs the freedom to:
- Mix tenures and therefore rents within the HRA (not just affordable rent but also market rent and low cost home ownership) to deliver mixed and balanced communities.
 - Retain all receipts from disposals and Right to Buy provided they are reinvested in council housing, regeneration, reduction of HRA debt and other priorities
 - Use additional revenues from higher rent payers once ‘Pay to Stay’ regulations are implemented.
 - Council housing debt should be accounted as trading debt rather than national debt whilst accepting fully all proposed constraints on council borrowing including the borrowing limit that will apply under HRA reform
- 4.13 The Council will continue to dispose of high value housing assets that are in a poor state of repair to reduce the council’s housing debt as well as to fund major initiatives such as the local housing company ‘hidden homes’ schemes.
- 4.14 The Council will continue lobbying Government for the “freedom to manage” its housing revenue account so that the council can create strong and balanced neighbourhoods in areas that where there are concentrations of deprivation.

To deliver better, streamlined housing services, the Council will:

- Improve resident involvement and satisfaction in housing management services which will include market testing and contracting out alternative approaches
- Maximise opportunities for more effective, integrated service delivery
- Deliver a Strategy to improve the quality and safety of private housing
- Lobby Government for increased 'freedom to manage' their housing revenue accounts in order to create and sustain strong and balanced neighbourhoods in deprived areas

Section 5 – Action Plan Summary

From 2012, to achieve the Economic and Housing Growth objectives, the Council will:

What	By When
Seek to deliver the regeneration potential in each of its five opportunity areas, maximising housing capacity from new and existing transport infrastructure	2012 – 2032
- Develop a strategic housing and health approach to effectively meet the local needs of the vulnerable, disabled (including those with learning disabilities) and elderly residents	2013
Roll out a wider programme of Local Housing Company-led housing delivery	2012 -
Work with Private Registered Providers to deliver new housing in the rest of the borough	2012 -
Deliver high quality housing in line with the standards set out in the Mayor of London’s Draft Housing Supplementary Planning Guidance	2012 -

To tackle economic and social polarisation, the Council will:

What	By When
Encourage council tenants to take up their right to buy and develop alternative approaches such as ‘slivers of equity’ that enable tenants to earn additional equity from meeting tenancy obligations and making community contributions	2013 -
Implement a Housing Allocation Scheme that will give greater priority to people with a local connection who can make a community contribution, including working households and ex-armed service personnel	2013 -
Implement a Tenancy Strategy that introduces flexible tenancies, helping to improve mobility in the affordable rented sector	2012 -
Implement Local Lettings Plans where needed to encourage more balanced, sustainable communities	2013 -
Implement a Homelessness Strategy which supports preventative approaches to homelessness	2012 -
Develop and implement a council housing stock asset management strategy	2013 -

To deliver better, streamlined housing services, the Council will:

What	By When
Improve resident involvement and satisfaction in housing management services which will include market testing and contracting out alternative approaches	2012 -
Maximise opportunities for more effective, integrated service delivery	2012 -
Deliver a Strategy to improve the quality and safety of private housing	2012 -
Lobby Government for increased 'freedom to manage' their housing revenue accounts in order to create and sustain strong and balanced neighbourhoods in deprived areas	2012 -

***Building a Housing Ladder of
Opportunity***

Hammersmith & Fulham Council

**Housing Allocation
Scheme**

Acknowledgement – The Council is pleased to acknowledge the advice, support and work of the London Borough of Barnet in informing the development of this Draft Housing Allocation Scheme. Responsibility for the contents of this document rests with the London Borough of Hammersmith & Fulham.

Index

- 1. Introduction**
- 2. Priorities for the Allocation of Accommodation**
- 3. Tenancy Matters including Succession and Flexible Tenancies**
- 4. How the Council Allocates Properties**
- 5. Procedures for Requesting Information, Appeals and Reviews**
- 6. General Rules and Conditions**

Annexes

Annex 1 - Sizes of Homes

Annex 2 – Community Contribution: How Priority is Awarded

Annex 3 – Hammersmith & Fulham’s Housing Bands – Summary Guide of Criteria

1. INTRODUCTION

- 1.1 Affordable housing is a valuable but limited resource in Hammersmith & Fulham. The Council's new approach to allocating affordable housing will be fairer, simpler and more realistic. In its strategic role as the local housing authority for the borough (i.e., not in its landlord role), the Council intends to ensure that meeting housing need and aspiration correlates more closely with current and future availability of affordable housing. The Council also intends to ensure that future occupants of affordable housing make a greater contribution to the community and the economy. The 2011 Localism Act and associated guidance gives greater flexibility to local housing authorities to frame their Housing Allocation Scheme to meet its homelessness obligations and meet Hammersmith & Fulham's 'borough of opportunity' objectives.
- 1.2 As part of its wider approach to affordable housing, this Housing Allocation Scheme should be read in conjunction with other housing documents, specifically the Council's Homelessness Strategy; Housing Strategy; and Tenancy Strategy. Each of these documents reflect the themes of a housing approach based on personal responsibility that is fair, realistic and affordable as does this document. By personal responsibility is meant that housing applicants take greater responsibility for their own actions and their future. By fair, is meant an accessible approach that does not discriminate against particular need or equality group; by realistic, an approach that is based on the 'real world' housing choices that are available to people; and, by affordable, a housing approach that is both affordable for the Council to provide and for customers to pay for.
- 1.3 The operation of this scheme will be monitored and reviewed in April 2013. The Executive Director of Housing Regeneration in consultation with the Cabinet Member for Housing may make amendments to the scheme if required. Before making any alterations to the scheme reflecting major policy changes the Council will consult with Registered Providers (Social Landlords) and allow them a reasonable opportunity to comment on the alterations.

2. PRIORITIES FOR THE ALLOCATION OF ACCOMMODATION

- 2.1 This section focuses on:
- Eligibility
 - Qualification and Reasonable Preference
 - Exceptional Cases including Classes of Persons who do **not** qualify
 - Local Connection
 - Condition and Size of Accommodation
 - Suitability of Housing Offers
 - Transfers
 - Local Lettings Plans

Eligibility

- 2.2 Any person can approach the Council's Housing Options Division for housing advice and assistance. However, the amount of accommodation in Hammersmith & Fulham is very limited, and the Council will not maintain an 'open' system that any person can be registered with. Instead, the Council will operate a managed register approach with standard checks for eligibility undertaken, but with a tighter approach as to who will qualify to be on the register, i.e., registering only those who meet the reasonable preference criteria. Where the Council is unable to give support to applicants through registration, it will be able to provide housing options advice and support.
- 2.3 In terms of **eligibility**, any person who does not fall into one of the categories below will be a person subject to immigration control and will be ineligible for an allocation of accommodation.
- (i) British citizens
 - (ii) certain Commonwealth citizens with a right of abode in the UK
 - (iii) citizens of an European Economic Area (EEA) country ('EEA nationals'¹) and their family members who have a right to reside in the UK that derives from EU law. The question of whether an EEA national (or family member) has a particular right to reside in the UK (or in another Member State) will depend on the circumstances, particularly the economic status of the EEA national (e.g., whether he or she is a worker, self-employed, a student, or economically inactive)
 - (iv) persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK and some military personnel.
- 2.4 This means that people subject to immigration control and certain other people from abroad (outside the categories identified above) will not usually be eligible for accommodation arranged by the Council.
- 2.5 More generally, the council will decide in each case as to whether the people included in the application by the applicant will be considered as a part of the household if allocated accommodation. The council will generally not consider the following as members of a household: people who are subject to immigration control (as set out above), non-dependent adult children, other adult relatives, non-relatives, lodgers, 'live in' help. Furthermore due to a shortage of properties with 4 bedrooms or more the council will discuss with large households whether they can be divided into two or more smaller households.

¹ EEA nationals are nationals of any EU member state (except the UK) and nationals of Iceland, Norway, Liechtenstein and Switzerland)

- 2.6 The statutory provisions regarding eligibility and qualification are set out in s 160ZA of the 1996 Housing Act as amended by the 2011 Localism Act.

Qualification and Reasonable Preference

- 2.7 Central to any Housing Allocation Scheme is ensuring that ‘reasonable preference’ is given to people with high levels of assessed housing need. In drafting this Housing Allocation Scheme, the Council has had regard to CLG’s *Allocation of accommodation: guidance for local housing authorities in England*. Reasonable preference groups are defined as follows:

- All homeless people as defined in Part VII of the 1996 Housing Act including people who are intentionally homeless and those who are not in priority need
- People who are owed a duty by an housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s192(3)
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds relating to disability
- People who need to move to a particular locality in the housing authority area, whose failure to meet that need would cause hardship (to themselves or others)

- 2.8 In framing this Housing Allocation Scheme the Council intends to give effect to s.166A(3) of the 1996 Housing Act (as amended); housing authorities should have regard to the following considerations:

- The scheme must be framed so as to give reasonable preference to applicants who fall within the categories set out in s.166A(3), over those who do not
- Although there is no requirement to give equal weight to each of the reasonable preference categories, housing authorities will need to demonstrate that, overall reasonable preference has been given to all the reasonable preference categories
- There is no requirement for housing authorities to frame their scheme to afford greater priority to applicants who fall within more than one reasonable preference category (cumulative preference) over those who have reasonable preference on a single non-urgent basis

- 2.9 In respect of Hammersmith & Fulham’s new Housing Allocation Scheme, the Council intends to ensure that **all** successful applicants have reasonable preference. But it will give ‘additional preference’ to applicants who are making a

community contribution. The Council is obliged to provide advice, information and assistance to all applicants, even if they are likely to be unsuccessful with their application for accommodation. To be considered, the applicants must make an application for accommodation in accordance with the procedural requirements of this scheme.

- 2.10 These are the only categories of people that the Council will consider for housing, except for Management transfers set out in Section 3 and where the Council adopts a Local Lettings Plan (See Sections 2.43 – 2.50). The latter may include new and existing accommodation in its five regeneration opportunity areas where specific outcomes are sought, such as mixed, balanced sustainable communities. Local Lettings Plans will be adopted to achieve this specific objective which may include offering accommodation to working households on the Council's HomeBuy Register on short fixed term tenancies (e.g., two years) who may be waiting for a home ownership option that is right for them, but are content to live in an alternative interim rented housing option.
- 2.11 Except in case of Management Transfers or under a Local Lettings Plan and subject to the exceptions set out below, to qualify for an allocation of housing an applicant must meet at least one of the statutory 'reasonable preference' criteria, defined in section 2.7 and described in Annex 3 of this document. Applicants should seek advice as individual circumstances vary. Where the Council adopts a Local Lettings Plan (see Sections 2.43 – 2.50), the Council may seek to nominate eligible and qualifying applicants from the Homebuy Register for affordable rented housing (i.e., social rent or Affordable Rent).
- 2.12 The council has developed a housing banding system to determine who will be prioritised for housing in the borough. The housing bands are summarised below and full details of what the characteristics of individual cases will be are set out in Annex 3:

Band 1: Urgent Need to Move due to Reasonable Preference PLUS Additional Priority

Band 2 Need to move – Reasonable Preference AND a Community Contribution

Band 3 : Need to move – Reasonable Preference BUT No Community Contribution

Band 4: Reduced Priority: Need to Move - Reasonable Preference but with Reduced Priority

- 2.13 The principles guiding the Housing Allocation Scheme are that it is fair, realistic and affordable and that applicants take greater personal responsibility for their own actions and their future. The Council will only register eligible applicants who qualify to meet at least one of the reasonable preference criteria set out in Section 2.7 of this document (except for allocations under a Local Lettings Plan). Whilst the Council is giving clear preference to applicants making a community contribution, it is also keen to have qualifying criteria which better fits the supply of accommodation that the Council can reasonably have access to. **This means that even in a number of instances where applicants meet the qualifying Reasonable Preference criteria described in Section 2.7 of this Housing Allocation Scheme, the Council will not accept a Housing Register Application.**

Exceptional Cases including Classes of Person that do not Qualify

- 2.14 Having considered the changes made to the Housing Act Part VI in the Localism Act, the following classes of person will **not** normally qualify for registration:
- (a) Applicants who are overcrowded by only 1 bedroom and this is their only housing need
 - (b) Applicants who have been convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation Offenders Act 1974. Any person caught by this may re-apply once this conviction is spent
 - (c) Applicants who qualified for registration by reason of the Council having owed them the main homelessness duty, but the Council has ceased to be subject to that duty because of the refusal of a suitable offer.
 - (d) Homeless applicants placed in long term suitable temporary accommodation under the main homelessness duty, unless the property does not meet the needs of the household or is about to be ended through no fault of the applicant. Long term temporary accommodation can include private sector homes let via the council or a housing association under a leasing arrangement, and non-secure tenancies on regeneration estates.
 - (e) Applicants who have not lived in the borough for a minimum of 5 years. (see section 2.21)
 - (f) Applicants whose income, savings and assets exceeds the limits set by the Council (see section 6.8)
 - (g) Applicants who owe arrears of rent or other accommodation charges in respect of the current tenancy or former accommodation, unless an appropriate agreement has been reached and sustained for a reasonable period. In assessing the application for registration, the Council will take into account the size of the debt, the means to pay and the degree of the household's need

(h) Applicants who have been guilty of unacceptable behaviour which makes them unsuitable to be a tenant. Examples of such unacceptable behaviour include: persistent failure to pay rent and/or service charges; anti social behaviour which has caused a nuisance by the applicant or a member of his or her household; illegal or immoral behaviour; threats of and/or actual violence; racial harassment; obtaining a tenancy by deception and/or an attempt at tenancy fraud.

(i) Transfer applicants who have breached the terms of their tenancy by not looking after their home and have caused damage.

- 2.15 There is discretion to waive these classes in exceptional circumstances as approved by the Director Housing Options, Skills and Economic Development or delegated officer who shall be a Head of Service. Applicants may also be eligible and qualify to meet the criteria necessary to access the Home Buy Register. Housing Options staff will be able to advise applicants on the necessary criteria.
- 2.16 All applicants who do not qualify under the above criteria may submit a new housing register application if their circumstances change. This will be considered against the criteria set out in this Housing Allocation Scheme
- 2.17 **Acts of Violence and Aggression to employees will not be tolerated by the Council and any Applicant who threatens or uses violence towards any Council employee or contractor will be removed from the register immediately.**
- 2.18 The Council recognises that there may be exceptional circumstances where the only way an exceptional housing need can be resolved is through the use of discretion. In the interests of fairness to all these applicants these circumstances are kept to a minimum. Examples of exceptional circumstances include, but are not limited to:
- Threat to life in the area in which they are residing
 - Emergency cases whose homes are damaged by fire, flood or other disaster may be provided with other accommodation if it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life.
 - Households who, on police advice, must be moved immediately due to serious threats to a one or more members of the household, or whose continuing occupation would pose a threat to the community.
 - Cases nominated under the Police Witness Protection Scheme or other similar schemes that the council has agreed to be part of.
 - An applicant who has an exceptional need that is not covered in the Allocations Scheme. For example, where child or public protection issues

require re-housing or for severe domestic abuse where all other options to remain in the home have been considered.

2.19 Other exceptional circumstances will be authorised by the Director Housing Options, Skills and Economic Development.

2.20 Where the Council decides that it wishes to make a discretionary offer where exceptional circumstances apply, the offer of a tenancy will normally be a 2 year tenancy (plus a year's introductory tenancy). In the event the tenant is unable to sustain that tenancy, no further housing accommodation support will be offered. This will not prevent the applicant receiving advice and support as necessary.

Local Connection Definition

2.21 Demonstrating a local connection is a central tenet of this Housing Allocation Scheme. **Local connection** within the terms of this scheme will normally mean that an applicant has lived in this borough, through their own choice, for a **minimum of 5 years** up to and including the date of their application, or the date on which a decision is made on their application, whichever is later. Accepted homeless households placed by this authority in accommodation outside Hammersmith & Fulham will also have a local connection as long as they fulfil the five year residential qualification (i.e., time spent placed by Hammersmith & Fulham in temporary accommodation outside the borough will count towards time spent in Hammersmith & Fulham). A local connection may also be awarded to people who need to move to a particular locality in the borough, where failure to meet that need would cause exceptional hardship to themselves or to others.

2.22 The local connection qualification will not be applied to the groups specified in *The Allocation of Housing (Qualification Criteria for Armed Forces)(England) Regulations 2012*

2.23 People in the following categories will **not** normally be considered as having a local connection:

- Those placed in the borough of Hammersmith & Fulham in temporary accommodation by another local housing authority
- Those placed in the borough of Hammersmith & Fulham in residential or supported housing by another borough
- Secure or flexible tenants of other boroughs

Assessing your Application

2.24 Applications for housing will be assessed by Housing Options Officers using information supplied by the applicant and as a result of further necessary

- enquiries. The Housing Options Officer will decide whether the applicant falls within the Council's housing banding system and if so, which band will apply.
- 2.25 Applicants who are assessed as not qualifying for one of the Council's Housing Bands will be offered housing advice and assistance as necessary.
- 2.26 Medical priority will be awarded according to the extent to which the health or welfare of one or more members of the applicant's household is affected by their housing conditions and the expected benefits of providing suitable alternative settled housing. Applicants who are assessed as having an overriding medical or welfare housing need will be placed in Band 1; the circumstances that justify this are detailed in Annex 3. Such priority will be approved by a panel of senior housing officers.
- 2.27 Housing Options Officers will work together with social services and other agencies looking at supply and demand to identify clients currently in supported housing who are ready for independent living. Subject to these discussions and agreement that the client's housing needs cannot be met outside of social housing. In consultation with other officers of the Council, these clients will be placed in Band 2, unless there is an urgent need to move in line with the Band 1 criteria.
- 2.28 Where a young person is identified by Children's Services as ready to relocate in to 'move on' accommodation, the young person will be placed in Band 2 or 3, subject to a community contribution award. The Housing Options Officer concerned may in consultation with the Director Housing Options, Skills and Economic Development waive this requirement in exceptional circumstances.

Condition and Size of Accommodation

- 2.29 All accommodation offered will be habitable, in reasonable repair and fit for letting.
- 2.30 The size of accommodation for which each applicant will be considered will depend upon the size and composition of the applicant's household at the time of application. The requirements for each size of household are set out at Annex 1.
- 2.31 Larger accommodation than specified in Annex 1 may be considered in exceptional circumstances on the recommendation of the Housing Options Officer and approved by a Panel of Senior Housing Officers. The Council may draw on specialist advice, for example the Council's Medical Adviser, Occupational Therapy Service, or senior social worker.
- 2.32 In calculating the number of bedrooms available within properties the Council will treat every habitable room as a bedroom except kitchens, bathrooms and

kitchen/dining rooms. The Council will normally consider additional rooms in homes for use as bedrooms in accordance with Housing Benefit regulations.

- 2.33 Cases of existing secure Council tenants agreed as Management Transfers will be offered homes on a 'case by case' basis.
- 2.34 Where the Council is discharging its homelessness duty into private rented accommodation, the accommodation should meet the suitability criteria set out in the final *Homelessness (Suitability of Accommodation) (England) Order* (when published), subject to availability and affordability of accommodation.

Suitability of Housing Offers

- 2.35 Where accommodation is offered through the assisted choice process described below, an applicant will normally be expected to accept an offer of a property that meets their specified needs which is deemed as suitable and appropriate to meet the housing and medical needs of the household concerned.
- 2.36 The Council will seek to take into account applicants' particular or special needs (including need for an additional bedroom for carers) but it will not always be possible to ensure that these needs are met. In considering what is reasonable, the Council will have regard to the overall supply of Council accommodation and the demands placed upon it by all priority groups.
- 2.37 As a guideline and subject to the individual circumstances of each application, the Council will normally consider that a property is suitable if:
- It is located close to an area which the applicant has selected or an area that the Council considers to be reasonable.
 - It is sized in accordance with the criteria in Annex 1.
 - It complies with any recommendation made by a Medical or other relevant advisor.
- 2.38 An offer of accommodation which is arranged by way of a nomination to a private registered provider will be considered to be as reasonable as an offer of a council tenancy.
- 2.39 If a housing applicant refuses two reasonable offers of accommodation through the assisted choice scheme or a direct allocation, their priority under this allocation scheme will be reduced by a Band for twelve months. This will not necessarily mean no further offers will be made, but will reduce their priority.
- 2.40 An applicant whose housing priority has been reduced to Band 4 under Section 4.3 will not be entitled to be placed in a higher band for a period of 12 months from the date that the Council notified them of its decision. An exception to this

may apply if there has been a material change in circumstances such that the offer of accommodation would no longer be suitable..

- 2.41 The Government in May 2012 published *Homelessness (Suitability of Accommodation) (England) Order 2012 – Consultation*. This set out how the Government expected local authorities to consider the suitability of private sector rented accommodation for homeless people regarding both its quality and its location. Additional considerations are the lengths of tenancy on offer and its cost. In advance of the final Homelessness Order being published, the Council will prepare a policy and procedure note, setting out how it intends to implement its approach to discharging its homelessness duty using private rented housing.

Transfers

- 2.42 All transfer applicants will be considered in the same way as other housing register applicants. The Council expects existing tenants to maintain their homes in a reasonable condition and similarly expects tenants of other Registered Providers to do the same. If the existing home has been either significantly damaged and/or kept in a poor condition by the sitting tenant, the Council will not be minded to permit a transfer. A transfer will only be permitted when the property concerned is brought up to a good condition. The Council will expect other Registered Providers (normally housing associations) to adopt the same approach.

Local Lettings Plans

- 2.43 From time to time, the Council will adopt Local Lettings Plans for new schemes and/or areas of the borough where it wishes to deliver the broad objective of mixed, balanced sustainable communities. The Council is unconvinced that allocating all affordable housing to applicants from reasonable preference categories is conducive to the broader objective of mixed, balanced sustainable communities. By allocating homes to low to medium income households on short fixed term tenancies who are not necessarily from reasonable preference groups will help deliver that objective.
- 2.44 Section 166A(6) of the Housing Act 1996 enables local housing authorities to allocate particular accommodation to people of a particular description whether or not they fall within the reasonable preference categories. This section enables the Council to set aside homes on a particular estate, or certain types of properties across the stock, for applicants who meet a certain criteria.
- 2.45 The simplest approach to delivering this objective would be through using the Council's HomeBuy Register, which includes applicants who wish to rent at sub market levels. Some of these households may be seeking to save money for a deposit to enter low cost home ownership which the Council is keen to encourage. This will give such households the experience of managing a

household budget and also provide an opportunity for such households to save money towards a deposit for a low cost home ownership option.

2.46 Separate qualification criteria will apply to those persons on the Home Buy Register who qualify for an allocation under a Local Lettings Plan. Persons who qualify will need to meet all of the following criteria:

1. Eligibility within the terms of this Housing Allocation Scheme
2. Registration on the Home Buy Register
3. Successful application to be considered for a tenancy under a Local Lettings Plan meeting any specified qualifying criteria
4. Local Connection within the terms of this Housing Allocation Scheme (unless the applicant falls within Armed Forces Qualification Regulations)
5. Satisfying the income threshold set out in paragraph 6.8

2.47 The Council will from time to time set procedures for the operation of the scheme to allocate to applicants from the Home Buy Register and these procedures may include criteria for establishing priorities between persons who qualify. These procedures may include giving priority to those within the reasonable preference categories

2.48 The Council's broad approach will be to prioritise households from the HomeBuy Register for Affordable Rent accommodation available from Private Registered providers (principally housing associations). Where the Council wishes to prioritise applicants who meet criteria associated with a Council-approved scheme which helps deliver housing options for one or more of the community contribution groups identified in Annex 2, these applicants may be prioritised for Council rented accommodation.

2.49 The Council will monitor the impacts of this approach on both its Housing Register and Home Buy Register. It will need to ensure and make necessary interventions to ensure that the number of households drawn from the Homebuy Register who are not in a reasonable preference category do not dominate the Housing Allocation Scheme. It will also seek to ensure that the rules governing each of the approaches are broadly aligned.

2.50 Before introducing a local lettings plan, the Council will consult with those who are likely to be affected, which shall include the residents of the scheme/area impacted by the plan and local social landlords. A copy of the final policy will be published on the Council's website.

3. TENANCY MATTERS INCLUDING SUCCESSION AND FLEXIBLE TENANCIES

Council Tenants

- 3.1 Council tenants wishing to move from their existing home will be assessed in the same way as other applicants applying for housing advice and assistance under this scheme and will need to meet the qualifying criteria set out in this Housing Allocations Scheme.
- 3.2 Applications for transfer may be made jointly by separate tenants of the Council who wish to apply for housing together, on the condition that both tenancies will be relinquished if the Council makes an acceptable offer of a transfer to a third property.

Where a council tenant is imprisoned for a period of more than 12 months, they will be expected to voluntarily give up their tenancy. On release from prison, they will be entitled to apply to the Council for accommodation based on the policies set out in this Housing Allocation Scheme.

Management Transfers

- 3.3 On occasion it may be necessary for a council tenant to move out of their existing home to allow major works to be carried out or because their home is due to be demolished. In these circumstances, the Council will use its discretion to prioritise a move to a suitable alternative home by placing the tenant in Band 1 at an appropriate time.
- 3.4 Council tenants who have to move because major works are required to their home will have the option of moving back to their original home once the works have been completed,
- 3.5 The Council is undertaking a number of regeneration schemes. Under these schemes a large number of existing council homes may be demolished and replaced with new homes owned and managed by the council or housing associations. Under this allocations policy, existing secure tenants whose homes are due to be demolished will have priority for the new replacement homes being provided on their estate in accordance with the provisions agreed for each estate, before they are made available to any other applicants.
- 3.6 Existing re-housing commitments to residents are set out in the Council's Core Strategy and Tenancy Strategy.
- 3.7 Council tenants will be able to access affordable housing elsewhere in London through the Pan London Mobility Scheme. More information on this scheme is set out in section 4.23 of this document.

Private Registered Provider (PRP) Tenants

- 3.8 PRP (principally housing association) tenants will be assessed in the same way as other applicants applying for housing advice and assistance under this scheme.

Tenancy Succession

- 3.9 The law on council tenancy succession has changed for secure tenants (and household members) where a tenancy was created before 1 April 2012 and those created after this date. The scenarios below are based on where a tenant or joint tenant dies and the remaining joint tenant (if applicable) and/or household members wish to remain in the property.
- 3.10 Where a **tenancy was created before 1 April 2012**, family members will retain their existing rights to succeed to the tenancy. This may be the tenant's spouse or registered civil partner or could be a co-habiting partner or another family member(s). Family members seeking to succeed the tenancy will need to have lived at the property for at least twelve months before the succession is sought. Where a joint tenant dies, the other joint tenant becomes the sole tenant ..
- 3.11 Where a **tenancy was created on or after 1 April 2012**, only a spouse, civil partner or a person who lives with the tenant as if they were a spouse or civil partner will have a statutory right to succession.

The statutory right only applies to the first time that a succession occurs, but beyond this, the council will use its discretion to allow a new flexible tenancy to be granted in the following circumstances:

- The person applying for succession has lived continuously in the property as their principal home for twelve months before the death of the tenant **and**
 - They are the spouse, civil partner, a close relative of the tenant, or someone who had to live with the tenant in order to provide them with care, without which the tenant could not have maintained their tenancy **and**
 - They would qualify for the property they have applied to succeed to under the council's allocations policy (i.e., this Housing Allocation Scheme) including being both an eligible and qualifying person(s).
- 3.12 This process will be triggered by a Housing Register Application which will be considered in the first instance by Housing Management Officers from the Area Housing Office responsible for the tenancy. They may seek advice from Housing Options Officers on the application of the policies set out in this Housing Allocation Scheme.

- 3.13 Where a property is not suitable for the person applying to succeed, for example because it is too large, the council will assist them to find alternative accommodation if they qualify for help under this Housing Allocation Scheme, which could include an offer of accommodation in the private rented sector.
- 3.14 Where a new tenancy is granted as a result of a discretionary succession, the tenancy will be treated as a new tenancy under the Council's Tenancy Strategy. This means that in most cases a flexible tenancy, normally two or five years, will be granted. Failure to accept a suitable property offered or made available under this Housing Allocations Scheme will result in proceedings for possession of the home currently occupied. Each situation will be considered on its merits and tenancies will be granted at the discretion of the Council.
- 3.15 Tenancy succession rules for Private Registered Providers (normally housing associations) are governed by different legislation. Current and future housing association tenants should check with individual landlords what the rules are for succession for their respective tenancies.

Service Tenancies

- 3.16 Employees of the Council who have a service tenancy associated with their employment may be re-housed by the council in pursuance of a contractual agreement that may be in place. This may be achieved outside of assisted choice through a direct nomination.

Sustaining a Tenancy

- 3.17 The Council intends to scrutinise more closely the ability of applicants to sustain the tenancy that is being sought for two reasons. There needs to be some certainty that the applicant is able to take on the responsibilities associated with a new tenancy and that there is no history of anti-social and/or criminal behaviour associated with a previous tenancy. In tandem, the Council also needs to be mindful of the Government's welfare reform proposals, specifically in respect to the Universal Credit reforms which will 'cap' the amount of benefits a single household can receive. This is likely to be particularly relevant to households in large family accommodation (three bedrooms or more) where a significant proportion of this house type is both expensive and in short supply.

Flexible Tenancies

- 3.18 The Council intends to take full advantage of the freedoms and flexibilities afforded by the 2011 Localism Act. The Council's approach to flexible tenancies is set out in its Tenancy Strategy. In summary, the Council intends to issue five year fixed term tenancies (and in some instances, two year tenancies) in the future, although with some exceptions where secure tenancies will still be

granted. The large majority of council tenancies will start with an introductory tenancy. Similarly, the Council expects Private Registered Providers (usually housing associations) to continue granting assured tenancies, but to increasingly grant fixed term assured shorthold tenancies in line with the Council's Tenancy Strategy and changes in individual PRPs' policy and practices.

Investigation of Fraud: Offences related to information given or withheld by applicants

- 3.19 The Council recognises its duty to protect the public resources it administers. Detailed enquiries about applications will therefore be made in order to guard against misrepresentation and fraud. Such enquiries will be made in all cases where applicants appear to have sufficient priority for an offer for re-housing, and in other cases as resources allow and may be made at any time either at the time of application or subsequently including after any grant of tenancy. Applications will be suspended if there is evidence of misrepresentation or fraud until enquiries are completed.
- 3.20 Any applicant seeking to obtain accommodation by making a false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in circumstances is liable to have his/her application cancelled. Prosecution will be considered where it appears to the Council that a criminal offence has been committed. Proceedings for possession will be taken to recover any tenancy granted in consequence of a fraudulent application for housing.
- 3.21 For the reasons set above, the Council is keen to ensure that information submitted to support a housing registration application is truthful and accurate.
- 3.22 Section 171 makes it an offence for anyone seeking assistance from a housing authority under Part 6 of the 1996 Act to:
- Knowingly or recklessly give false information, or
 - Knowingly withhold information which the housing authority has reasonably required the applicant to give
- 3.23 It is for individual housing authorities to determine when these provisions apply and when to institute criminal proceedings. However, the circumstances in which an offence is committed could include:
- Any false information given on an application form for social housing
 - Any false information given in response to subsequent review letters
 - Any false information given or submitted by applicants during the proceedings of a review

- 3.24 Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by s 146 of the 1996 Act) enables a housing authority to seek possession of a tenancy granted as a result of a false statement by the tenants or a person acting as the tenant's instigation.
- 3.25 Any tenancy fraud that may occur after the grant of a tenancy (e.g., tenancy passed on to a third party such as subletting of a tenancy) will be approached in a similar fashion. New powers to be granted to local authorities to pursue such cases through the criminal rather than the civil courts will be used by Hammersmith & Fulham.
- 3.26 In both instances - at application stage and tenancy stage – the Council will support and work with all Registered Providers to reduce and eliminate tenancy fraud.

Community Contribution and Tenancy Renewals

- 3.27 Where an applicant for housing has been made an allocation of housing from Band 2 of the Housing Allocation Scheme, based on a Community Contribution award and the basis for that award ceases to apply during the term of the tenancy, the Council may seek to provide opportunities for the tenant to make a community contribution in an alternative way. Non-performance against an award of a community contribution may be one factor taken into account in the consideration of the renewal of a flexible tenancy.

Accessing Affordable Market Housing

- 3.28 The Council will continue to promote affordable home ownership and private rented options to those who are able to afford it. Where household income is over the level which the Council considers eligible for registration on the Home Buy Register. However, the Council will consider such households for affordable home ownership or direct them to private rented housing options. More information on income and savings thresholds is set out in section 6.7 – 6.9 of this Housing Allocation Scheme.

4. HOW THE COUNCIL ALLOCATES PROPERTIES

The Property Pool and Assisted Choice

- 4.1 Hammersmith & Fulham Council will operate a 'property pool' and assisted choice lettings system. In essence, this means that the council will maintain a list of properties that are available to let to housing applicants who fall into one of the housing bands described in section 2.12 and detailed with examples in Annex 3. Successful applicants will need to annually update their registration. The Property Pool will comprise properties available from the council (a registered

provider); housing associations (private registered providers); landlords from the private rented sector; and other agencies. In allocating the homes that the Council has access to, it will take account of the applicant's preferences; the suitability of accommodation available; and, the supply of accommodation available.

- 4.2 Properties available from the property pool will be matched to applicants' preferences and, taking into account the suitability of the accommodation against applicants' needs, offers will be made by Housing Options Officers, based on the housing supply available. In effect the officers concerned will undertake the bidding process based on the applicants expressed preferences. All applicants, whether homeless, transfer cases or sheltered housing applicants will be treated the same way under this system. The Council will seek to make at least two offers to applicants, with discretion to make a third offer. In the event that homeless applicants turn down offers made by the Council, they will be removed from the register. Where other applicants turn down offers made by the Council, they will be demoted a band for twelve months. Where applicants are in Band 4 and turn down a second offer, they will be removed from the Housing Register altogether and not be able to re-apply for a year.

How will it work in practice?

- 4.3 In sequence, the key characteristics of this service will be as follows:
1. Applicants will discuss with the Housing Options Officer eligibility and qualification criteria to enter the Council's Housing Register. This will include a discussion on all housing options, including obtaining accommodation outside the housing registration route (e.g., private rented sector, low cost home ownership, etc)
 2. If registered, applicants will be allocated a Band ranging from 1 (the highest priority) to 4 (the lowest priority). It will be explained at this stage that allocation to Band 4 status is highly unlikely to lead to the allocation of an affordable home for rent let by a Registered Provider (i.e. principally the Council in its landlord role and housing association landlords). In the case of a homeless applicant who successfully registers, the Council is likely to discharge its duty into the private rented sector.
 3. Over time, Housing Options Officers will assess available homes from the 'property pool' as they become available, match them with applicants' accommodation needs and invite them to consider offers as and when they arise. Clearly, where there is a more affordable housing in that area of the borough, such housing choices are more likely to be met. Similarly, where there is more private market housing in that are of the borough, such housing choices are less likely to be met.

4. The urgency with which offers are made to housing applicants will depend on the supply of available accommodation in the property pool and their Band status, with Band 1 having the greatest urgency. The Council will expect applicants in urgent housing need to take up reasonable housing offers quickly. In the event that housing offers to Band 1 applicants have been exhausted, housing offers will be made to Band 2, and then Band 3. The approach will vary where Local Lettings Plans are in place (See Sections 2.43 – 2.50).
 5. The property pool will comprise homes from the Council in its Registered Provider landlord role; Private Registered Providers (principally housing associations); and the private rented sector. This will include accommodation for Supported Housing purposes and the elderly. Some homes in the property pool will be located outside the borough due to the shortage of affordable accommodation, particularly large family accommodation, in Hammersmith & Fulham.
 6. The large majority of housing allocated will be available on fixed term tenancies (also called flexible tenancies). More detail on this can be found in the Council's Tenancy Strategy.
 7. Where applicants who are not owed a homeless duty are made a second final offer which will meet the applicant's need and that offer is turned down, then that applicant will be demoted to Band 4 for a year. Where the Council owes a homelessness duty and a second offer has been turned down, then the Council will have met its duty towards that applicant. In either case, the offer may be in the private rented sector. The Council reserves the right to make a third offer if special circumstances apply.
 8. On making that final offer, the Council will have met its duty towards homeless applicants, which will meet the applicant's requirements and/or the Council's homelessness duty towards that household. At this point, the applicant will be removed from the register altogether. In respect of other housing applicants (e.g., transfer cases), where a second offer has been turned down, the applicant will be moved down a band for twelve months. If such a (non-homeless) applicant were in Band 4, they would be removed from the Housing Register altogether and not be able to re-register for another year.
- 4.4 Priority for accommodation will be determined by housing band, with those applicants in Band 1 having a greater priority than those in bands 2-4, and those in band 2 having a greater priority than those in bands 3-4, and so on. Within bands, priority will be determined by date order (Note: Date order means that date that an applicant was placed in the housing band)
- 4.5 In considering priority for re-housing between applicants with a similar priority under the banding scheme, the Council will also take account of the immediacy

of need of each applicant. This means, for example, that where two applicants in the same band are interested in the same property, preference may be given where one of the applicants is facing a more immediate loss of their existing home than the other.

- 4.6 To avoid the loss of properties available to the Council, properties in the private rented sector will normally be made available on a 'first come, first served' basis to applicants across bands 1-4. Where more than one applicant is being considered for a private sector property, priority will be determined by band and date in band.
- 4.7 Applicants will be asked to choose a property or properties to view from a selection of those that are available and meet their needs, and will be asked to accept one of these as their offer of re-housing. If no suitable properties are available, the applicant's case will remain open until a property becomes available and their Housing Options Officer will be proactive in working with them to secure a suitable offer of accommodation.

Exceptions to Assisted Choice

- 4.8 Available properties which are adapted or which are suitable for adaptation and Extra Care and Sheltered Housing or accommodation which is otherwise potentially suitable for applicants with a substantial disability or other special or support needs may be allocated outside strict banding and date order priority. Specifically on Sheltered Housing, the Council intends to maximise its use, ensuring that increased use of such housing is made for applicants from the need groups identified above. This is likely to require joint assessments of need by the Council's Adult Social Care and Housing Options teams. Where nominations are being considered for applicants, the Council will first review what level of support applicants will need to live independently, before granting the tenancy.
- 4.9 An allocation may also be made outside banding priority in the case of a Council tenant who is willing to transfer from a property which he/she does not require, i.e., under-occupiers, and which is particularly suitable for an applicant with special or support needs.
- 4.10 Applicants who have a special need for adapted property or other particular type of accommodation which is in very short supply may be invited to consider suitable property which becomes available outside of the areas preferred by the applicants concerned.
- 4.11 The Council reserves the right to restrict the operation of the property pool to certain groups of applicants or to make direct offers of accommodation to households waiting for re-housing in order to fulfil its housing management and

financial duties and responsibilities, including achieving a balance of lettings as set out in the Council's Annual Lettings Plan and delivering value for money.

- 4.12 In addition to the Annual Lettings Plan, special allocation arrangements, i.e., through Local Lettings Plans, may apply in respect of properties available for letting on new-build developments and/or areas that the Council considers necessary for an alternative approach to deliver its 'borough of opportunity' agenda. Local Lettings Plans will be subject to consultation by residents and agencies likely to be affected by the proposed changes (See Sections 2.43 – 2.50).
- 4.13 Decisions to allocate properties outside of the property pool and assisted choice will be authorised by the Director Housing Options, Skills and Economic Development, or delegated officer who shall be a Head of Service.
- 4.14 The Council is keen to facilitate 'chain lettings' approaches with other local housing authorities and private registered providers (principally housing associations) in order to maximise the use of affordable housing accommodation both locally and in other areas. A 'chain letting' is similar to a chain of prospective house purchasers who are dependent on others in order to move home. This approach is an ideal way of helping to ensure that people who wish to stay in their localities can do so, moving to homes that reflect their housing needs. Where the Council is able to ensure that there is a sufficiently positive impact for one or more of its residents by making a direct nomination (or through influencing other allocations of other Registered Providers), then the Director of Housing Options, Skills and Economic Development shall have discretion to make any necessary decision to achieve a chain letting.
- 4.15 This flexible approach will help facilitate greater choice for applicants who wish to move in their immediate locality, remaining close to family and friend networks. The Director Housing Options, Skills and Economic Development or delegated officer, will have the authority to allocate accommodation through either the Assisted Choice process or through a direct nomination to facilitate a successful chain letting.

Types of Property

- 4.16 Some properties or blocks of properties are designated for allocation only to applicants sharing a common characteristic or need, for example:
- Properties in sheltered housing developments for people over a specified age,
 - Properties in supported housing schemes offering special services,
 - Individual properties which are adapted or otherwise particularly suitable for applicants who use a wheelchair

Selection of Properties

4.17 In selecting properties from the property pool for applicants to consider, the Council will normally take into account the following factors:

- The number of bedrooms required (see Annex 1)
- Any essential requirement concerning the type or location of re-housing
- The housing band into which the applicant's case falls

4.18 The Council will not normally take into account:

- Non-essential preferences concerning the location or type of re-housing requested by the applicant.
- An applicant's preference as between an allocation of a Council property **or** a nomination to a Private Registered Provider (normally a housing association) **or** an allocation to the private rented sector.
- The standard, type or location of the applicant's current accommodation (except where this is related to the assessment of their need)

Homeswap

4.19 Homeswap enables existing tenants, principally in the registered provider affordable rented sector (i.e., tenants of councils and housing associations) the opportunity to swap their home with another, often called 'mutual exchanges'. Such schemes help tenants to be closer to new places of work and/or friends and family. The Council supports the Government's 'Homes Swap Direct' initiative, bringing together the range of mutual exchange regimes that exist. The Council will make available facilities at its principal office to enable applicants wishing to review housing options using the 'homeswap' mechanism as well as promoting the initiative more widely.

Mutual Exchanges

4.20 Secure tenants have certain rights in relation to exchanging their tenancies with other secure tenants and in relation to the circumstances in which a member of their household can succeed to their tenancy. These do not fall within the scope of this allocations scheme, and full details for how these schemes operate can be obtained from Hammersmith & Fulham Council or their Landlord in the case of Private Registered Provider tenants.

Sub Regional Nominations

4.21 As part of the West London Housing Partnership, the Council participates in a sub regional nomination arrangement which accesses the Council to sub regional

lettings as well as enabling its West London partners to nomination opportunities in the borough. The Council intends to continue this arrangement as it enables some flexibility to facilitate sub regional moves for the same reason described in the Homeswap section above.

Accessible Housing Register

4.22 The Council will seek to ensure accommodation opportunities for housing register applicants who require accessible housing are maximised. Where Housing Options Officers are fully appraised of applicants' housing needs, all reasonable efforts will be used to ensure that offers are made to applicants in line with the Banding priority using the Assisted Choice approach.

Pan London Mobility

4.23 Hammersmith & Fulham currently participates with the Mayor of London's pan-London Mobility scheme, also known as *London Moves*. Details of the Mayor's scheme can be found at www.london.gov.uk. Tenants wishing to move using the Pan London Mobility scheme can apply direct. Housing Options Officers can provide assistance to tenants wishing to move home using the Pan London Mobility Scheme.

Annual Lettings Plan

4.24 The Council will adopt an Annual Lettings Plan for the April – March year which will forecast the number of affordable lettings the Council expects for the relevant year and estimate the proportions of lettings that will be allocated to certain need groups. This will include adopting quotas for specific priority groups, e.g., those requiring supported housing; care home leavers; working households; ex armed services personnel, etc.

5. PROCEDURE FOR REQUESTING INFORMATION, APPEALS AND REVIEWS

5.1 All applicants have the right to request general information about their application; whether they are entitled to any preference for housing; whether and when suitable accommodation will be offered to them; and, information about why any application has been unsuccessful. Specifically, applicants have the right to:

- Request general information about their prospects of success following their application
- Request information about decision concerning the facts their case
- Request review of such decision and decisions that a person is not eligible or qualifying, and to be informed of the review decision and the grounds for it.

- 5.2 An unsuccessful applicant(s) to the Housing Register will be informed in writing of any decision regarding their eligibility and/or qualifying status. The notification will give clear grounds for the decision which will be firmly based on the relevant facts of the case. The applicant(s) will be informed of their right to request a review of the decision.
- 5.3 Applicants who are unhappy with a decision made under this policy should in the first instance contact the housing officer who has dealt with their case and explain why they think that the decision is not reasonable. The applicant will be notified whether the decision still stands and the reasons for this usually within 48 hours
- 5.4 If an applicant wishes to take the matter further, they can make a request for a formal review of the decision within 21 days. In these cases the applicant will be invited to make a written submission stating the reasons for their request for a review and the Council will seek any further information it requires, including advice from medical and other specialist advisors. Formal reviews will be conducted by a team leader or manager within the Council's Housing Service with no previous involvement in the case who will notify the applicant of the outcome of the review including the reasons for their decision within 56 working days.
- 5.5 Where an applicant wishes to appeal the suitability of an offer of accommodation under 5.3 of this policy, the property will be held available whilst the appeal is considered where this is not likely to lead to an unreasonable delay in letting the property.
- 5.6 Where an applicant requests a formal review concerning the suitability of accommodation under sections 5.4 of this policy, the property will not normally be held available whilst the appeal is considered. This formal review will be considered by the Review & Complaints Officer.

Right of Review – Homeless Applicants

- 5.7 A homeless applicant has the right to a S202 (of the 1996 Housing Act) review of the suitability of an offer of accommodation. In addition they have a s204 (of the 2002 Act) right of appeal to the County Court. Whilst seeking a review and appeal, the applicant may still move into the property in question, without prejudicing the outcome of a review and appeal case, if either is sought.

6. GENERAL RULES AND CONDITIONS

Decisions

- 6.1 All decisions taken under this policy will be by fully trained officers in the Housing Options Division of the Council's Housing and Regeneration Directorate unless otherwise specified. Housing Options Officers are supported by Team leaders and receive ad hoc advice from other officers of the Council as required. Where the applicant (and any eligible household members/dependents) have specific needs which have been reported to, or recorded by, other departments of the Council, the applicant should highlight any such reports to the Housing Options Officer concerned.

Requests for Assistance

- 6.2 Requests for housing assistance must be made to the Housing Options Service. The Council aims to notify applicants of the result of the assessment of their priority under the Housing Banding System within 14 days. However, in cases where a medical assessment or other special assessment is required, it may take longer to notify the result.

Persons Eligible for Assistance

- 6.3 Persons entitled to assistance must be members of the applicant's immediate family who normally reside with the applicant. Any other person or persons will only be considered as entitled if the Council is satisfied that it is reasonable for that person to reside with the applicant. Exclusions are set out in Section 2.14 of this Scheme.
- 6.4 The Council will also refuse to consider an application for assistance or someone's inclusion on an application if the person concerned (i.e. other than the applicant) has made a separate housing application.

Evidence of Identity and Housing Circumstances

- 6.5 All applicants must provide satisfactory evidence of identity and past and current residences for themselves and all household members. The Council will request documentary evidence from each applicant and will conduct such further enquiries as are reasonable in the circumstances. An application will be cancelled if the applicant has failed to provide documentary evidence or other information reasonably required by the Council in order to validate the application.
- 6.6 The Council will normally carry out a visit to each applicant's residence if their priority is sufficient for an allocation of housing under this scheme. Visits conducted will include an inspection of the accommodation and facilities and are normally but not necessarily arranged by appointment.

Income and Resources

- 6.7 All prospective new tenants will be required to supply evidence of their financial income and resources. Where applicants are not able to show current entitlement to Income Support, Housing Benefit, Council Tax Benefit (and successor Universal Credit), verification of income and savings will be required prior to applicants being offered accommodation. Where applicants have resources considered sufficient to access low cost home ownership or other intermediate housing option, the applicant will normally only be offered advice or assistance, or placed in Band 4 Advice on home ownership; sub market renting; and private sector renting options will also be offered including opportunities to join the Council's HomeBuy Register.
- 6.8 Based on the Council's current Homebuy Register of the gross income range of £19,000 to £61,400 which is required to access the register for low cost home ownership, the Council will discuss with the applicant (or joint applicants where applicable) market housing options. Where an applicant(s) gross income (or combined gross income) are greater than £40,200 and their housing requirements is for 2 bedroom accommodation or less, they will generally not qualify to access the Housing Register and will be offered advice on other housing options including joining the Home Buy Register. Applicants above this income level seeking this form of accommodation are considered to have access to low cost home ownership. Where an applicant(s) gross income (or combined gross income) is greater than £40,200 p.a., and their housing requirement is for 3 bedrooms or more, they will qualify if their combined assets/savings are less than £4,000, representing the costs of accessing another housing tenure. In any event, applicants will not qualify if their income is above the top of the Home Buy income range, currently £61,400. These income ranges and financial limits will be reviewed annually and posted on the Council's website.

Where applicants are not eligible to access the Housing Register, they will be provided with advice and assistance which is likely to include private sector renting and low cost home ownership opportunities. Where applicants successfully access the HomeBuy Register, they may succeed in qualifying for an affordable rented opportunity under a Local Lettings Plan.

- 6.9 When considering the allocation of accommodation, Housing Options Officers will review applicants' income and expenditure in order to assess their ability to sustain a proposed tenancy. The implementation of the Universal Credit regime will cash limit eligible annual household benefits. If housing costs are considered to be a disproportionate amount of eligible benefits, then the Housing Options Officer will consider appropriate options for the household concerned. In all instances, the Council will generally not be minded to allocate accommodation that is too small for applicants' needs (as set out in Annex 2). In exceptional circumstances, the Council will make such an allocation where the applicant makes clear he/she is willing to take smaller accommodation than they need.

However, the Council will not make an allocation which causes statutory overcrowding at the point of letting.

Changes of Circumstances

6.10 Once placed in a priority band, applicants should notify the Council in writing of any material change in their circumstances that will affect their priority for housing, for example:

- a change of address, for themselves or any other person on the application.
- any additions to the family or any other person joining the application
- any member of the family or any other person on the application who has left the accommodation.
- any change in income and/or savings.
- Any medical or mobility need which will affect the type of accommodation being offered deemed suitable

6.11 Applications may be temporarily suspended while the Council assesses the information provided by the applicant and completes further enquiries that may be necessary. The Council will carry out an assessment of each applicant's entitlement to and priority for re-housing on the basis of information which has been provided by the applicant or otherwise received in connection with the applicant. Where the Council believes that information about the applicant's personal circumstances have been deliberately withheld or misleadingly presented, then the Council will reserve the right to withdraw any offer of accommodation or not renew a tenancy where one has been granted.

Members of the Council, Staff Members and their Relations

6.12 In order to ensure that the Council is seen to be treating all applicants fairly, any application for housing or re-housing from members of the Council, employees of the Council or associated persons must be disclosed. These applications will be assessed in the normal way but any allocation of housing will require specific approval by the Director Housing Options, Skills and Economic Development.

Equal Opportunities and Monitoring

6.13 The Council is committed to the principle of equal opportunities in the delivery of all its services. Applicants will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require other special services as a result of visual impairment, hearing difficulties or other disability.

6.14 Confidential interview facilities are provided at all housing offices. There is full access to the Housing Options Office for people who use a wheelchair. Home

interview services are available for applicants who are elderly or who experience mobility difficulties.

- 6.15 The Council will seek to ensure that its allocation policies are being operated in a manner that is fair to all sections of the community regardless of nationality, ethnic origin, marital status, age, gender, sexual orientation or disability. The information provided will be kept confidential and treated with respect. The council believes it is important to understand the different communities who apply for housing and it is only by asking these questions can the Council check that it is operating a fair system.
- 6.16 All applicants for housing or re-housing will be asked to provide details of ethnic origin, sexuality, disability and other equalities information. Provision of this information will not be obligatory and not a requirement for acceptance of an application. However, such information will help monitor the number and types of equality groups seeking support and therefore applicants will be strongly advised to complete the relevant information. Equalities records will be kept and monitored on a regular and systematic basis to ensure properties are being offered and allocated fairly.
- 6.17 Allocation policies and any changes to them will be reviewed regularly to ensure they do not operate in ways that discriminate against or disadvantage any particular group.

Confidentiality

- 6.18 **The Council will take disciplinary action against any employee who makes use of any information obtained in the course of their employment for personal gain or benefit, or who passes it to others who might use it in such a way. A report to the police will be made if it appears that a criminal offence has been committed.**
- 6.19 The disclosure of information about any housing application to a third party is prohibited except on a “need to know” basis in the following circumstances:
- to plan and provide assistance jointly with health and social services agencies in appropriate cases.
 - for the purpose of fraud detection, the prevention of crime, and the promotion of community safety.
 - to enable efficient administration of offers of re-housing, lettings, housing association nominations, and rent and benefit accountancy etc.
 - where disclosure is a legal requirement.

Access to Personal Files

- 6.20 Housing applicants' rights to see what information is held on them on non computerised records is governed by the Data Protection Act 1998.
- 6.21 Under the Freedom of Information Act 2000 such requests must be made in writing, must state the applicants name and address for a response, and must describe the information requested.
- 6.22 Requests for access to records must be made in writing to the Director Housing Options, Skills and Economic Development. Subject to the above exceptions, applicants will be informed if any information is held and given the option to either view the records or have a copy provided within 40 days of the application. Photocopying costs will be charged at the Council's discretion.
- 6.23 Applicants have the right to challenge the information held on them and may request the correction of records which they believe to be inaccurate. If the Director Housing Options, Skills and Economic Development does not agree that the information is inaccurate or refuses access to the information, the applicant may request the matter to be reviewed by the Council. The request must be made within 28 days. The decision of the Council is final.

Data Protection

- 6.24 Computer records are covered by the Data Protection Act 1998. This controls the use of computers in the collection, storage, processing and distribution of personal data.
- 6.25 The Act also gives rights to all individuals about whom information is recorded. These rights include the rights of access to the information and the right to challenge the accuracy of that information. The provisions and exceptions are similar to those for access to information held on personal files as set out above.
- 6.26 Requests for access to data must be made in writing to the Director Housing Options, Skills and Economic Development. Information will be provided within 40 days of the application. No fee is charged for this service.

Annex 1 - Sizes of Homes

This annex sets out the size of a property a household successfully applying for home can expect. The Council will not offer a home that is larger or smaller than the identified need. In detail:

- The number of bedrooms you need depends upon the size of your family
- The chart shows the size of home that we consider you need
- A single parent is counted as a couple and an unborn baby beyond the first trimester is counted as a child
- Single people without children will usually be offered a studio/bedsit
- Two children of the opposite sex under ten will be expected to share a bedroom
- Council or Private Registered Provider (PRP) tenants 'trading down' from properties with three or more bedrooms may choose a property with one bedroom more than they need
- Some PRPs may have policies that vary from the bedroom requirements set out below
- In exceptional circumstances, applicants with a disabled child who requires their own bedroom will be considered on a case by case basis.

Size Category	Size of Household	Size of Property
1	Single Person	Studio / Bedsit
2	A couple without children	1 Bedroom
3	Two adults of the same sex and generation* for example, flat sharers, or two siblings	2 Bedrooms
4	A couple expecting a child or with a child, including an adult son or daughter	2 Bedrooms
5	A couple with two children of the same sex	2 Bedrooms
6	Two adults of opposite sex who do not live as a couple, for example, brother and sister	2 Bedrooms
7	A couple with two children of opposite sex and both under ten	2 Bedrooms
8	A couple with two children of opposite sex one of whom is over ten	3 Bedrooms
9	A couple with three children	3 Bedrooms
10	A couple with four children (all of the same sex or two of each sex)	3 Bedrooms
11	A couple with two children of the opposite sex under ten and one dependent relative (for example, widowed mother)	3 Bedrooms
12	A couple with four children (three of one sex and one of the opposite sex)	4 Bedrooms
13	A couple with more than four children **	4 Bedrooms
14	A couple with three children and one dependent relative	4 Bedrooms

* Less than 20 years apart but does not apply to parents/children

** Accommodation needs greater than 4 bedrooms will be considered by the Housing Options Officer concerned and options considered and offered to the household. The officer concerned may suggest that the household size is reduced through adult children and/or non dependents household members being required to make their housing arrangements elsewhere. This may enable the officer concerned to make an offer (or offers) that can help meet the household's needs. Such a decision would need to be endorsed by a panel of senior housing managers

Annex 2 – COMMUNITY CONTRIBUTION: HOW PRIORITY IS AWARDED

Community Contribution

The Council believes that people who make a community contribution should have greater priority for accommodation allocated by the Council than those who do not.

The Community Contribution priority scheme is a Hammersmith & Fulham Council policy which gives an applicant increased priority for housing. Increased priority will be awarded to applicants who qualify under the community contribution criteria who also have reasonable preference and they will be placed in Band 2 by virtue of this award.

Community Contribution Awards – How they work in practice

Applicants must meet at least one of the reasonable preference criteria in order to be considered for a community contribution award. They will also need to demonstrate a local connection. Applicants should have:

1. No on-going culpable involvement in anti-social behaviour or criminal activities
2. No breaches of tenancy within the last 3 years
3. No outstanding lawfully recoverable housing-related debt over £100
4. An outstanding unspent conviction

Increased priority for housing is given to those applicants who demonstrate a commitment to contribute to the Borough's economic growth as working households or who make a contribution by their contribution within communities. Applicants can access increased priority for housing in eight ways:

1. Working Households

This policy aims to support the economic growth of Hammersmith & Fulham.

We want to encourage people who can, to work and want to raise levels of aspiration and ambition. We will offer increased priority to applicants who are working but are on a low income and will therefore find difficulty in accessing outright home ownership or low cost home ownership. Applicants who have reasonable preference can receive increased priority to Band 2 by virtue of their "working" status.

Definition of Working Households

Households where at least one adult household member is in employment. For the purposes of this Allocations Policy employment is described as having a permanent contract, working as a temporary member of staff or being self-employed. Applicants will only qualify if the worker has been employed for 9 out of the last 12 months. Verification will be sought at point of application as well as point of offer under the same terms. Applicants must provide payslips, P60, bank statements or a verifying letter on headed paper in order to qualify.

2. Volunteering

Volunteers must have been volunteering for a continuous period of at least 6 months up to the point of application and the same at point of offer. Volunteering must be for a not-for profit organisation that is recognised by the Council, or a charity that is registered with the Charity Commission or is funded by the Council or another local authority. Consideration will also be given to unpaid voluntary work associated with social enterprises; community interest companies; and private registered providers (usually housing associations). Tenants and Residents Associations which are constituted are classified as not-for-profit organisation. They must be registered with Hammersmith & Fulham Council or a Private Registered Provider to qualify. Volunteering must be for a minimum of 20 hours per month. This will link to the Council's broader 'slivers of time' approach whereby residents build up equity through volunteering.

Evidence Required for voluntary work

A letter on the organisation's headed paper from the manager responsible for volunteers confirming the applicant's involvement in a minimum of 20 hours per month of voluntary work for at least 6 months. This person must not be related to the applicant in any way.

3. Training or Education

We want to encourage people to move closer to gaining paid employment by gaining employability skills and becoming job ready. This may be achieved by attending higher or further education or by accessing a longer vocational course of study or engaging in a programme of work-related training courses. In all cases the course of study must lead to achieving accredited qualifications and / or certification by a registered awarding body.

Study or training may be undertaken at a range of recognised institutions and organisations such as: Further Education College; registered Private Training Provider; registered Voluntary Sector Organisation or University.

To be eligible for the vocational training award a person must initially access a recognised Information, Advice and Guidance (IAG) service, such as *Next Steps* for Adults or *Connexions* for young people up to age 19 years to develop an agreed employment action plan and to be signposted to relevant training providers. Candidates must be working towards gaining employment in a vocational occupation.

A person must have been studying or training against the eligible criteria and definition outlined, for a continuous period of at least 6 months up to the point of application and the same at point of offer. Applicants eligible for out-of-work related benefits must also be registered with Job Centre Plus and accessing mainstream job brokerage provision, thus actively seeking work (this may not apply to full time students dependent on the hours they are studying). Training must be in addition to, or supplementary to any mandatory training required and may be undertaken in conjunction with volunteering to

gain further knowledge and experience. Training must be a minimum of 10 hours a month.

Some people undertaking training are not actively seeking work. Where the benefits Agency can confirm that the applicant is not required to actively seek work because of their circumstances, for example they have caring responsibilities, their training can be recognised in this policy.

Evidence required for Training element

Further/higher education candidates must supply evidence of:

- letter from college or university confirming participation in course of study for period of 6 months

For vocational training award the following evidence must be provided:

- an agreed employment action plan developed through a recognised IAG service plus verification of steps taken towards achievement of action plan targets
- certificate or letter from a registered awarding body for the course or by a recognised training provider as evidence of gaining a recognised vocational qualification or successfully completing accredited work-related training (over a continuous period of at least 6 months)

4. Ex Armed Service Personnel

Applicants who have served in the British Armed Forces and lived in Hammersmith & Fulham for at least 6 months immediately prior to enlisting, will qualify for a community contribution award automatically, with the exception of those who have been dishonourably discharged. This includes people who have served in the Royal Navy, Royal Air Force and British Army.

Service with the armed forces will be confirmed with the Royal British Legion.

The Council intends to work with one or more housing organisations with experience of ex-service personnel issues in order to develop criteria and maximise housing options opportunities for ex service personnel.

5. Registered Foster Carers and Adopters

We recognise the contribution that Hammersmith & Fulham foster carers and adopters make towards ensuring that children in Hammersmith & Fulham's care receive a good service. In order to qualify for a community contribution award under this policy, applicants will require a letter from the council's Children's Service confirming that they have been approved as a Hammersmith & Fulham foster carer and/or adopter and that they are in a position to take one or more

placements. Any re-housing requirements will be dealt with on a case by case basis.

6. Carers

Applicants who undertake formal care of dependents are in receipt of Disability Living Allowance (DLA) higher rate or carers allowance or care element DLA will qualify for the community contribution award under this policy.

7. People with disabilities and older residents

Whilst many older people and those with disabilities work or volunteer, there may be circumstances in which frailty or a disability prevents this, or means that the full eligibility criteria set out above can not be met. Housing Officers will consider such cases on an individual basis and use their discretion to award a community contribution where they consider this is appropriate.

8. Young People

Generally young people (applicants aged 25 and under) will be required to meet the full community contribution criteria outlined above. However housing needs officers will have discretion with regard to the length of time a young person has been in employment. In addition where a young person is able to participate in volunteering and is not in employment or training the number of hours per month required is 20 hours.

Young people referred by Children's Services

In some circumstances a young person in supported housing may not have a full current positive residence history. Where the scheme manager is satisfied that the young person is not in breach of their tenancy agreement or licence and is complying with the conditions of the tenancy, Housing Officers will consider such cases on an individual basis and use their discretion to award a community contribution where they consider this is appropriate.

Where a young person has been referred by Children's Services the following will qualify for community contribution award:

- Firm offer and proof of acceptance onto formal study or training as set out in paragraph 3 above
- In employment
- Volunteering for 20 hours per month. Volunteering defined in paragraph 2 above

ANNEX 3 – HAMMERSMITH & FULHAM HOUSING BANDS Band 1: Urgent Need to Move due to Reasonable Preference PLUS additional priority	
Summary Guide of Criteria *	
<p>Emergency medical or disability Reasonable preference category S.167(2)(d)</p>	<ul style="list-style-type: none"> • Where an applicant’s condition is expected to be terminal within a period of twelve months and re-housing is required to provide a basis for the provision of suitable care. • The condition is life threatening and the applicant’s existing accommodation is a major contributory factor. • The applicant’s health is so severely affected by the accommodation that it is likely to become life threatening. • The applicant is unable to mobilise adequately in their accommodation and requires re-housing into accommodation suitable for their use. • The applicant’s accommodation is directly contributing to the deterioration of the applicant’s health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually 6 months. • Where overcrowding in the property leaves the applicant at risk of life threatening infection.
<p>Exceptional Circumstances Welfare and Hardship Criteria Reasonable preference category S.167(2)(e)</p>	<ul style="list-style-type: none"> • Emergency need to move determined by the Council and authorised by the Director Housing Options, Skills and Economic Development or equivalent.
<p>Exceptional need to move Reasonable preference category S.167(2)(e)</p>	<ul style="list-style-type: none"> • Applicants who need to move due to domestic abuse, extreme violence or extreme harassment. • Extreme violence or harassment will be verified by the Police and/or other agencies as necessary. This may include where a move is necessary to protect a witness to criminal acts. • Agreed in exceptional circumstances due to significant problems associated with the tenant’s occupation of a dwelling in the social or private rented sector and there is a high risk to the tenant or their family’s safety if they remain in the dwelling/area. For social housing tenants transfers will be to properties of the same size or smaller if they are under-occupying and type where required, but locations or areas are likely to change.
<p>Disability need to move on hardship grounds Reasonable preference category S.167(2)(d)</p>	<ul style="list-style-type: none"> • This is any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces

<p>Release of adapted property Reasonable preference category S.167(2)(e)</p>	<ul style="list-style-type: none"> • Where a tenant is willing to transfer to a suitable non adapted property and is releasing an adapted house or designated older persons property.
<p>Statutory Overcrowded Reasonable preference category S.167(2)(c)</p>	<ul style="list-style-type: none"> • Tenants who are statutorily overcrowded and who require at least two additional bedrooms.
<p>Acute Overcrowding Reasonable preference category S.167(2)(c)</p>	<ul style="list-style-type: none"> • Where a household is 3 bedrooms short of the bedroom standard outlined in Annex 2.
<p>Private sector properties unsanitary or unfit. Those living in unsanitary conditions where the conditions pose an ongoing and serious threat to health; Reasonable preference category S.167(2)(c)</p>	<ul style="list-style-type: none"> • Private sector tenants and residents of dwellings that the Council's Private Sector Housing Team has determined that the property poses a category 1 hazard under the Health and Safety fitness rating and the Council are satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period. • A private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004.
<p>Under-occupation Reasonable preference category S.167(2)(e)</p>	<ul style="list-style-type: none"> • Where a Council tenant will release a home with two or more bedrooms by moving to a property with fewer bedrooms than they currently have. Where a Private Registered Provider (normally a housing association) tenant who will release a home with two or more bedrooms are eligible if their landlord agrees that the vacated property can be used for a nomination by the Council
<p>Major works or demolition Reasonable preference category S.167(2)(c)</p>	<ul style="list-style-type: none"> • Where a council tenant has to move either temporarily or permanently whilst major works are undertaken or where their home is due to be demolished
<p>Foster carers referred by the Council's Children's Service Reasonable preference category 167(2) (d) or (e)</p>	<ul style="list-style-type: none"> • Foster carers approved by the Council whose housing prevents them from being able to start, or continue, to provide foster care. This section also includes adopters approved by the Council whose housing prevents them being able to becoming or continuing to be an adoptive parent.

Band 2 Need to move – Reasonable Preference AND a Community Contribution	
Summary of Criteria *	
Homeless Households owed a full homeless duty under section 193(2) or 195(2). Reasonable Preference categories s167(2) (b)	<ul style="list-style-type: none"> • People who are owed a duty under section 193 (2) Or 195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) - This means households who are homeless or threatened with homelessness, eligible and in priority need
Overcrowded by the Bedroom standard. Reasonable Preference category s167(2)(c)	Where a household is 2 bedrooms short of the bedroom standard outlined in Annex 2.
Applicants living in unsatisfactory housing lacking basic facilities. Reasonable Preference category s167(2)(c)	<p>Applicants without access at all to any of the following facilities. No access to:</p> <ul style="list-style-type: none"> • a bathroom or kitchen • an inside WC • hot or cold water supplies, electricity, gas or adequate heating <p>Applicants who occupy a private property which is in disrepair or is unfit for occupation and is subject to a Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by Section 33 of the Housing Act 2004.</p> <p>Applicants who only have access to shared facilities in shared accommodation will not qualify under these criteria.</p>
Medical grounds Reasonable Preference category s167(2)(d)	Where an applicant's housing is unsuitable for severe medical reasons or due to their disability, but who are not housebound or whose life is not at risk due to their current housing, but whose housing conditions directly contribute to causing serious ill-health.
Hardship or welfare need to move for care or support	Those who need to move to give or receive care that is substantial and ongoing.

Reasonable Preference category s167(2) (c) and (d)	Those who need to access social services facilities, and are unable to travel across the Borough.
Those who need to take up (or continue) employment, education or a training opportunity that is not available elsewhere and who do not live within reasonable commuting distance.	
Housing need due to age Reasonable Preference category s167(2)(d)	Older or disabled applicants seeking Retirement or Extra Care or Sheltered housing
Ready to move on from Council accredited supported care schemes Reasonable Preference category s167(2)(c)	An applicant is ready to move to independent settled housing on the recommendation of the support worker or equivalent. The applicant is in need of medium to long term rather than short term ongoing tenancy support. That support package has been assessed and is in place.
Move on from Care Reasonable Preference category s167(2)(c)	A care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living. They possess the life skills to manage a tenancy including managing a rent account. The care leaver is in need of either a long term or medium term tenancy support. That support package has been assessed and is in place.
Discretionary Succession	Where the Council has agreed to grant a tenancy under clause xx of this policy.
Ex Armed Service Personnel	Ex Armed Service personnel meeting the criteria set out in <i>Allocation of Housing (Qualification Criteria for Armed Forces)(England) Regulations 2012)</i>
Existing Foster carers approved by the Council willing to provide care for an additional child Reasonable preference category 167(2) (d) or (e)	Where a Foster carer already providing a home for at least one foster child offers to provide care for an additional foster child This section also includes adopters approved by the Council whose housing prevents them being able to becoming or continuing to be an adoptive parent.

Band 3 : Need to move – Reasonable Preference BUT no Community Contribution

Summary of Criteria *

Applicants in this Band will have the same element of housing need / Reasonable Preference as those applicants in Band 2 BUT will not have the Community Contribution Award given, enabling the applicant to be moved into Band 2.

* This summary guide of criteria does not represent an exhaustive list of all applicants entitled to reasonable preference

Band 4: Reduced Priority : Need to Move - Reasonable Preference but with Reduced Priority	
Summary of Criteria *	
Applicants owed Reasonable Preference but who have been given reduced priority.	Customers in this band have reduced preference and are extremely unlikely to be offered social housing but may be offered assistance to find a home in the private rented sector.

* This summary guide of criteria does not represent an exhaustive list of all applicants entitled to reasonable preference

Building a Housing Ladder of Opportunity

Hammersmith & Fulham Council

Tenancy Strategy

Section	Contents
1.	Summary
2.	Hammersmith & Fulham’s Housing Market
3.	What the Council is Seeking to Achieve
4.	Flexible Tenancies - Our Proposed Approach
5.	Tenancy Renewal – Our Proposed Approach
6.	Working with Private Registered Partners
7.	Other Strategy Documents
8.	Affordable Rent Model
9.	Wider Housing Options

Annex A – Glossary

Annex B – Reference Documents

Annex C - Review Procedure relating to Flexible tenancies

1. Summary

1.1 The 2011 Localism Act places a statutory duty on local authorities to produce a Tenancy Strategy, which should set out the local housing authority's approach to tenure reform in the social housing sector. Section 150 (1) and (2) of the Act states the following:

(1) A local housing authority in England must prepare and publish a strategy (a "tenancy strategy") setting out the matters to which the registered providers of social housing for its district are to have regard in formulating policies relating to: –

- (a) the kinds of tenancies they grant,
- (b) the circumstances in which they will grant a tenancy of a certain kind,
- (c) where they grant tenancies for a term certain, the lengths of the terms, and
- (d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy

(2) The tenancy strategy must summarise those policies or explain where they may be found.

1.2 This Tenancy Strategy is intended to meet the legislative requirements set out above. The Council intends to take full advantage of the opportunity to grant fixed term tenancies and expects private registered providers (mainly housing associations) to do the same. However, there may be a few exceptions where secure/assured tenancies (also known as 'lifetime tenancies') will still be granted.

1.3 Private Registered Providers (known as housing associations to most people) are required to have regard to the authority's Tenancy Strategy and the authority expects such landlords to alter their policies over a reasonable timeframe to reflect the Council's position and priorities.

1.4 This document is focused on tenancies that are granted by registered providers – both the council in its landlord role and housing associations as private registered providers - which operate in Hammersmith & Fulham. It is not focused on who will be prioritised for the allocation of affordable homes and other accommodation: this is set out in the Council's Housing Allocation Scheme (October 2012). The authority intends that the Tenancy Strategy will help deliver any revised objectives set out in the new Housing Allocation Scheme.

1.5 It should be noted that the implementation of the Tenancy Strategy will not affect existing tenants housed by Registered Providers, i.e., the Council in its landlord role and housing associations.

- 1.6 On adoption of this Tenancy Strategy, in line with s 150 of the Localism Act, the local housing authority must keep its tenancy strategy under review and may modify or replace it from time to time. In order to ensure the document is up to date and reflects changes in statutory and non-statutory strategy and policy, the Executive Director of Housing and Regeneration in consultation with the Lead Member for Housing will have the authority to review and amend the Tenancy Strategy. The local housing authority will publish the modifications as amended as appropriate, e.g., the Council's website and other means of communication.

2. Hammersmith & Fulham's Housing Market

- 2.1 Hammersmith & Fulham is the second smallest (excluding the City of London) in the capital but has one of the highest population densities in the country. The borough is also one of significant economic and social contrasts. There are approximately 82,000 homes in the borough, nearly a third of which are owned by the Council or other social landlords (c 26,000 homes) with the remaining two thirds (56,000 homes) being in private ownership. House prices as a whole in the borough are the fourth highest in the UK, but only between 1% and 2% of the stock is low cost home ownership housing which the Council is committed to increasing.

3. What the Council is seeking to achieve

- 3.1 Hammersmith & Fulham is a very desirable location, hosting a range of major employers, leisure and retail facilities, underpinned by its growth and wider regeneration agenda. Households may wish to leave the borough for particular reasons. But it is important that the Hammersmith & Fulham housing market is as vibrant, accessible and affordable as possible, offering a range of housing choices, complemented by a wider borough 'offer' featuring schools of choice; quality parks; accessible health facilities and other community infrastructure that make places attractive to live.
- 3.2 The 2007/14 Community Plan sets out in clear terms the Council's and its partners' social, economic and environmental objectives. Who is able to access affordable rented housing has an important bearing on the chances of successfully delivering those objectives. The Housing Allocation Scheme (and associated documents such as Local Lettings Plans) defines the Council's criteria for allocating affordable rented homes in the borough. This document centres on the kinds of tenancies that households who are allocated homes will receive in the future. One of the outcomes sought from the Tenancy Strategy is giving the council in its landlord role the power to grant fixed term tenancies, whilst also giving guidance to Private Registered Providers on what length and on what terms the Council would like them to grant tenancies.

- 3.3 Put simply, the authority believes that registered providers should have the opportunity to periodically review the housing needs of tenants who are granted tenancies. This does not automatically mean that tenants at the end of their fixed term tenancies will not be able to have their tenancies renewed. The rationale for granting fixed term tenancies issued by all registered providers are important for the following reasons:
- 3.4 **Secure Tenancies and Assured Tenancies** - At present, registered providers issue which are either local authority 'secure tenancies' or private registered providers 'assured tenancies'. These are in effect self renewing 'periodic tenancies' where if the rent and service charges are paid and there are no breaches of tenancy conditions, then tenants are likely to have the use of their homes for the rest of their lives.
- 3.5 In each instance household members, e.g., spouses, partners, children, can have succession rights which can mean the tenancies lasting for many decades, even if the household's needs change over that time. The commonly quoted example is the elderly person/couple in a three bedroom property whose children have left home, living in close proximity to a household which is overcrowded. Allowing for financial incentives, there are no sanctions available to the Council to address this situation.
- 3.6 By granting fixed term tenancies, registered providers will be able to regularly review household needs and ensure that the affordable homes that are available are allocated to those households who most need them, making best use of the homes available, meeting the criteria set out in the Housing Allocation Scheme.
- 3.7 **Granting Tenancies to Working Households and those making a community contribution** – The Council intends to give greater priority to working households and other people making community contributions, such as ex armed services personnel in the future. More detail on how this work in practice is set out in the Council's Housing Allocation Scheme.
- 3.8 By granting fixed term tenancies, registered providers would be able to regularly review the status of such households, ensuring that the basis on which the accommodation was allocated still applies, e.g., because the applicant(s) was in training and employment. The Council intends to ensure that tenants who are allocated homes on this (or other community contribution basis) meet any agreed continuing contribution following the grant of a tenancy.
- 3.9 **Creating a Ladder of Opportunity: Connecting Social Housing to the Wider Housing Market** – Social housing has become increasingly 'residualised' due to people in the greatest need having the highest priority for available affordable housing, principally social housing. The authority already makes considerable use of private sector housing

both within the borough and outside and envisages this to continue. However, the Council wishes to see the social housing sector to be one of 'choice' for a wider section of the community rather than 'need'. The Council also want the sector to be perceived as an important segment of the local housing market, which is a platform for progress to other housing options, i.e., a starting point, not a destination, as part of the housing ladder of opportunity approach. More detail on this approach is set out in Section 4 of this document. The Council also wishes future tenants to be making a greater contribution to the community and the economy and fixed term tenancies are potentially an effective means to structuring that arrangement.

- 3.10 By granting fixed term tenancies, registered providers will be able to enable a wider section of the community to occupy social housing to improve its accessibility and its perception to the wider community.
- 3.11 **Anti Social and Criminal Behaviour** - In a small number of instances, some tenants and members of the household are committing anti social and/or criminal behaviour. The Council believes that such behaviour is unacceptable and considers that sanctions should be in place, with the ultimate sanction of eviction if the case demands it. .
- 3.12 By granting fixed term tenancies, all registered providers can review in consultation with housing management and agencies such as the police and anti social behaviour teams whether there is a case for not renewing the tenancy. The Council sees this as an incentive for occupants to be 'good tenants', as criminal and anti-social behaviour spoils the quiet enjoyment of other tenants' lives. Fixed term tenancies should also be seen as an opportunity for tenants and/or household members who have a history of anti social and/or criminal behaviour to rehabilitate themselves. In extreme cases, the Council will seek to exclude such tenants from accessing affordable housing altogether.
- 3.13 **Reducing Fraud** – The Audit Commission in its *Protecting the Public Purse 2009 Report* estimated that social housing tenancy fraud could be as high as 5% in London. The Commission defined tenancy fraud as:
- when people submit false housing applications
 - tenancy succession fraud, where the property is no longer occupied by the original tenant; and
 - the illegal sub-letting of a property for profit
- 3.14 Registered Providers will be given new powers to reduce such incidences, complemented by the Government's stated intention to make tenancy fraud a criminal, rather than civil, offence. The Council fully supports this change and will exercise their new powers where appropriate.

- 3.15 By granting fixed term tenancies, registered providers will be able to regularly review how the properties are being used, ensuring that the tenants who were granted the properties are the ones occupying them.
- 3.16 In **summary**, the authority considers there to be a compelling case for all registered providers to introduce flexible tenancies which in turn has influenced the approach that is set out in the Housing Allocation Scheme. The social housing sector has for many years been seen as a stand-alone part of the housing market with very little relationship to the experience of other residents of housing, particularly working households, who live in the private rented sector. The Council is seeking to redress this position and integrate social housing within the housing market via plans outlined in this Strategy and other documents published in due course.
- 3.17 There is a broader issue of how the passing of the 2011 Localism Act can facilitate a major shift towards ensuring all affordable housing makes a greater contribution to accommodating the needs and aspirations of the borough's current and future residents. The key document to achieve that objective is the Housing Allocation Scheme.

4. Flexible Tenancies - Our Proposed Approach

- 4.1 In simple terms, the Council in its local housing authority role is recommending to all Registered Providers (i.e., the Council in its landlord role and housing associations) that fixed term tenancies are issued for the large majority of future affordable housing lettings. . All fixed term tenancies will normally be preceded by a one year introductory tenancy (also previously known as a probationary tenancy). This will not apply to transfer cases (including 'decant' cases) eligible for secure or assured tenancies. The fixed terms recommended are as follows:
- Five Year fixed term tenancies for proposed tenants who are nominated from the Council's Housing Register including those who meet the 'reasonable preference' criteria set out in current, relevant legislation
 - Two Year fixed term tenancies where the proposed tenant(s) is aged between 18-25 years old *
 - Two Year Fixed tenancies where the council is satisfied the proposed tenant (or a member their household) has been guilty of unacceptable behaviour which makes him or her unsuitable to be a tenant. Examples of such behaviour include; persistent failure to pay rent; anti social behaviour which has caused a nuisance; threats or actual violence against neighbours, council staff, managing agents or contractors; obtaining a tenancy by deception and persistent failure to comply with other tenancy conditions.

- Two year fixed tenancy where the Council makes a discretionary offer of a tenancy in accordance with the Housing Allocation Scheme
- Two year fixed term tenancies where the proposed tenant has pleaded guilty or been convicted of a serious offence of violence against a person or against property (including criminal damage and offences such as arson or rioting), committed anywhere in the borough of Hammersmith & Fulham.
- Two Year fixed term tenancies for economically active households of any age where the Council in its Housing Allocation Scheme and/or a Local Lettings Plan has designated a special case for working households. Nominations are intended to be drawn from the Housing Register and/or the Home Buy Register. It is intended the tenancy be a platform for stepping up to low cost home ownership
- Two Year fixed term tenancies where the Registered Provider is seeking an intermediate or market rent
- Two Year fixed term tenancies where the Registered Provider has a regeneration proposal for the property concerned which may require vacant possession in the short term.

* The reason for setting shorter fixed terms for younger people is to help ensure they are able to take on the responsibilities associated with sustaining a tenancy. Future renewals following a satisfactory tenancy record may be for longer timeframes, e.g., five years.

4.2 All fixed term tenancies should be preceded by a one year introductory tenancy in the case of a secure flexible tenancy, or starter tenancy in the case of a housing association assured flexible tenancy (i.e., an assured shorthold tenancy). Exceptions to the above are set out in Section 4.4 below. The Council may also choose to waive the requirement for an introductory tenancy, such as where a two year tenancy is proposed for a property which is part of a regeneration proposal.

4.3 In the case of tenants transferring from other affordable rented housing (in this instance, a secure or assured tenancy), tenants should be entitled to the granting of a similar tenancy. This will mean an existing secure or assured tenant should be offered a similar periodic tenancy by the recipient landlord. Put simply, a secure or assured tenant should be offered a secure or assured tenancy. But in these circumstances, the Council will discuss other housing options with the applicant including flexible tenancies, private rented, low cost home ownership and other forms of intermediate tenures.

4.4 Exceptions or variations to the fixed term tenancies identified above are as follows:

- Proposed tenants who are over 65 years old and/or wish to access sheltered housing should be granted secure or assured tenancies
- Proposed tenants who have special housing and/or health needs should be granted secure or assured tenancies*
- Proposed tenants who are aged 18-25 who were previously in the care of the local authority and entitled to receive services under the Leaving Care Act should be granted five year fixed term tenancies (i.e. one year introductory tenancies and five year fixed term tenancies)

* The Council will convene a Panel of senior housing officers who will have responsibility for designing and implementing the published criteria which will be applied and will consider any appeals that follow.

4.5 Where the Council decides that it wishes to make a discretionary offer where exceptional circumstances apply, the offer of a tenancy will normally be a 2 year tenancy (plus a year's introductory tenancy). In the event the tenant is unable to sustain that tenancy, no further housing accommodation support will be offered. This will not prevent the applicant receiving advice and support as necessary.

Housing for Disabled Persons

4.6 The Council is committed to retaining where possible housing that has been built and/or adapted for use by disabled tenants. Where a tenancy has been granted for a fixed term and a tenancy renewal is being considered, the Council would wish to ensure that there is a continuing disabled person's (or persons') need for the property. Where the current disabled tenant is no longer resident at that property for whatever reason, and there is a remaining joint tenant and/or household member(s) who are not disabled (and therefore do not need the adapted property), the Council (and where agreed with its Private Registered Partners) will reserve the right to offer alternative (non-adapted) accommodation elsewhere in the borough. Any new tenancy will be granted on similar terms to their original tenancy (i.e., fixed term) and will reflect their housing needs. For example, where the original household need was three bedrooms and the changed housing need is two bedrooms, then the household will be offered a two bedroom property. Any such decision can be the subject of appeal to a panel of senior housing managers.

4.7 The Council's Housing Options team and the Council in its registered provider landlord role will be able to advise tenants on any general or specific tenancy issues (See Section 9 for more information).

Council Tenants Affected by Regeneration Schemes

- 4.8 The Council Tenant Guarantee set out in the Core Strategy (Oct 2011) states the following:

The Council has given assurance to tenants and leaseholder who might be affected by the regeneration of council housing estates in a statement included in the H&F Homes Magazine of autumn 2009. The assurances are repeated here so they can be read with the Core Strategy proposals and policies:

If regeneration proposals come forward on your estate in the next 20 years H&F Council and H&F Homes guarantee:

- *We would offer a permanent home in the area*
- *Rent levels will continue to be set by Government at a rate which is affordable*
- *The chance to buy a home in any future development at low cost*
- *Full involvement in any future plans or proposals*

Source: LBHF Core Strategy (Oct 2011) - Sections 6.6-6.7

- 4.9 In interpreting a 'permanent home', this would construe a secure or assured tenancy rather than a fixed term tenancy. Local authority rent levels are likely to change following the implementation of the Housing Revenue Account self financing regime.
- 4.10 This Tenancy Strategy and its successor document do not change the commitments to Council tenants affected by regeneration schemes set out in the Council's Core Strategy (Oct 2011).

5. Tenancy Renewal – Our Proposed Approach

- 5.1 The Council is required by the Localism Act legislation to set out the circumstances in which tenancies will be renewed. This section sets out the Council's proposed approach to tenancy renewal. This will apply to accommodation owned and managed by the Council in its landlord role. In addition, the Council in its local housing authority role expects Private Registered Providers (PRPs), principally housing associations, to align their own approaches to that set out in this Tenancy Strategy as soon as reasonably practicable. The Council's proposed approach is straightforward and will take the following sequence.
- 5.2 Put simply, **where the conditions of the tenancy have been complied with and the applicant's (i.e., the tenant's) personal circumstances have not changed, the Council will generally expect to grant a further tenancy in the absence of any exceptional circumstances.** However, there should not be a presumption that a tenancy will be renewed.

Where the conditions of tenancy have **not** been complied with and/or the applicant's personal circumstances have changed, the Council will consider (among other matters) the nature and degree of the breach or change. Such circumstances may include: non-payment or late payment of rent; anti social behaviour; criminal behaviour; failure to keep the premises in good and proper condition; under-occupation; keeping of a dangerous dog; or other breach of the Tenancy Agreement.

5.3 The Council will adopt the following approach to tenancy renewals:

Stage 1 - Nine months before the tenancy is due to expire, write to the tenant(s) concerned asking them to submit a new Housing Register application to continue remaining in the property they occupy. If the tenant(s) does not wish to continue occupying the property, they should let the council know as soon as possible.

Stage 2 - During the six and nine months period before the tenancy is due to expire, the Council will review the tenant(s) housing needs and state before the six months date of expiry whether it is minded to renew the tenancy or not and give appropriate reasons for the latter. Where the tenant does not submit an application form within seven months of the expiry date, the Council will take the view that the tenant(s) does not wish to continue occupying the home.

Stage 3 – The tenant(s) will have the opportunity to ask the Council to review a decision (as set out in the Government Regulations) where a notice of non renewal has been issued. This must be requested by the tenant(s) within 21 days of the notice. The review will consider in particular whether the decision not to renew is in accordance with the Council's policy (as set out in the Tenancy Strategy and the Housing Allocations Scheme).

Stage 4 - In the event that the review process has been unsuccessful for the tenant, a notice will be issued to the tenant(s) giving at least two months notice stating that the Council requires possession. This notice must be issued on or before the fixed term expires.

5.4 As set out in Stage 1, where tenants wish to have their tenancy renewed, they will be invited to submit a fresh housing register application. This will in effect be a consideration of the original application with any updated information (e.g., contact details; ages of children; place of work; disability issues; special considerations, etc). The onus will be on the tenant to ensure that the housing registration form is fully completed and submitted in good time for consideration.

5.5 Where an applicant for housing has been made an allocation of housing from Band 2 of the Housing Allocation Scheme, based on a Community Contribution award and the basis for that award ceases to apply during the term of the tenancy, the Council may seek to provide

opportunities for the tenant to make a community contribution in an alternative way. Non-performance against an award of a community contribution may be one factor taken into account in the consideration of the renewal of a flexible tenancy.

Tenancy Succession

- 5.6 With flexible tenancies (i.e., local authority and private registered providers) there will be no right of succession, apart from the statutory rights of a spouse, civil partners or partner which will not entail the creation of a new tenancy. On the death of a joint tenant, the surviving joint tenant will become the sole tenant and is the successor for the purposes of legislation. Where there is no tenancy succession, the Council will seek possession of the home within a reasonable timeframe, not more than six months. More detail on tenancy succession can be found in the Council's Housing Allocation Scheme.

Multiple Needs

- 5.7 The Council will have due regard to the multiple needs of applicants and will liaise with other departments of the council, principally Children's and Adults' Services. The onus will be on the applicant to inform Housing Options of any needs and existing contact they have with other council officers to ensure the respective needs can be taken into account. The Council understands the scale and scope of some vulnerable households needs. The Council will seek to ensure that necessary advice and support is made available

Length of Tenancy Renewals

- 5.8 Where the Council renews tenancies, these will generally be for the same period that they were originally granted, except in the case of 18-25 year old groups who will move from two year tenancies to five year tenancies, i.e., one year introductory tenancy and four year fixed term (subject to the tenant's/tenants' wishing to renew their tenancy) if the Housing Registration criteria identified above have been met. In exceptional circumstances, a 2 year tenancy may be granted following a 5 year term if there has been a breach of one or more of the conditions of tenancy. There will be no introductory (or probationary) tenancy for renewals unless there are exceptional circumstances which will be considered and approved by the panel of senior housing officers. Such circumstances could include persistent late and/or non-payment of rent and/or service charges; anti-social behaviour including causing loss of other tenants' quiet enjoyment of their home.

Review Procedures relating to the Offer of a Flexible Tenancy and Flexible Tenancy Renewals

- 5.9 An applicant may seek a review of the offer of a flexible tenancy or a decision not to renew a flexible tenancy. He/she has 21 days from

receipt of the notice or decision to request a review. A more detailed approach to how the review process will work in practice is set out in Annex C of this document.

- 5.10 Where tenancies are not renewed for whatever reason, e.g., income and wealth levels above a certain threshold (as set out in the Housing Allocations Scheme) or the household is under-occupying, the Council will offer advice and support on future housing options.

Equalities

- 5.11 Historically, affordable accommodation has been sought and secured by equality groups members, e.g., the elderly; the disabled; lone parents; applicants from black, Asian and minority ethnic backgrounds. The Council expects this trend to continue, notwithstanding its commitment to broadening access to affordable accommodation. The Council in all its work will seek to ensure that the specific needs and aspirations of equality groups relating to tenancy and tenancy renewal matters are in line with its statutory obligations. The Council will also seek to ensure that appropriate reasonable attention is given to specific requirements and needs of specific equality groups as they arise.

6. Working with Private Registered Providers

- 6.1 Section 5 of this document sets out the Council's proposed approach to flexible tenancies, i.e., for future council tenancies. This section focuses on Private Registered Providers (normally housing associations). They are required to have regard to the Council's proposed approach and consider how they intend to take it into account in the operation of their own tenancy regime.

- 6.2 The Council needs to work closely with Private Registered Providers to:

- help the Council develop its overall approach
- take account of the final policies set out in the adopted document, and
- assist the Council in delivering the new approach

- 6.3 In regard to a flexible approach to tenancies, Private Registered Providers have had the freedoms and flexibilities for many years that the Council has not had access to. For example, Private Registered Providers have been able to issue Assured Shorthold Tenancies (ASTs) since the 1988 Housing Act which have been particularly useful for their intermediate housing sub-market rented products.

- 6.4 Private Registered Providers own and manage approximately 13,000 homes in the borough, roughly equivalent to that owned and managed by the Council. They are therefore an important partner with the Council in meeting its affordable housing objectives. They have a

strong record of delivering a wide range of products ranging from delivering supported housing for vulnerable groups; social housing at target and convergent rents; affordable low cost home ownership and sub-market intermediate rents. In the near future, the Council expects Private Registered Providers to be delivering a new kind of affordable housing – Affordable Rent – which will be let at rents (including service charges) at up to 80% of market levels. This will include up to 50% of Private Registered Providers’ re-let homes, e.g., existing homes that become empty and available to let for new households. In effect, the rents charged would convert from ‘target’ social rents to ‘Affordable Rents’

- 6.5 There is strong evidence already that Private Registered Providers are adopting fixed term tenancies for new Affordable Rent products. This is in response to the low level of grant available for the new product; the greater risk associated with collecting a higher rental charge; and, to anticipate the Tenancy Strategies that will be adopted by local housing authorities.
- 6.6 The Council expects Private Registered Providers to change their tenancy policies to reflect the objectives set out in the final Tenancy Strategy, as set out in Section 6.1 of this document. Many Private Registered Providers operate in a number of boroughs and may be under some pressure to adopt different approaches, to reflect differing policy positions. However, notwithstanding the administrative issues, the Council believes that Private Registered Providers can adopt a flexible approach which accommodates the local priorities set out in this Tenancy Strategy.

7. Other Strategy Documents

- 7.1 In preparing this Draft Tenancy Strategy, the local authority is required under Section 151 (3) of the 2011 Localism Act ‘to have regard’ to its:-
- current scheme of allocation
 - homelessness strategy; and,
 - the Mayor’s London Housing Strategy (currently revised edition Dec 2011).
- 7.2 The information set out below, sets out how the Council has had regard to the documents identified and also referenced its approach to the 2010 Equalities Act.
- 7.3 In preparing this Tenancy Strategy, the Council has had regard to the Hammersmith & Fulham Allocation Scheme (July 2009) Second Edition (also known as the Council’s Scheme of Allocation) and the Mayor of London’s Revised London Housing Strategy (Dec 2011).

- 7.4 In tandem with this Tenancy Strategy, the Council has prepared draft documents setting out its approach to its housing strategy; housing allocations scheme; and homelessness.
- 7.5 **2010 Equalities Act** – The Council will need to ensure that the Tenancy Strategy meets equality requirements set out in the Act, ensuring that the nine protected characteristics which cannot be used as a reason to discriminate against people unfairly. The nine characteristics are as follows: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation. The Council will seek to ensure that this Tenancy Strategy meets the 2010 Act requirements and will publish an equalities impact assessment to set out how it has achieved this objective.

8. Affordable Rent Model

- 8.1 The Council recognises that the Coalition Government has introduced a new Affordable Rent model for some new homes provided by Registered Providers and for up to 50% of re-lets by some providers in the borough. The Council will wish to discuss proactively with providers how these opportunities can be used to meet its key objective of increasing full or part home ownership in the borough, and how resulting proceeds can be both retained locally and recycled for further housing investment in Hammersmith & Fulham.
- 8.2 The rents described above are higher than ‘target rents’ which are charged for mainstream social housing. With the advent of the Government’s wider welfare reforms, particularly the Universal Credit caps identified above, both housing applicants, the Council in its advisory role and registered providers will need to take greater care in understanding whether a proposed tenant(s) is able to sustain the tenancy granted. By this is meant the tenant being able to afford to pay rent and all other associated property costs for the home, with the additional consideration of tenants receiving their universal credit direct and paying their housing costs to the landlord concerned. Prospective tenants may require their own advice to consider affordability issues.
- 8.3 From April 2013, the Council is adopting the following approach to Affordable Rents in the borough: Private Registered Providers (PRPs) will be expected to maximise the rent that can be charged for new affordable rent schemes and for up to 50% of homes that are re-let. In line with the Housing Allocation Scheme, the Council intends to give greater housing priority to working households whilst also encouraging entry to home ownership. In this vein, where Local Lettings Plans are adopted, the Council is likely to give greater preference to working households either from the Housing Register or the HomeBuy Register for Affordable Rent housing, particularly where applicants have expressed a preference to entering home ownership in the future.

- 8.4 The Council recognises that Affordable Rents for new individual property types are likely to involve a degree of scheme-level cross-subsidy, i.e., higher rents on smaller properties supporting lower rents on larger properties. This will provide the basis for Registered Providers to deliver large family accommodation (i.e., three bedrooms or more) with rental and service charge costs that stay within the housing benefit caps and the Universal Credit caps due to be implemented in 2013. At a strategic level, where additional revenues are accrued from the Affordable Rent scheme, the Council would want to see such revenues used for more, innovative low cost home ownership schemes in the borough.
- 8.5 The Council's approach to Affordable Rent levels is straightforward. When setting rents, Private Registered Providers will be expected to review the private sector rents for the relevant Broad Rental Market Area (BRMA); reduce the rent charged at the 30th percentile by 20% for the relevant bedroom sizes; ensure that service charges are included within the proposed rent charged; propose a inflation increase based on Retail Price Inflation (RPI) to tie in when the respective homes will be available for letting. In the case of Supported Housing schemes, taking account of increased management costs, the approach to rents will be discussed on a scheme by scheme basis.
- 8.6 The Council will update and publicise on its website every September its guideline Affordable Rents. These guideline rental costs are to include service charges which will be reviewed on an annual basis.

9. Wider Housing Options

- 9.1 The Council's Housing Options Team offers a wide range of advice for people seeking homes in the borough.
- 9.2 For the future, the Council intends to deliver the regeneration of five key opportunity areas in the borough, which can deliver 20,000 additional homes and associated economic and community infrastructure. The Core Strategy target of 40% of additional housing being affordable – principally low cost home ownership and affordable rent housing – will mean more affordable housing to access, but over a twenty year timeframe.

Housing Options Advice can also be downloaded from:
http://www.lbhf.gov.uk/Directory/Housing/Housing_advice/

End

Annex A – Glossary

Affordable Rent – “Rented housing provided by registered providers of social housing, that has the same characteristics as social rented housing except that it is outside the national rent regime, but is subject to other rent controls that require it to be offered to eligible households at a rent of up to 80% of local market rents.” Source: CLG. Planning Policy 3: Planning for Housing – Technical change to Annex B, Affordable Housing Definition. CLG, 2011.

Intermediate Housing – Affordable housing for rent and/or ownership for working households on low to medium incomes who are ineligible for social housing and unable to afford market housing

Market Housing – Housing for sale or for private rent.

Mayor of London – The strategic authority for planning and housing in London.

Private Registered Providers – For the purposes of this document, the title of Private Registered Providers is used to describe housing associations, also known as Registered Social Landlords.

Registered Providers – Generic title given to organizations formerly known as Registered Social Landlords (also known as housing associations) and local authorities who own and manage council housing. In some instances, managers of council housing are arms length management organisations, who are also Registered Providers.

Social Housing – Affordable housing provided by local authority landlords (on secure tenancies) or housing associations (on assured tenancies) charged at ‘target’ rent.

Annex B – Reference Documents

1. Audit Commission - Protecting the public purse 2009
2. LBHF Housing Allocation Scheme (July 2009) Second Edition
3. Mayor of London's A Revised London Housing Strategy (Dec 2011)
4. LBHF Core Strategy (October 2011)
5. Hammersmith and Fulham Community Strategy 2007/14 (September 2007)
6. HMG Laying the Foundations: A Housing Strategy for England (Nov 2011)
7. Tenant Services Authority - The regulatory framework for social housing in England from April 2012
8. Statutory Instruments - 2012 No 695 Housing England – The Flexible Tenancies (Review Procedures) Regulations 2012

Annex C - Review Procedure relating to Flexible tenancies

When considering decision reviews, the Council will comply with the provisions of the Flexible Tenancies (Review Procedures) Regulations 2012 (Statutory Instrument 2012/695) which are summarised below:

There are 2 types of statutory review:

- A person who has been offered a flexible tenancy by the Council, or who has been served with a notice stating that they will have a flexible tenancy when their introductory tenancy comes to an end, may seek a review of the decision about the length of the flexible tenancy.
- A tenant may request a review of a decision by the Council not to grant another tenancy on the expiry of a flexible tenancy and to seek possession.

The request for a review must be made within 21 days of the offer or notice and should be sent to the area housing office. A proforma will be made available to the tenant which will enable him/her to make their request which must state:

- The Applicant's or name and address
- The date of the offer or notice
- Whether the Applicant requires an Oral hearing
- Whether the Applicant will agree to receive communications about the review by email and if so an email address.

and

- If the review is about the length of the flexible tenancy the Applicant must give a statement of the reasons why the applicant considers the length of the tenancy does not accord with the Council's Policy;
- If the review is about a decision to seek possession the Applicant must give a statement of the grounds for the review.

Reviews will be conducted by a senior officer to the housing management officer who made the original decision.

Review without a hearing

The Reviewing Officer will write to the Applicant giving him or her at least 5 working days to make written representations in support of the application.

The Reviewing Officer will make a decision taking into account any representations received from the Applicant and the Council's policy. Notice will be sent to the Applicant within 5 working days confirming the decision. If the decision is to confirm the original decision about the length of the tenancy or to seek possession, the notice will give reasons for the decision

Oral Hearings

The Reviewing Officer will hear the review and will write to the Applicant giving him or her at least 5 working days notice of the hearing.

Any time before the day of the hearing the Applicant may request that the hearing be postponed.

The hearing will be conducted with the minimum amount of formality.

The Officer who made the original decision may attend the hearing and that Officer and the Applicant may:

- (a) make oral representations relevant to the decision to be made on the review.
- (b) be accompanied or represented by another person.
- (c) call persons to give evidence on any matter relevant to the review; and
- (d) put questions to any person who gives evidence at the hearing .

If the Applicant fails to attend the hearing the Reviewing Officer will consider all the circumstances (including any explanation offered for the absence) and decide to proceed with the hearing or give directions about the future conduct of the review.

The Reviewing Officer will make a decision taking into account any representations received from the Applicant and the Council's policy. Notice will be sent to the Applicant within 5 working days confirming the decision. If the decision is to confirm the original decision about the length of the tenancy or to seek possession the Notice will give reasons for the decision

If an Applicant is dissatisfied with the outcome of the review, he/she can appeal to the Director of Housing whose decision will be final. External routes for further appeal will include the Housing Ombudsman.

***Building a Housing Ladder of
Opportunity***

Hammersmith & Fulham Council

Homelessness Strategy

Contents

1. Summary

2. Reviewing the Council and its Partners' Approach to Homelessness Prevention

Evidence Base Headline Findings

Reviewing Joint Working

Hammersmith & Fulham's Housing Options Service

Future 'Direction of Travel'

3. 2012 – Year of Housing Change

2011 Localism Act

Mayor of London's Revised London Housing Strategy

Building a Housing Ladder of Opportunity Work Programme

4. Future Priorities

Theme 1 – Preventative Action – Identifying and Helping Need Groups

Theme 2 – Housing Allocation Scheme and Flexible Tenancies

Theme 3 – New Housing Supply

Theme 4 – Future Service Delivery

Annex 1 – References

Annex 2 – Evidence Base

Annex 3 – Mayor of London's Revised Housing Strategy Policy Abstracts

Note: Section 148 of the Localism Act amends section 193 of the Housing Act 1996 to allow housing authorities to make "private rented sector offers" to end the homeless duty to a household. The Government published in May 2012 the following document *Homelessness (Suitability of Accommodation) (England) Order 2012 – Consultation* which set out how the Government expected local authorities to consider the suitability of accommodation for homeless people regarding both its quality and its location. At the time of preparing this Homelessness Strategy, the Government was in the process of considering responses and is expected to publish its final document later in 2012. Once published, the Council will adopt a procedure note that will introduce its approach to this issue.

1. Summary

- 1.1 Reducing homelessness and its causes are the two core objectives of this document. This Homelessness Strategy begins with a brief analysis of homelessness trends based on evidence set out in Annex 2; a brief review of the Council's recent homelessness work to date; and based on the review and current housing policy trends, what the future direction of travel for this area of work might take; and finally, identifying future areas of homelessness work for future action.
- 1.2 The impact of the Government's housing benefit caps and, in the future, Universal Credit caps, is considered likely to have an impact on households who have been living in relatively expensive private rented accommodation, particularly for large families.
- 1.3 The reduction of the most obvious form of homelessness, rough sleeping, will remain a high priority for the Council and will support the regional and national initiatives designed to meet that shared priority. The Council is also keen to reduce the potential for ex-Armed Services Personnel finding themselves on a fast, downward spiral from a structured, disciplined environment to living on the street.
- 1.4 There will be short to medium term management, partnership and financial interventions that can help ameliorate the negative impacts that people threatened with homelessness are experiencing, and ideally prevent homelessness itself.
- 1.5 However, the key to reducing long term homelessness is dependent on increasing supply from all segments of the housing market, using all the resources and expertise that is available. This will include drawing on accommodation in the private rented sector both in the borough and outside it. It will also involve the Council and its Private Registered Partners issuing fixed term tenancies – between two and five years - which offer the opportunity for the Council to periodically review households' needs in a way that secure and assured tenancies do not allow for.
- 1.6 In conclusion, the Council anticipates homeless approaches to the Council will remain at significant levels and it is important that the work of the Council's Housing Options teams continues to be efficient and effective, working closely with its private partners in the process. This Homelessness Strategy sets out how that approach will be achieved in practice.

2. Reviewing the Council and its Partners' Approach to Homelessness Prevention

Evidence Base Headline Findings

2.1 Drawing on the information set out in Annex 2, the following headline findings can be highlighted:

- The number of homelessness approaches reached a peak of 2,891 in 2008/09 reducing to 2,521 in 2010/11.
- The majority of homelessness approaches since 2007/08 have been from non-white ethnic backgrounds
- Approaches from the 16-24 year old age cohort has slightly risen from 668 in 2007/08 to 730 in 2010/11, reaching a peak of 1,001 approaches in 2008/09. Approaches from the 25-44 year old cohort in 2007/08 totalled 1,136 increasing to 1,281 in 2010/11 which included a peak of 1,371 approaches in 2008/09
- The number of approaches from pensioner age (65+ year old) is a relatively small cohort of 60 (2.7% of total) in 2007/08 up to 67 in 2010/11 (2.7% of total)
- Of 2,225 approaches in 2007/08, 252 (11.3%) were accepted as homeless. Of 2,521 approaches in 2010/11, 164 (6.5%) were accepted as homeless
- The large majority of reasons for accepted homelessness were exclusions from the parental/relative's home; loss of rented accommodation; and violence related relationship breakdown
- The largest cohort of homelessness acceptances were female lone parents
- The priority need for those accepted as homeless were 126 (50% of accepted total) for a dependent child (or children) in 2007/08 and 91 (55% of accepted total) in 2010/11. Other acceptances included applicant or partner pregnant; applicant aged 16/17 years old; and, other vulnerable categories.
- The number of households in temporary accommodation had fallen from 1,200 households in 2007/08 to 888 in 2010/11. However, by December 2011 (i.e., end of 2011/12 Q3), the number had risen to 968 households
- Within the temporary accommodation total figure, use of private sector and housing association sector housing was in decline with a relatively minor increase in bed & breakfast accommodation
- The number of homelessness preventions was 554 in 2007/08 and 546 in 2010/11

2.2 In conclusion, the above information indicates that the Council has been relatively effective in addressing homelessness approaches, using a range of sources of temporary accommodation to house those in need. The cohorts of homelessness approaches tended to be from the younger age groups; from ethnic minority backgrounds; acceptances skewed towards those approaches featuring a child's or children's needs; applicant or partner pregnant; applicant

in the 16/17 age group cohort; with a minority of applicants from 'Other' vulnerable groups. Despite there being some variations, it is worth noting that homeless approaches to the Council peaked in 2008/09 when the 'credit crunch' impact was at its peak. Given the continuing economic uncertainty, homeless approaches and associated interventions can be expected to at least remain at current levels and may increase.

Reviewing Joint Working

- 2.3 The Council has longstanding working relationships with private registered providers (i.e., housing associations) in the borough. Since the beginning of 2008, over twenty private registered providers have provided over 850 social rented homes, a large proportion of which have been used to meet homeless need. These same organisations provide a range of supported housing services which play a vital role in both preventing and reducing homelessness.
- 2.4 In meeting temporary accommodation need, private registered providers have worked closely with the Council to generate leasing solutions which have assisted in providing support where social housing nominations are unavailable to meet need. Such joint working has involved procuring housing from the private rented sector both in and outside the borough's boundaries. With housing benefit caps being fully implemented from January 2012 and the expected implementation of the Universal Credit caps from 2013 onwards, it is expected that these kinds of innovative working relationships will be delivered in increasingly challenging circumstances. In 2011, where the potential impact of the Housing Benefit caps was expected to have a negative impact on leasing schemes, the Council assembled the HB Assist Team drawing on funding from (the Department of) Communities and Local Government (CLG) to provide the following for affected residents:
- Dedicated Housing Options and Housing Benefit advice
 - Dedicated property procurement assistance
 - Floating Support for residents who require it
 - Resettlement support for residents moving to alternative properties
 - Removals assistance where necessary
 - Other support and assistance, as determined on a household-by-household basis.
- 2.5 The effectiveness and efficiency of the Housing Options Service's work will continue to be heavily dependent on continuing and building on joint working with Adult Social Care and Children's Services borough staff and other agencies. With the advent of tri-borough working, the opportunities for sharing good practice and improving performance are that much greater.

Good Practice in Meeting Homelessness Demand

- 2.6 Set out below are a number of approaches that the Council has adopted to meet homelessness in the borough. Where possible, the Council will seek to mainstream recent years' good practice described below to ensure that future

homelessness applicants gain from the broader Building a Housing Ladder of Opportunity approach.

Placement and Assessment Team for Homeless Singles (PATHS)

- 2.7 PATHS was created in 2007 to improve prevention of homelessness and offer tangible housing options to the borough's single homeless population. Single homeless people often have multiple support needs in addition to a housing need such as substance misuse, mental health and offending. The team acts as a central gateway into all supporting people funded accommodation based and floating support in the borough.
- 2.8 Through access to supported housing and floating support, PATHS has made a very real contribution to the reduction in numbers of single homeless people in temporary accommodation. However, this does not just deliver on reducing these numbers. By offering tangible supported housing options alongside any statutory assessment as appropriate, PATHS gets vulnerable people into services that should stop them revolving through repeated cycles of homelessness, with all the social and economic benefits that this brings both to the individual and the wider community. It is clear from experience that people would often become homeless repeatedly because they had not addressed their support needs and were not equipped to manage a tenancy.

Homeless 16 & 17 year olds

- 2.9 In May 2009 the Supreme Court ruled that the housing and welfare needs of homeless 16 and 17 year olds should be met through s20 of the Children's Act 1989 and not through the Part VII of the Housing Act 1996, as was common practice. In response to this ruling Housing Options and Children's Services worked very closely to develop a joint working protocol to support 16 and 17 year olds to return or remain at home if it is safe and appropriate to do so. PATHS has two Children's Services social workers based in the team who carry out initial assessments jointly with housing and ensure that the young person experiences a 'seamless' assessment service between the departments. When a young person does need to be accommodated, we have developed a clear supported housing pathway to ensure that they are given focussed support to develop their independent living skills and their wider needs such as access to employment, education and training. This model has been very successful in returning young people home and we are now considering ways in which this approach can be widened on a tri-borough basis.

Offenders

- 2.10 Probation and Drug & Alcohol services jointly fund a post in PATHS who assesses the housing needs of the borough's offenders and substance misusing offenders. The borough's approach to Integrated Offender Management (IOM) recognises that accommodation is key to reducing offending and substance misuse rates. Access to defined supported housing

pathways for key cohorts of offenders assists partner agencies to address these behaviours with individuals.

Annual Lettings Plan

- 2.11 The 2010/11 Annual Lettings Plan to date set aside a quota of homes for need groups such as children leaving care; people with supported housing needs who require accommodation in order to leave temporary supported accommodation; and the homeless themselves. In certain situations, the Council will make 'direct' offers to applicants, where they are unable or unwilling to 'bid' for homes using the Council's choice based lettings scheme, *Locata*.

Spring Cottage Teenage Pregnancy Unit

- 2.12 After working closely with the Council's Teenage Pregnancy Unit a decision was made in 2007/08 that safe and secure housing for a number of homeless teenage pregnant women and young mothers was required. Discussions were held with Supporting People who agreed to set up a contract with a support provider and one of our hostels, Spring Cottage, was converted to set up the unit.
- 2.13 Since its inception Spring Cottage has had almost 100% occupancy. Referrals are made from Housing Options Families team and the support provider ensures move-on when tenants are able to live independently. All homeless pregnant teenagers are housed into Spring Cottage and none are left to fend for themselves in an unsupported environment. There is 24 hour support provided and help is provided with welfare benefits, parenting skills, budgeting skills and independent living.

Housing and Employment Project

- 2.14 The Housing and Employment Project aimed to provide a housing and employment function and tackle worklessness in the borough. This scheme derived from the Council's involvement with the West London Housing and Employment link Project which received funding from the Government to promote employment across the 7 West London boroughs. The project comprised of two complementary service offers: the Job Brokerage Service and the Lone Parent Housing and Employment Initiative (LPHE):
- The Job Brokerage Service provided employment-focused advice, guidance and practical support to workless residents in temporary accommodation. The project ran from October 2008 through to March 2011
 - The LPHE initiative was set up to provide tailored support to the significant numbers of unemployed lone parents living in temporary accommodation who wanted to move into permanent housing and escape the poverty trap of long-term benefits. The scheme helped these clients find and sustain employment from August 2008 to March 2011

- 2.15 Together the services - branded as the Housing and Employment Project - aimed to link employment and housing support for clients with multiple and complex support needs. The close proximity of both housing and employment support enabled clients to receive a unique, seamless service where staff were able to assist with benefit issues, housing problems and childcare needs.
- 2.16 The project focused on supporting workless residents living in temporary accommodation helping them to find work. Typically the client group had multiple and complex support needs and required tailored and intensive support to help them compete in the labour market. At the time of introducing the Job Brokerage element of the project and delivering this in-house, the recession took hold. Competition for all jobs in London was very high, requiring project staff to work intensively and creatively with their clients.
- 2.17 The LPHE initiative built up strong relationships with a wide range of organisations in order to effectively refer clients onto skills and employment provision, volunteering opportunities and work placements. With the introduction of the Job Brokerage element of the service to the project clients were referred to external skills and employment providers between April 2008 and March 2011 were 2008/09 – 323; 2009/10 – 106; 2010/11 – 117.
- 2.18 The Housing and Employment project provided a service that worked with 461 workless residents who were in housing need and successfully placed 98 into employment. As a result 48 eligible lone parents were re-housed. LBH&F piloted this unique service in a difficult economic period where competition for jobs was high.
- 2.19 H&F were instrumental in setting up the scheme, writing the bid and were the highest achievers throughout the project. The final evaluation of the WL HELP scheme stated that:

'The London Borough of Hammersmith and Fulham has the best conversion rate of project starts into jobs, with 38% of starts moving into work and on effectiveness of referrals and outreach activities'

Hammersmith & Fulham's Housing Options Service

- 2.20 The Council's homelessness prevention work is managed by the Housing Options and Advice Service, part of the Housing and Regeneration Directorate. Established in 2004, the service is currently based in a central and accessible location on King St W6, providing a comprehensive range of advice and support for any person experiencing a difficulty with their housing as well as offering advice on low cost home ownership.
- 2.21 The service includes advice for 16 and 17 year olds; family support for expectant mothers and lone parents; 'floating' support and home visits for vulnerable people; survivors of domestic violence; support for tenants in the private rented sector; and asylum seekers.

- 2.22 Additional services include employment support for jobseekers; advice on reducing under occupation and overcrowding; home visits and outreach work where necessary; advice on mortgage rescue.
- 2.23 Other Council teams play a crucial role in both preventing homelessness but also ensuring that specific needs are taken account of when a household's circumstances are being considered. For example, the Environmental Health team is responsible for licensing houses in multiple occupation, ensuring that they are safe and fit to occupy. The Housing Benefit team ensure that eligible benefits are paid to tenants or landlords to help with residents' housing costs. The Supporting People service provide a wide range of services to vulnerable people, helping them access housing related support.
- 2.24 The Council's Children's Services and Adults' Services teams have responsibilities towards their respective client groups which often have a housing dimension, particularly where people's quality of life is impacted by issues such as overcrowding; problems with wheelchair access; and, adapting homes for older people's use. Consequently, there is considerable joint working between the Council teams to help ensure effective and efficient outcomes for both the Council and the residents themselves.
- 2.25 The Council also enjoys a close working relationship with its not for profit Private Registered Partners (previously known as Registered Social Landlords and also as housing associations) who provide a range of general needs housing services for people requiring affordable housing for rent. In addition, they provide a range of services, often funded by the Council's Supporting People programme, for people with particular housing needs requiring additional 'support' services.

Future 'direction of travel'

- 2.26 To understand the full breadth of the Council's proposed approach, this Homelessness Strategy should be read in the context of other Housing Change documents, specifically the Council's Housing Strategy; Housing Allocation Scheme; and Tenancy Strategy. With the new freedoms and flexibilities available to local housing authorities, the Council intends to change its approach to its housing options services to deliver its housing responsibilities in a way that reflects the three strands below. As part of the wider Building a Housing Ladder of Opportunity approach, the Council is seeking to achieve a change in expectation in what the Council will and won't do for customers in a transparent fashion.
- 2.27 Each of the Building a Housing Ladder of Opportunity documents reflect the themes of a housing approach based on personal responsibility that is fair, realistic and affordable as does this document. By personal responsibility is meant that housing applicants take greater responsibility for their own actions and their future. By fair, is meant an accessible approach that does not discriminate against particular need or equality group; by realistic, an approach that is based on the 'real world' housing choices that are available to

people; and, by affordable, a housing approach that is both affordable for the Council to provide and for customers to pay for.

2.28 Reflecting on the information set out in the evidence base described above (and the Housing Strategy Evidence base) and the likely 'direction of travel' for future affordable housing, the following points can be made:

- Affordable housing for rent will primarily come from registered providers' (i.e., local authority and housing association) existing homes that become available for letting. By this is meant where existing accommodation becoming available for re-let due the death of the former tenant, abandonment, eviction or the voluntary relinquishing of the tenancy
- The large majority of newly built housing for rent will be on 'Affordable Rents' which will charged at up to 80% of market levels. Up to 50% of the above mentioned housing for rent that is re-let will be on Affordable Rents
- Most new tenancies granted by registered providers (i.e., local authority and housing association) will be for fixed terms (See Tenancy Strategy for more detail).
- There is expected to be a reduction in the amount of locally available temporary accommodation, particularly large family accommodation, where leases are not renewed
- Due to rising local private rents and the change in the Local Housing Allowance methodology, the private rented sector outside the borough will be increasingly used both to meet the Council's statutory homelessness duties and other housing obligations
- The Housing Benefit and Universal Credit caps are likely to present difficulties for larger families to locate or stay in the borough where the head of household is not in work
- Uncertainties over how the Universal Credit system will be implemented, particularly direct payments to tenants, may prove to be a disincentive to landlords to house homeless households in the future
- Where homelessness prevention work reduces in its effectiveness then the possibility of increased homelessness approaches should be expected

2.29 In that context, the Council will be adopting a Homelessness Strategy approach based on personal responsibility that is fair, realistic and affordable. This will translate into an approach that sets out clearly what the Council is able to do, without unrealistically raising applicants' expectations. For example, where an accepted homeless household's need is for a four bedroom home, this housing need is more than likely to be 'discharged' into the private rented sector, possibly outside the borough, if it is a new application. In tandem, the Council will not be maintaining a Housing Register

application for such a household because it would have met its homelessness duty through use of the private rented sector property, providing the tenancy is reasonably secure and meets Government regulations that are expected to be published in late 2012.

- 2.30 The Council will be working with private rented sector agencies to procure the necessary housing to meet its future housing requirements. The Council expects temporary accommodation that historically it has accessed, particularly housing association and private sector leased stock to reduce in the short, medium and long term. One of the key drivers for this expected decline is the anticipated impact of the Housing Benefit Caps from January 2012 and the wider impact of the imposition of the Universal Credit caps from October 2013.
- 2.31 Reference is made at the beginning of this Homelessness Strategy to the Government's May 2012 *Homelessness (Suitability of Accommodation) (England) Order 2012 – Consultation* which set out how the Government expected local authorities to consider the suitability of private sector rented accommodation for homeless people regarding both its quality and its location. Additional considerations are the lengths of tenancy on offer and its cost. In advance of the final Homelessness Order being published, the Council will prepare a procedure note, setting out how it intends to implement its approach to discharging its homelessness duty using private rented housing.

3. 2012 – Year of Housing Change

2011 Localism Act

- 3.1 The Act provides the basis for councils to use a range of freedoms and flexibilities previously not available to help deliver its strategic housing objectives. Specific actions the Council intends to undertake include the adoption of flexible tenancies; allowing only applicants who meet the 'reasonable preference' to be registered with the Council; from the reasonable preference groups, giving greater priority to applicants who have a local connection and are making a community contribution; adopting a more managed approach to lettings, dispensing the current choice based lettings approach. The proposed changes are set out in the Tenancy Strategy; Housing Allocation Scheme; and Housing Strategy documents.
- 3.2 The potential advantage of the new approach being adopted by the Council is to enable applicants who are homeless (or threatened with homelessness) to receive a more flexible, responsive and efficient service. One specific change that the Council is limiting the circumstances in which homeless applicants will qualify for an allocation of social housing through the Housing Allocation Scheme. Where applicants have a local connection and are making a community contribution, then it will be possible that affordable accommodation for rent on a flexible or other tenancy will be allocated.

The Mayor of London's Revised London Housing Strategy

- 3.3 The Council expects the Mayor to publish his final statutory Housing Strategy in 2012 which broadly reflect the policies set out in his December 2011 revised document. The London mayor's strategic document highlights a number of policies designed to ensure the homeless receive adequate access to accommodation. Policies 1.2A - 1.2L set out in the *Access to Rented Housing* sections (See Annex 3 for detail). The policies include:
- 1.2A Within the overall objective of meeting housing need, boroughs are encouraged to make use of their new flexibilities to ensure that local priority groups have access to social housing, in particular to incentivise work and volunteering and to promote mixed and balanced communities while continuing to meet the needs of people in reasonable preference categories.
 - 1.2B The presumption is that boroughs will seek to discharge their homelessness duty within their local area, always considering the specific needs of households to remain in the locality
 - 1.2C Boroughs should ensure that an appropriate balance is maintained between offers of accommodation for homeless households in the private rented and social rented sectors
 - 1.2D Where the homelessness duty is discharged into the private rented sector, landlords are encouraged to offer tenancies that are for a longer period than the statutory minimum where appropriate, and boroughs are encouraged to use only those landlords with a recognised accreditation
 - 1.2E All boroughs should make full use of existing and future systems that monitor cross-borough temporary accommodation placements, urgent moves and discharge of homelessness duty, and that help to ensure that all households housed out of borough have access to services
- 3.4 The final document will be a statutory document which the Council's Housing Strategy will need to be in general conformity with. By default, this Homelessness Strategy will similarly need to be in general conformity with the Mayor's document.
- 3.5 In terms of the key sections identified above, the Council expects its own approach to broadly conform with policy objectives set out above and those more fully set out in Annex 3. The Council is committed to giving greater access to social housing for local priority groups in order to incentivise work and volunteering and promote wider mixed balanced sustainable communities objectives, as per Policy 1.2A of the Mayor's Revised Housing Strategy. Additional policies referred to above make extensive reference to ensuring that households are, where possible, able to remain in the locality. Regarding Policy 1.2C, striking a reasonable balance between homelessness applicants receiving private rented housing and social housing, the Council will seek to achieve that objective but will seek to give greater priority to those homeless applicants who are making a community contribution.

- 3.6 The Council will be limited in its ability to let large family accommodation to homeless households who have high bedroom requirements, i.e., three bedrooms or more, as these housing types are limited in supply in the affordable housing sector and increasingly unaffordable (in terms of benefit entitlement) in the private rented sector.

Building a Housing Ladder of Opportunity Work Programme

- 3.7 This Homelessness Strategy is one of a number of documents that make up the Council's Building a Housing Ladder of Opportunity work programme. Taken together, these documents – the Housing Strategy; Housing Allocation Scheme; and Tenancy Strategy - represent the Council's wider policy approach designed to take full advantage of the freedoms and flexibilities granted to local housing authorities following the passing of the 2011 Localism Act.

4. Future Work Priorities

Theme 1 – Preventative Action – Identifying and Helping Need Groups

- 4.1 The Council will continue to provide a comprehensive housing options service focusing on its preventative role as well as meeting its statutory homelessness obligations.
- 4.2 The Council will seek to ensure that each homeless approach it receives is dealt with in a consistent, fair and inclusive manner, taking account of any factors such as disability, race, ethnicity, gender, sexuality, and other equality groups. Where homelessness is accepted, the Council will continue to work closely with its Registered Provider partners - both the Council in its landlord role and housing associations – to develop and implement housing solutions. Where possible, approaches will be tailored to meet the specific needs of groups that have suffered from homelessness in the past, but it will not always be possible to meet all applicants' aspirations.
- 4.3 The Council is obliged to give 'reasonable preference' to eligible and qualifying homeless households. This cohort of reasonable preference is the first one of five set out below which feature in the Council's Housing Allocation Scheme:
- All homeless people as defined in Part VII of the 1996 Housing Act including people who are intentionally homeless and those who are not in priority need
 - People who are owed a duty by an housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s192(3)
 - People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
 - People who need to move on medical or welfare grounds, including grounds relating to disability

- People who need to move to a particular locality in the district of the housing authority, whose failure to meet that need would cause hardship (to themselves or others)
- 4.4 More detail on how the Council manages its Housing Register and prioritises applicants for accommodation can be found in the Housing Allocation Scheme.
- 4.5 Based on the evidence base and the Council's experience, homelessness approaches can continue to be expected in the future from the following need groups: family exclusions (including young pregnant women/lone parents); young people (including care leavers); people with dependency issues; rough sleepers including ex-armed services personnel; victims of domestic violence; asylum seekers and people with no recourse to public funds; residents with mobility issues; ex offenders; elderly people including those suffering from dementia; and, managing the impacts of Assured Shorthold Tenancies and leasing schemes that are ending. Whilst approaches can be expected to increase, this does not necessarily mean any commensurate increase in homelessness acceptances. Specifically on the issue of rough sleepers, the council is supportive of the Mayor of London's 'No Second Night Out' initiative and his rough sleeping reduction target for the capital. We will continue to work with all partner organisations to reduce rough sleeping on our streets.

Action: Hammersmith & Fulham Council will continue to provide an accessible, fair and inclusive Housing Options Service to the homeless and those threatened with homelessness. The initial focus on will be on preventative action whilst ensuring that the Council meets its statutory obligations to consider homelessness approaches.

Theme 2 – Housing Allocation Scheme and Flexible Tenancies

- 4.6 The Council's approach to managing housing need and aspiration are set out in the Housing Allocation Scheme. The Tenancy Strategy sets out the Council's proposed approach to flexible tenancies and the affordable rent regime.
- 4.7 Both of these documents set out in tangible terms the change the Council intends to make in its housing approach. One particular change that homeless applicants can anticipate is the ending of an obligation on the Council to provide a social housing offer. The Council will seek to discharge its homelessness obligations to an applicant whether through a private rented tenancy or other form of accommodation, although this will not preclude consideration of affordable housing available from registered providers. The above mentioned Housing Allocation Scheme sets out how households making a community contribution will be awarded additional preference for accommodation.
- 4.8 The Council will make clear at all points of the process that in the event of a homeless acceptance, this will not lead to an automatic grant of a tenancy

from a registered provider (i.e., either the Council or a housing association), even after temporary accommodation has been granted. Where a tenancy is granted by a Registered Provider this is very likely to be on a fixed term basis.

Action: Hammersmith & Fulham Council will proactively publicise its new Housing Allocation Scheme and flexible tenancy regime to all applicants seeking accommodation through a homeless approach.

Theme 3 - New Housing Supply

- 4.9 The Council's Local Development Framework Core Strategy – its key local planning document – adopted in October 2011 makes reference in Policy H4 to housing needs that should be protected and new supply provided when seeking to meet residents' needs and aspirations. Whilst the Council's affordable housing preference is for low cost home ownership, there will be some instances where affordable rent housing will be required for people with care and support needs (see last bullet point below).
- 4.10 Core Strategy **Policy H4: Meeting Housing needs** states that the council will work with house builders to increase the supply and choice of high quality residential accommodation that meets local residents' needs and aspirations. In order to deliver this:
- There should be a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation. The precise mix in any development will be subject to the suitability of the site for family housing in terms of site characteristics, the local environment and access to services.
 - All new build dwellings should be built to "Lifetime Homes" standards with 10% to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
 - Applications for HMOs and hostels will be considered in the light of their contribution to the range of housing in the borough and their impact on the locality and its character; and
 - Housing for people who need care and support must be protected, and, subject to continuing need, applications for new developments where there is an established local need will be supported.
- 4.11 In addition, mindful of the accepted trend of people living longer, more work will be required to develop and manage housing options for older people. Bespoke housing products and housing schemes are potential options. A pressing, identified strategic need is the provision of more accommodation for older people with dementia (including early onset of). This will involve the development of more local 'Extra Care' with nursing options that will enable older people to live in secure, safe and warm environments in reasonably close proximity to friends, family and community networks. In some instances, given the shortage of land for development, this may include the redevelopment of existing elderly housing to deliver that objective.

- 4.12 In tandem with the above requirement, the Council is undertaking a review of its own sheltered housing stock with a view to potentially increasing the supply of Extra Care accommodation with nursing options. The Housing Strategy identifies the need to adopt a strategic housing and health approach which effectively meets the local needs of vulnerable, disabled and elderly residents. This will necessarily include reference to homeless people.

Action: The Council will monitor on an ongoing basis the provision of housing for people who need care and support and consider where new service provision and housing products are needed and similarly where such existing provision and products should be discontinued.

Theme 4 - Future Service Delivery

- 4.13 As part of the Council's medium term financial strategy, it is seeking to ensure that all services provided by the Council provide value for money. This will include:

- **Streamlining the Housing Options Service** – this will include re-orientating service provision to homeless applicants and other customers seeking housing advice to reflect the changes proposed in this Homelessness Strategy and other *Housing Change* documents, specifically the Housing Allocation Scheme. It will also reflect the streamlined service that the Council intends to provide in the future, with clear guidelines setting out what the Council will and will not do.
- **New ways of working** – building on existing cross division and directorate joint working, the Housing Options division will draw on experience and expertise from tri-borough arrangements. There will be homeless applicants with both acute housing need but also other unrelated needs, e.g., where a child or children are involved; where an applicant has one or more dependency issues; where homes may require particular specific adaptations for accommodation. The Housing Options Division will continue to develop its joint working approach to ensure outcome are maximised for both customers and the Council and its partner agencies.
- **Working with Private Registered Providers** – The Council intends to work more closely with Private Registered Providers (principally housing associations) in seeking to ensure that housing options are maximised. This will include tracking outcomes from nomination agreements; exploring 'chain lettings' opportunities to maximise use of available accommodation; making sure current housing services for particular need groups (as identified in Annex 2) are receiving effective and efficient services.
- **Accommodation Procurement Strategy and Use of the Private Rented Sector for Homeless Households** – The cost of affordable private rented accommodation in the borough is increasing and with the

full implementation of the housing benefit caps and the Universal Credit regime that will follow in 2013, it is likely that some accommodation currently used by some homeless households will cease to be available for temporary purposes. The Council will be procuring accommodation outside the borough (including outside London) in order to meet its future housing obligations. Whilst there is some use of bed and breakfast accommodation, the Council intends to limit its use. As referenced elsewhere, the Council intends to ensure that a homeless approach is not considered a direct route to affordable rented accommodation and that private rented housing will be used to discharge its homelessness duties, having regard to Government regulations when finalised.

Action: The Council will develop a workplan which will be published setting out how and over what timeline it intends to deliver the objectives set out above.

Annex 1 – References

1. Webpage describing the Council's homelessness prevention guidance:

http://www.lbhf.gov.uk/Directory/Housing/Housing_advice/Homelessness/21900_Homelessness_prevention.asp

2. LBHF Housing Allocation Scheme (July 2009) Second Edition
3. Mayor of London's A Revised London Housing Strategy – Initial Proposals (Aug 2011)

Annex 2 – Homelessness Strategy - Evidence Base

Homelessness Strategy

Name	2003/ 04	2004/ 05	2005/ 06	2006/ 07	2007/ 8	2008/9	2009/ 10	2010/ 11	2011/12 (up to Dec11)
Approaches	2264	2208	2059	2454	2225	2891	2612	2521	1718
Approaches by Ethnicity									
White Total					835	1077	992	1031	720
Black Total					743	1014	933	897	592
Asian Total					187	205	203	212	141
Mixed Total					106	165	215	170	113
Other Total					153	193	205	167	122
Not Stated					201	237	64	44	30
Total					2225	2891	2612	2521	1718
Approaches by Age									
0-15					4	3	1	6	1
16-24					668	1001	876	730	455
25-44					1136	1371	1239	1281	903
45-59					308	404	373	375	273
60-64					49	49	62	64	35
65-74					46	49	47	46	33
75 & Over					14	14	12	17	9
Unknown					0	0	2	2	9
Total					2225	2891	2612	2521	1718
Acceptances	644	653	430	443	252	172	156	164	132
Acceptance by ethnicity:									
White Total	189	223	152	176	80	62	50	66	51
Black Total	254	237	151	150	102	65	60	62	61
Asian Total	31	39	35	29	23	13	14	12	9
Mixed Total	0	0	0	19	14	9	24	10	4
Other Total	69	73	54	42	22	10	8	14	7
Not Stated	101	81	38	27	11	13	0	0	0
Total	644	653	430	443	252	172	156	164	132
Acceptance by Age:									
16-24			170	176	114	71	59	42	38
25-44			219	216	106	81	77	92	65
45-59			35	42	20	16	11	23	20
60-64			3	2	3	2	2	1	1
65-74			3	6	9	2	7	3	5
75 & Over			0	1	0	0	0	3	3
Total			430	443	252	172	156	164	132
Acceptance by Household Type:									
Couple with children			89	61	30	21	22	23	18
Male Lone Parents			8	11	13	4	4	3	3
Female Lone Parents			196	203	104	85	85	70	63

Building a Housing Ladder of Opportunity - Homelessness Strategy

Male Lone Person			69	77	59	33	26	32	35
Female Lone Person			60	80	41	28	16	34	13
Other inc couples			8	11	5	1	3	2	0
Total			430	443	252	172	156	164	132
Homeless Reason Breakdown:									
Excluded Parents/Relative	313	315	226	233	135	89	78	60	61
Loss of Rented Accommodation	124	125	92	89	42	34	30	44	37
Relationship Breakdown - Violence related	57	91	46	53	23	23	33	20	12
Relationship Breakdown - Non Violence related	11	10	5	7	11	6	2	4	2
Rent/Mortgage Arrears	10	7	3	10	5	5	1	2	3
Ex-Institution of Care	28	16	13	5	2	5	2	9	2
Consolidated Other Reasons	101	89	45	46	34	10	10	25	15
Total	644	653	430	443	252	172	156	164	132
Priority Need Breakdown:									
Dependent child(ren) in household	351	372	247	256	126	97	94	91	79
Applicant or partner pregnant (no children)	52	90	50	45	22	13	17	5	5
Applicant aged 16/17	108	68	69	65	57	27	23	9	3
Vulnerable (Other)	133	123	64	77	47	35	22	59	45
Total	644	653	430	443	252	172	156	164	132
Households in TA by Accommodation Type (as at 31st March - apart from 2011/12 where as at 31st Dec)									
Bed & Breakfast	214	139	70	64	51	39	26	51	71
Daily Annexe	0	0	0	1	5	0	0	0	0
Housing Association Leased	651	644	517	423	333	300	303	263	239
Private Sector Leased	480	595	672	652	558	494	411	409	458
LBHF Stock	436	421	361	309	205	161	135	150	189
Assured Shorthold Letting	0	0	0	0	0	0	0	9	9
Voluntary Sector Hostels	0	26	47	60	48	30	2	6	2
Total	1781	1825	1667	1509	1200	1024	877	888	968
Preventions			450	530	554	609	721	546	365
Homeless Permanent Rehoused (HLP Rehoused)					435	281	255	201	128
Approach Reasons (went live May09)									
Disrepair								18	8
Domestic violence								232	151
Ex offender								165	143
Excluded Parents, Family or Friends								751	474
Illegal eviction								6	8
Landlord and tenant dispute								13	4
Landlord harassment								1	0
Left institutional accommodation								15	20
Medical unsuitable								46	25
Mortgage arrears								7	9
Neighbour dispute								9	1
Notice to vacate premises								610	464
Other harassment								62	40
Other reason for approach								293	188

Overcrowding								87	34
Pest infestation								4	0
Possession order/bailiffs warrant								61	43
Racial harassment								3	0
Relationship breakdown - spouse/partner								52	35
Rent arrears/ affordability								86	72
Total								2521	1719
Current Accommodation on Approach (went live May09)									
Assured shorthold RSL tenancy								18	47
Assured tenancy PRS								85	35
ASTPRS - assured shorthold tenancy PRS								533	444
Bare license host is LA tenant								598	312
Bare license host is owner occupier								73	43
Bare license host is private tenant								177	108
Bare license host is RSL tenant								141	78
Bare license host other accom type								146	206
Contractual licensee								62	34
Freehold owner occupier								13	3
Hospital patient								40	42
LBHF probationary tenancy								1	0
LBHF secure tenancy								47	24
Leasehold owner occupier								13	13
NASS provided accommodation								11	1
Other accommodation type								188	84
Other local authority tenancy								33	15
Prison inmate								33	72
Resident landlord								2	1
Secure or assured RSL tenancy								48	24
Street homeless								259	133
Total								2521	1719

**Annex 3 – Mayor of London – Revised London Housing Strategy Consultation
Draft (Dec 2011)**

Renting a home: policies

Access to rented housing

- 1.2A Within the overall objective of meeting housing need, boroughs are encouraged to make use of their new flexibilities to ensure that local priority groups have access to social housing, in particular to incentivise work and volunteering and to promote mixed and balanced communities while continuing to meet the needs of people in reasonable preference categories.
- 1.2B The presumption is that boroughs will seek to discharge their homelessness duty within their local area, always considering the specific needs of households to remain in the locality.
- 1.2C Boroughs should ensure that an appropriate balance is maintained between offers of accommodation for homeless households in the private rented and social rented sectors.
- 1.2D Where the homelessness duty is discharged into the private rented sector, landlords are encouraged to offer tenancies that are for a longer period than the statutory minimum where appropriate, and boroughs are encouraged to use only those landlords with a recognised accreditation.
- 1.2E All boroughs should make full use of existing and future systems that monitor cross-borough temporary accommodation placements, urgent moves and discharge of homelessness duty, and that help to ensure that all households housed out of borough have access to services.
- 1.2F The Mayor will set up a joint monitoring committee with boroughs, to monitor discharge of homelessness duty.
- 1.2G Housing associations should have full regard to borough tenancy strategies, where these are in conformity with the London Housing Strategy.
- 1.2H Social landlords should continue to abide by the principles set out in 'Partners in Meeting Housing Need', the protocol for determining the proportions of housing association lettings available to local authority nominees¹.
- 1.2I Unauthorised occupancy in the social rented sector should be addressed.
- 1.2J Social landlords are encouraged to promote employment and training opportunities to applicants and people wishing to transfer.
- 1.2K The Mayor will work with the boroughs and the Department for Work and Pensions to monitor the government's Housing Benefit reforms.

1.2L The Mayor's London Rents Map will be enhanced and promoted, so that better information on rent levels is available to those seeking a home in the private rented sector.

London Borough of Hammersmith & Fulham

Mike England, Housing Options,

145 King St, London W6 9JU

Tel: 020 8753 5344

Email: mike.england@lbhf.gov.uk

Alan Benson
Head of Housing
Greater London Authority
City Hall
The Queen's Walk
More London
SE1 2AA

30 July 2012

Dear Alan

Housing Strategy Documents – Consultation

Thank you for coming to discuss Hammersmith & Fulham's housing strategy documents on 4th July 2012.

Overleaf, is a draft note of our meeting which we agreed the Council would prepare. I would be grateful if you could confirm that it reflects the key issues that we discussed at our meeting. Subject to any amendments you seek, this will be the formal note of your comments on the strategy documents in respect of broad conformity with the most recent version of the Mayor of London's Housing Strategy.

I look forward to hearing from you.

Yours sincerely,

Mike England
Director of Housing Options, Skills and Economic Development
London Borough of Hammersmith & Fulham

GLA and LB Hammersmith & Fulham – Housing Strategy Meeting Note

4.30pm, 4 July 2012, 3rd Floor, Town Hall Extension, Hammersmith Town Hall, W6

In attendance:

Alan Benson - Head of Housing Policy, Strategy and Services, GLA

Debra Levison – Housing Policy Manager, GLA

Nick Taylor – head of Area North West, GLA

Cllr Andrew Johnson – Cabinet Member for Housing, LBHF

Mel Barrett – Executive Director Housing and Regeneration Directorate, LBHF

Mike England – Director of Housing Options, Skills and Economic Development, LBHF

Aaron Cahill – Temporary Project Officer (Policy), LBHF

Key Points

Draft Housing Strategy – GLA broadly content with the draft strategy. Queried how home ownership could be increased in a sustainable way and noted that the Council's promoted product Discount Market Sale is popular. GLA interested in the Council's support for the 'slivers of equity' model and were keen to work with H&F to develop this further.

Draft Tenancy Strategy – GLA broadly content with the draft strategy and had no comment to make on the fixed terms and rent policy set out in the document.

Draft Housing Allocation Scheme – GLA broadly content with the proposed strategy. Noted that the Council's intention to give greater allocations priority to working households which is likely to feature in the Mayor's own final Housing Strategy document. GLA is concerned about how the sub-regional scheme will operate and H&F will need to be clear how their proposed approach will work in practice with sub regional obligations. GLA expressed an interest in how the Council intends to award priority to different categories of ex-service personnel.

Draft Homelessness Strategy – GLA broadly content with the proposed strategy. GLA wished to see inclusion of requirements on quality of private rented accommodation, as set out in the recently published CLG Homelessness (Suitability of Accommodation) (England) Order 2012 consultation document. LBHF agreed that this should be included. GLA also wish to see reference to the Mayor's rough sleeping reduction targets. GLA referenced its support for direct housing benefit payments to private landlords who are accredited. H&F acknowledged the rationale for such an approach, but given the demand for private rented accommodation in the borough, it was unlikely that such an approach could be adopted. The Council is supportive of the Mayor of London's target whereby no-one should be living on the streets and no-one should spend more than one night rough sleeping, and supports initiatives such as 'No Second Night Out' that will assist in meeting this objective.

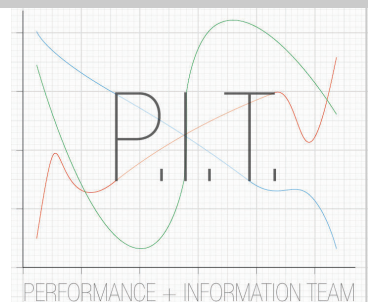
Agreed that a note be prepared that could form the basis for the GLA views on the H&F housing strategy documents.

30 July 2012

HAMMERSMITH & FULHAM

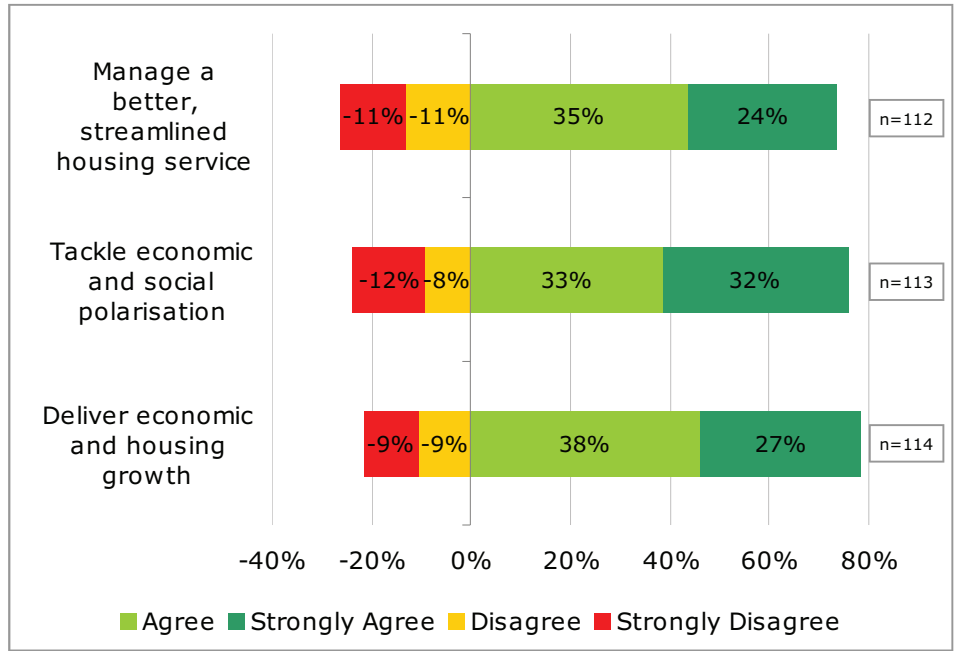
HOUSING STRATEGY CONSULTATION

PERFORMANCE AND INFORMATION TEAM
FINANCE AND CORPORATE SERVICES
LONDON BOROUGH OF HAMMERSMITH & FULHAM



HOUSING STRATEGY CONSULTATION

HOW MUCH DO YOU AGREE OR DISAGREE WITH THE OBJECTIVES IDENTIFIED?

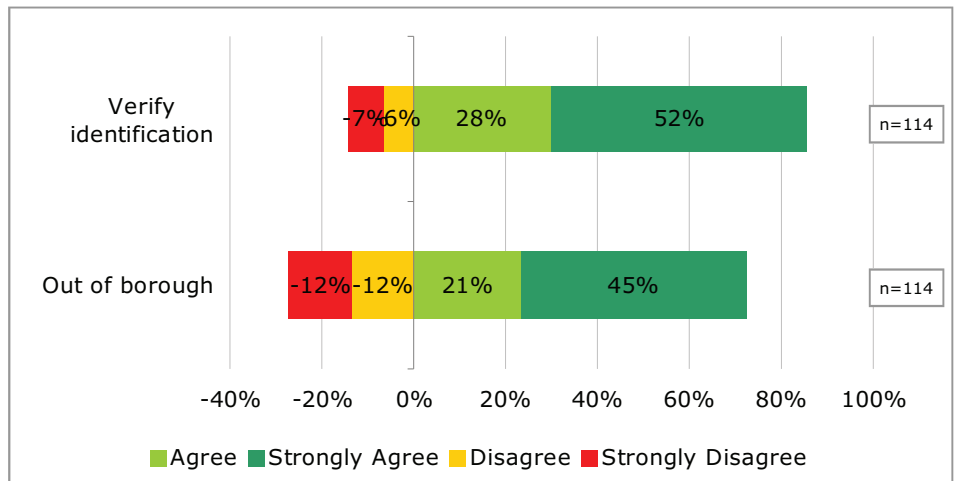


DRAFT HOUSING ALLOCATION SCHEME

DO YOU AGREE WITH THE COUNCILS PROPOSAL TO...

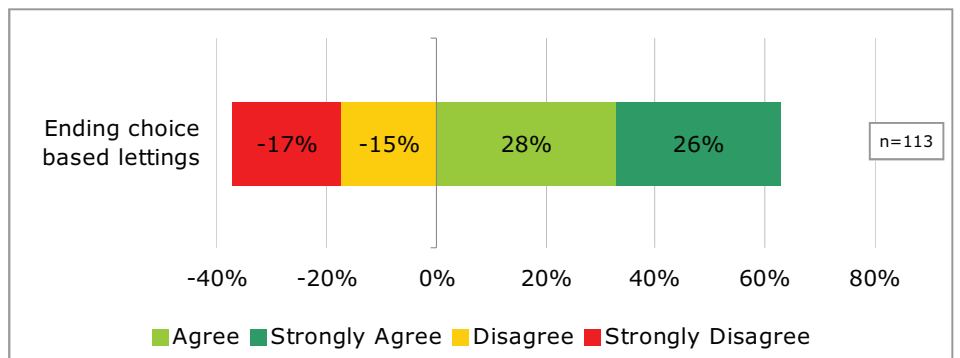
verify the identification and needs of applicants at the point of application.

stop allowing residents from outside the borough register with the council.

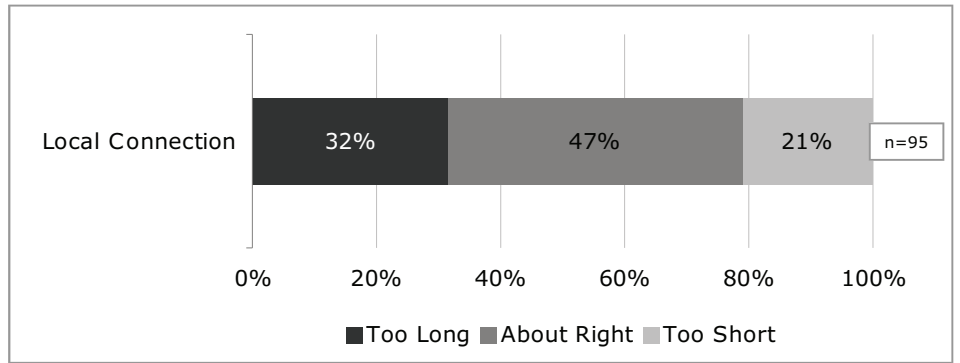


THE COUNCIL INTENDS TO MODIFY ITS APPROACH TO ALLOCATING HOMES BY ENDING THE USE OF THE CHOICE BASED LETTINGS SCHEME...

and introducing a system by which the Council makes two reasonable and suitable offers (with discretion to make a third offer) based on applicants' preferences. Indicate how much you agree or disagree with this:

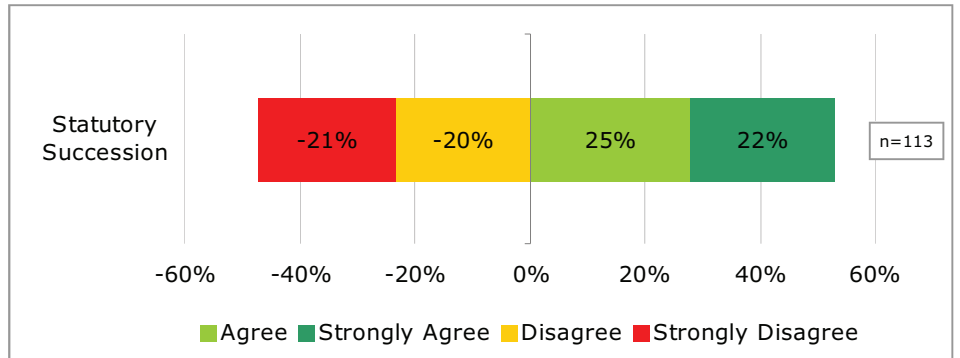


THE COUNCIL INTENDS TO ADOPT A 'LOCAL CONNECTION' RULE OF 5 YEARS, ENABLING APPLICANTS TO RECEIVE REHOUSING PRIORITY: DO YOU THINK FIVE YEARS IS THE RIGHT LENGTH OF TIME?



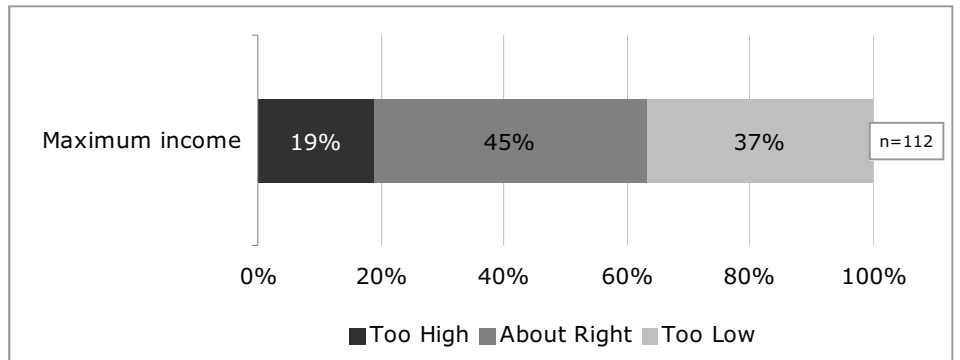
WHERE A TENANCY WAS CREATED ON OR AFTER 1 APRIL 2012, ONLY A SPOUSE, CIVIL PARTNERS OR A PERSON WHO LIVES WITH THE TENANT AS IF THEY WERE A SPOUSE OR CIVIL PARTNER WILL HAVE A STATUTORY RIGHT OF SUCCESSION...

(this means there will be no statutory right of succession for children of tenants, but the Council may make a discretionary offer of a tenancy). Do you agree with this approach?



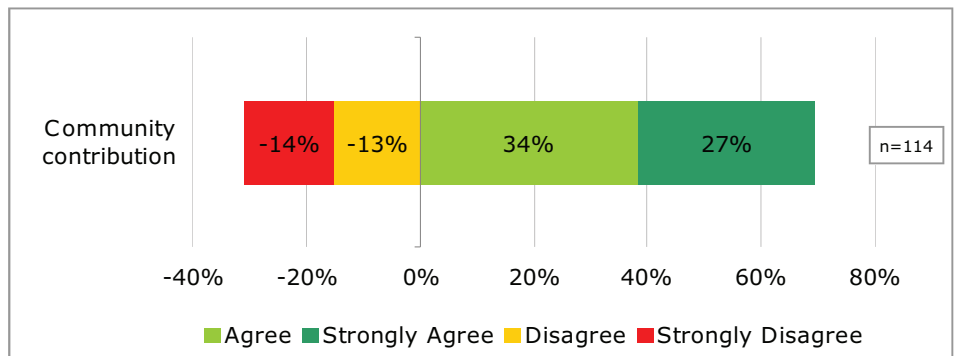
THE COUNCIL INTENDS TO SET A GUIDELINE HOUSEHOLD MAXIMUM INCOME OF £40,200 FOR THOSE SEEKING TO JOIN THE HOUSING REGISTER.

Is this figure too high, too low, or about right?



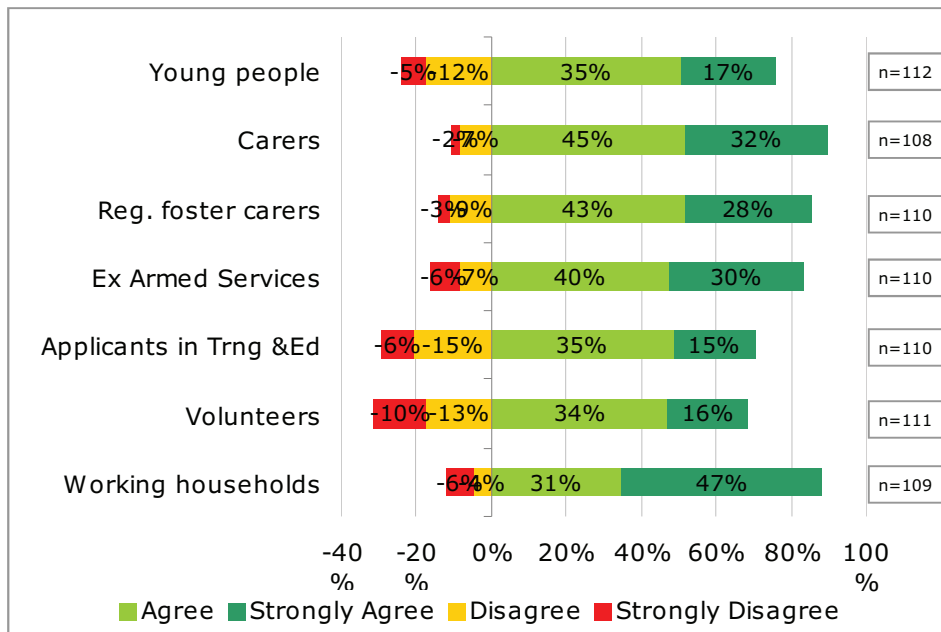
THE COUNCIL INTENDS TO GIVE GREATER PRIORITY TO GROUPS WHO MAKE A COMMUNITY CONTRIBUTION.

Do you agree with this approach?



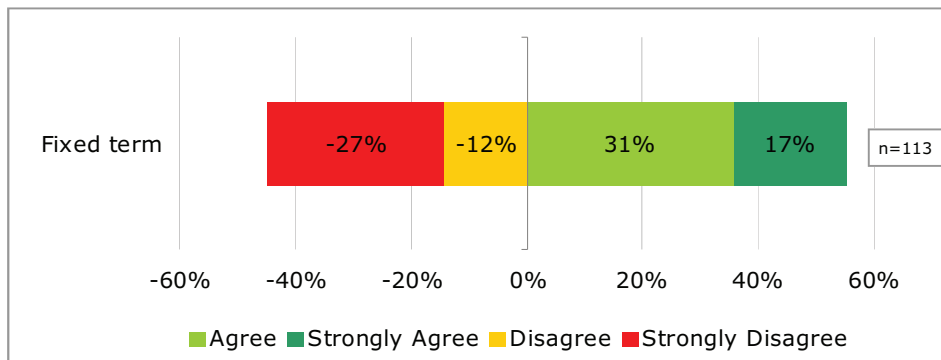
THE COUNCIL INTENDS TO GIVE GREATER PRIORITY TO GROUPS WHO MAKE A COMMUNITY CONTRIBUTION.

Do you agree with this approach?



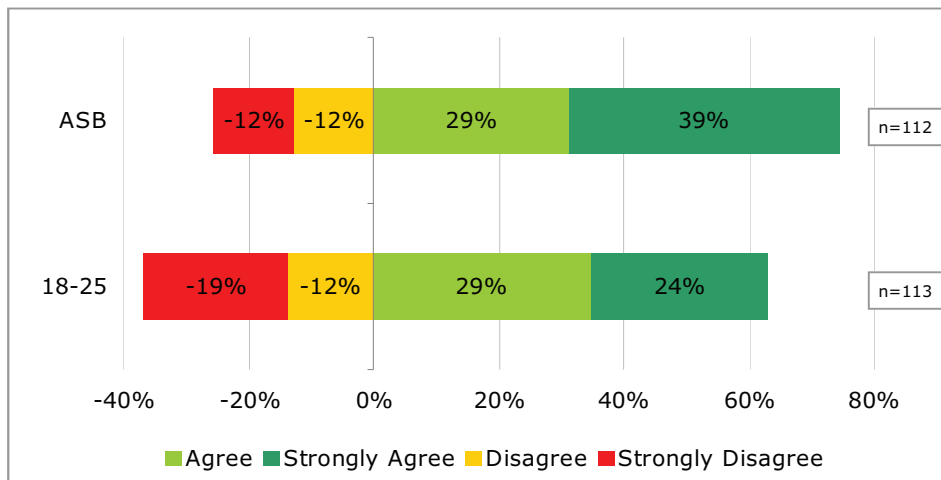
DRAFT TENANCY STRATEGY

DO YOU THINK THAT A FIVE YEAR FIXED TERM TENANCY IS A FAIR MINIMUM TERM FOR GENERAL HOUSING NEEDS CASES?



PROPOSED TENANTS WHO...

have a history of anti social behaviour or been found, or pleaded guilty to any offence of violence against a person or property should be given two year tenancies. Do you agree or disagree with this?



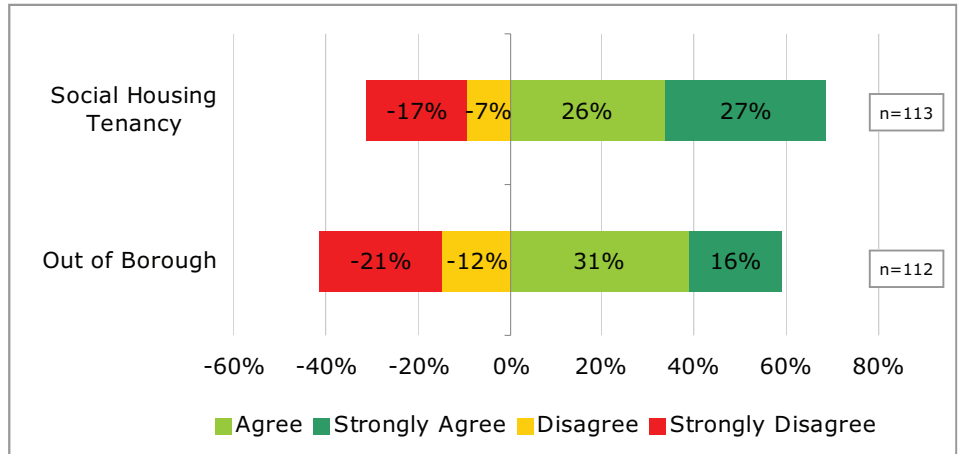
are between the ages of 18 and 25 years old are proposed to be given two year tenancies. Do you agree or disagree with this?

DRAFT HOMELESSNESS STRATEGY

THE COUNCIL INTENDS TO...

end the perception that a homelessness application will lead to a social housing tenancy. Do you agree with this?

procure private sector housing outside the borough (in addition to that which it secures within the borough) to meet its statutory homelessness duties. Do you agree or disagree with this?



Housing Strategy

Consultee	Comment
Mayor of London (4 July 2012 Meeting – Meeting Note 30 July 2012)	GLA broadly content with the draft strategy. Queried how home ownership could be increased in a sustainable way and noted that the Council’s promoted product Discount Market Sale is popular. GLA interested in the Council’s support for the ‘slivers of equity’ model and were keen to work with H&F to develop this further.
Housing Association Forum (6 July 2012 Meeting)	<p>General Comments Documents were too prescriptive about what the council intended to and how they intended partners to work with them</p> <p>Allocations process potentially more time-consuming; Joint working with housing associations needs to be better promoted; Documents do not identify what housing associations were doing already; On fixed term tenancies, housing associations have issues around how their policies can be aligned with different local housing authority policies. Related to this was how internal procedures can be aligned also; Large and small housing associations may have different perspectives on how local authority policies can be accommodated; Issue of proportionality: the specific changes proposed need to be worth the benefits that are being sought.</p> <p>Draft Housing Strategy</p> <p>A more general and significant question related to what the offer from LBHF is to housing associations. HAs are in a good position to deliver new affordable housing. It’s an opportunity to review what has happened in the recent past and what can be improved. HAs want a new opportunity to work with the Council in what is a rapidly changing environment. There are many opportunities available in LBHF and HAs wanted a fair chance at taking them.</p> <p>HAs wish to have more opportunities to develop and want to be seen as key partners to develop a range of affordable housing types.</p> <p>Agreed that a greater focus is needed on partnership working in the document.</p>
LBHF	Private Sector Renewal – Jane Rayner. Tracts need to be included to reflect statutory strategy and role.
Consideration of recent CLG Guidance / Proposals	Pay to Stay; homelessness order

Housing Strategy Documents – Consultation Summary of Written Comments

Mencap (25 July 2012)	Additional strategy theme focused on the needs of the vulnerable, disabled and elderly.
Mencap (24 July 2012)	Housing needs of families with disabled children should feature in strategy documents.
Mencap Housing Sub Group Meeting (27 June 2012)	<p>The group felt that compared to the last housing strategy, the profile of people with disability and Learning Disability seems to have diminished.</p> <p>Reference to the initial impact on equality assessment: doc is all about filling the gap in the middle between the rich and the poor but instead causes more polarisation.</p> <p>The group are not comfortable with statements held within the impact assessment such as “housing officials will use their discretion to award community contribution” this is worrying. The group would request for this to be changed and that vulnerable people be exempt from this</p> <p>Michele would like to go to her local councillor and discuss the housing strategy as well as consult through the normal channels.</p> <p>Michele would also like to know what happens to people who are not a priority? The council have developed the LHC – this is an organisation who manage the housing for LBHF. How does this work. There is no clear picture of this for people who are not familiar with the system.</p> <p>Are people to be assessed constantly – if they no longer fit the criteria for their housing where will they go?</p> <p>The group make reference to the housing strategy 2007 where it states that re-housing solution services are to look at the needs of People with learning disabilities – does this still exist in new strategy? Is there still an accessible housing register?</p>
Andy Slaughter MP	<p>Huge shortage of affordable housing will not be helped by the housing strategy documents. Disagree with the stepping stone narrative of the strategy. Social housing only viable alternative for most. Security of tenure important, particularly for those who have had bad experiences in the PRS. Building more “truly affordable housing” is not presented as a solution.</p> <p>Challenges whether stopping people resident from outside the borough will make that much difference and will harm specific groups such as those fleeing violence.</p>

Housing Strategy Documents – Consultation Summary of Written Comments

Catalyst	Broadly supports the housing strategy approach. Wish to work with the Council on new low cost home ownership options. And would like to work with the Council on new regeneration schemes.
Octavia	Greater clarity about how need groups who have been traditionally housed by Registered Providers will be assisted in the future. Reference should be made to S106 in the strategy. RTB is referenced, but it is not clear how a replacement approach will work.
Peabody	Strongly supports overall approach. Comment the Council for their bold and exciting regeneration programme across the five transport hubs. Very concerned that proposals signal a move away from lower income or benefit dependent household need groups. Council should set out in more detail how it intends to strike a balance between aspiration and need. Third strand of the housing strategy should be more holistic. Attention should be given to supporting independent living and vulnerable residents. Reference should be made to employment and training for residents. Potential for shared services with other organisations should be explored. Council land and asset base could be used imaginatively to attract new investment.
Richard Owen (resident)	Strongly supports the objectives and the tools being used to deliver the housing strategy objectives. Considers the £40k income limit to be high. Assets of social landlords should be more actively managed.
H&F Disability Forum (27 July 2012)	<p>Qualified approval for the housing overall strategy approach. Two major areas of concern. Firstly, will the Council be able to increase the availability of existing accessible and adaptable housing from existing social housing to meet demand over the next five years. Second, relates to the Council's strategy for increasing availability of new housing for disabled people depends on new lifetime homes with 10% at wheelchair accessible standard. This will help those who can access market or low cost home ownership housing. HFDF unsure that Affordable Rents will be affordable to disabled people who are assessed as not being able to work or can only work part time.</p> <p>Welcome the Council's support for Lifetime Homes Standard and 10% wheelchair accessible homes. Evidence needs to be provided that disabled people can access home ownership / intermediate housing. Evidence needs to be provided that additional affordable/social rented (accessible and adaptable) housing isn't needed. Concerned that affordable housing derived from the current 40% target will be inaccessible to the disabled client group. Welcome the Council's commitment to improve housing management services, expecting service needs of disabled tenants and leaseholders to be improved. On HRA financial management, expect surpluses to be used to re-invest in existing council housing. Do not support disposals of council housing stock. Council should be transparent in its approach.</p>
Centrepoint (18 May 2012)	Supports existing objectives but believes that prevention and eradication of homelessness should be added as a top priority. Disagrees with the blanket ban on applicants from outside the borough as many homeless people are displaced from their home borough and have very good reasons that cannot return.
LBHF	Email 26 - Clarifications/Comments on specific points.

Shepherds Bush HA	Strategic documents (i.e., all documents) considered to be council-centric and could focus more on the work of registered providers and other agencies. Would like a clear framework for engagement for Registered Providers to deliver new initiatives and fresh innovations that meet the needs and aspirations of existing and new households. Statements saying that the borough welcomes such innovations should be included. Availability of resources should be looked at jointly to meet borough needs and aspirations. Challenges whether a mix of housing provision is being delivered presently, as new affordable housing is primarily discount market sale or market rent: clearer statement needed on expectations on affordable housing and expectations of registered providers.
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Housing Allocation Scheme

Consultee	Comment
Mayor of London (4 July 2012 Meeting – Meeting Note 30 July 2012)	GLA broadly content with the proposed strategy. Noted that the Council’s intention to give greater allocations priority to working households which is likely to feature in the Mayor’s own final Housing Strategy document. GLA is concerned about how the sub-regional scheme will operate and H&F will need to be clear how their proposed approach will work in practice with sub regional obligations. GLA expressed an interest in how the Council intends to award priority to different categories of ex-service personnel.
Housing Association Forum	Transparency in the operation of the system will be vital. HAs concerned that the system could be more time-consuming. Vital that homes available for nomination do not remain empty longer than they need to be. 14 calendar day turnaround is required for performance purposes. Needs to be stronger focus on addressing under-occupation. Agreed that financial incentives need to be introduced to help encourage people to move. £500 per room was suggested as current practice. HAs mentioned a removal project that had been sponsored by HAs in the past which could help people move. Tri-borough working could also help improve joint working as many HAs in H&F also work in Westminster and K&C. Agreed that HAs have a key role to play in helping to delivering a better housing allocations approach.
LBHF (26 July 2012)	Reference needed to ensuring that greater joint working is needed between Housing Regeneration Directorate and Adult Social Care (ASC) on future allocation processes. Greater priority should be given to those in housing need where ASC are currently providing support.
Consideration of recent CLG Guidance / Proposals	CLG Allocations Guidance of Accommodation – Guidance for Local Authorities. CLG Pay to Stay Consultation Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012
Hestia	Concerned that the documents do not adequately address the housing needs of vulnerable adults and children. Highlighted issues of inconsistencies and contradictions. Timely assessment and interventions will help pre-empt expensive, temporary solutions. Women and children suffering from domestic may suffer from the proposals.
Mencap (24 July)	Amend bedroom standard to reflect the need for all disabled children to have a separate bedroom from other

2012)	children in their household.
Mencap (25 July 2012)	Greater consideration for people with learning disabilities. Combined NHS and Council spending on residential care for people with learning disabilities could be far better spent through a strategic approach. Parents with disabled children more likely to be badly housed. Should be an exemption for disabled people regarding the community contribution.
Mencap Housing Sub Group Workshop	<p>How do the council support people who want to buy properties and don't have support workers?</p> <p>Some people don't read – therefore having to re-do forms every two years would be problematic, would people with LD be exempt from this EOC states that most people with LD would have a flexible tenancy for 5 years- is this correct?</p> <p>Under the new allocations scheme 50% of council and housing association properties would be at affordable rent, is this correct?</p> <p>Using welfare panels to take into account need (bedroom categories) will make re-housing easier in the long term.</p> <p>The group felt that paragraph 7 of the draft allocation scheme document was insulting because it asserts that people with learning disabilities do not contribute to the community. We would recommend a clear statement as to who is accredited to the community contribution.</p>
Fulham Community Partnership Trust	Five questions relating to how the volunteering element of the Scheme will work in practice. Supportive of the principles, but clarification on operation sought.
Andy Slaughter MP	Concerned about ending use of the CBL approach. If this is to be done, then the Council should take great care to ensure offers are appropriate. Succession change will be a hindrance to community cohesion and stability. Questioned whether the £40,200 p.a. income ceiling was appropriate and how (if at all) it tallied with the Council's interim rent policy (5 Sept 2011). Questioned whether the community contribution approach was fair on vulnerable households who may not be able to make a contribution.
Notting Hill Housing Trust	Supports verification at registration of application; request transparency on how nominee has been prioritised; requests standard verification form for H&F to complete. If direct nominations are to be adopted, NHHT make recommendations on how they might want the system to be operated to take account void timescales.
Catalyst	Broadly support the housing allocation scheme.
Octavia	Concerned about the impact of the new additional preference groups and want to see how assessments will be consistent. Concerned that CBL will lead to a slow down in re-lets. Welcome a number of the changes: realistic

	<p>approach to available housing options; verification on application; requiring applicants to update applications.</p>
<p>Supporting people Providers Workshop (17 July 2012)</p>	<p>Supported housing providers recognise the value of their service users engaging in meaningful activities such as voluntary and charitable work, education or paid work in their recovery and journey to more independence. Giving additional priority to individuals who are making a community contribution will reinforce the positive reasons. Due to the vulnerability of many residents in supported housing, providers seek reassurance that the definition of community contribution will be applied flexibly and that we recognise that individuals do not start from the same positions or have the same capacities or capabilities. A contribution that might seem insignificant to one person might represent a huge achievement for another.</p> <p>Providers welcome the fact that the draft housing allocation scheme indicates an ongoing commitment to providing a source of move-on accommodation for people in supported housing. There is some concern however, that making a distinction between those who do and don't make a community contribution could lead to a "silting up" of valuable supported housing resources if, for example, move on is slowed down for individuals who no longer need to be in supported housing but are not making a community contribution but have nonetheless made significant progress. This could have an unintended negative impact for the council.</p> <p>Some concern was expressed about the potential loss of access to sub-regional housing units currently available on Locata. This can be a useful source of move-on for some people in supported housing.</p>
<p>HAFD (27 July 2012)</p>	<p>Wants reassurance that properties available through the Accessible Housing Register (AHR) will be linked to the 'property pool' approach. Refers incorrectly to absence of mention of the AHR in the Draft Scheme where it is referenced in section 4.27. Welcomes the move to the Assisted Choice approach and use of discretion.</p>
<p>Centrepont (18 May 2012)</p>	<p>Concern about ending use of choice based lettings. Concern about limiting young people's housing offers to two and consider that affordability of offered accommodation should be a key consideration. Supports the principle of giving priority to households making a community contribution, but believe greatest housing need should be the first consideration. People with multiple and complex needs will find community contributions such as education and training and volunteering as unachievable goals. Officers should have discretion over younger people's cases, particularly where they are resident in supported housing. Do not believe that ex-offenders should be prevented from receiving offers of housing as this may increase the chance of re-offending. A higher cap of rent arrears than the current £100 proposed should be adopted as this can be the gap caused by a delayed HB payment.</p>
<p>Shepherds Bush HA</p>	<p>Would like to see current use of Locata retained with use improved. Will need to review whether proposal to allocate from the Homebuy Register (who don't meet the reasonable preference criteria) to social housing conflicts with their own allocations strategy.</p>

Tenancy Strategy

Consultee	Comment
Mayor of London (4 July 2012 Meeting – Meeting Note 30 July 2012)	GLA broadly content with the draft strategy and had no comment to make on the fixed terms and rent policy set out in the document.
Housing Association Forum	HAs concerned about how their own tenancy policies can be aligned with the Council’s proposed approach. The Council is proposing 5 years as a norm with 2 years in exceptional circumstances. Agreed that HAs should have regard to the Tenancy Strategy (in line with legislation), but wouldn’t by default have to follow individual borough strategies in detail. However, it was suggested that the Council’s proposed approach was not overly onerous with some HAs already adopting five year fixed terms already.
Notting Hill Housing Trust	Supports the Council’s approach to tenancy renewals; supports Council’s approach to succession; have advised the Council on NHHT’s own rent caps for 2012/13 which are within the Council’s ceiling rents. Council proposed tenancy lengths and tenancy types vary from those adopted by NHHT and do not propose to align their policies with those of the Council.
Catalyst	Catalyst has adopted a cautious approach to rents and is concerned about affordability and collectability in light of welfare reforms. Highlights that the Mayor’s Office has advised that rents should be set in accordance with their contracts with the HCA (and now GLA) and suggests that the H&F should not specify rent levels. Catalyst is using five year fixed term tenancies (plus one year fixed terms); lifetime tenancies for sheltered and supported housing. Will only use 2 year tenancies in exceptional circumstances. For five year tenancies, a presumption of renewal except in specified circumstances.
Shelter	Two year tenancies need to be granted under exceptional circumstances: unclear why being 18-25 years old should be considered exceptional. Discretion should be given to grant 5 yr tenancies for those who have demonstrated an ability to live independently. Questioned whether a two year fixed term tenancy for economically active households will achieve the set objective.
Hestia	Ladder of Opportunity needs to be extended to those who need a second opportunity. Ladder of Opportunity needs to be extended to those who need a second opportunity. Definitions needed for special housing and/or health needs. Correct (or clarify) ‘unfinished question’. Ladder of Opportunity needs to be extended to those who need a second opportunity.
Andy Slaughter MP	Questioned the rationale for fixed term tenancies and whether they would alleviate the problems that the strategy identifies. Tenancy renewals will create uncertainties for the families concerned. Longer notice than 2 months needs to be given to households who are expected to move. Ex offenders need greater support from the Allocations

	Scheme.
Octavia	Octavia have yet to take a position on fixed term tenancies and reserves its position on whether it intends to follow what the council sets out in its document. Seeks clarification on whether the Strategy proposed fixed terms are intended to apply to housing associations. Income thresholds, and rationale for, should be made clearer. Highlights that HCA contracts have already been signed and therefore difficult for the Council to influence what rents should be charged. Octavia will be paying regard to the likely impact of the welfare reforms in its approach.
Peabody	Peabody has adopted five year fixed term (with one year AST starter tenancy) for all Affordable Rent properties with a commitment to renew unless certain issues have arisen, e.g., overcrowding, breach of tenancy etc. Starter tenancies introduced for all social rent lettings. Peabody questions whether the Council is striking the right balance between meeting need and choice. Question whether the two year tenancy approach meets the exceptional criteria. Questions whether identifying young people. Starter tenancies can be more effective in addressing tenancy sustainability issues. Greater clarity on what level of income is required to prompt an encouragement of a tenant to move out of social housing.
A2 Dominion	Welcomes the fact that the Council has set out its strategy principles, priorities and expectations of Registered Providers, which will help inform their own approach. A2 Dominion is considering as a pilot fixed term tenancies for 3 BR homes which will be five years with a one year starter tenancy. Existing social housing tenants and those over retirement age will be granted lifetime tenancies.
Network Group	Network policy is to use 5 year fixed term tenancies, but continue to use lifetime tenancies in certain circumstances. Affordable rent polices only to be charged on 1BR and 2BR properties. 80% of re-lets charged at affordable rents, with remainder charged at social rents.
Old Oak/Family Mosaic	Old Oak / Family Mosaic are in the process of introducing five year tenancies, with one year probationary tenancies. No intention to introduce two year tenancies. Affordable Rents will be charged in line with their charitable objectives and will have regard to welfare reforms. Wish to keep their rents as affordable as possible.
HFDF	Welcome support for secure/assured tenancies for disable tenants and commitment to retaining accessible and adapted housing. Care needed to ensure that prospective tenants can pay Affordable Rents. Additional revenues from Affordable Rent should not be used only for new low cost home ownership housing.
Aspen Gardens TA (25 July 2012)	Gravely concerned that granting of five year tenancies will have on community sustainability and discourage tenant involvement. Biggest problems on the estate come from tenants who are renting short term.
Centrepoint (18 May 2012)	Initial tenancy length of 5 years is reasonable for most formerly homeless. Longer tenancies should be granted to those with most serious and entrenched needs. Strongly disagrees with proposal to limit tenancies to two years for 18-25 year olds and do not see this as being an 'exceptional' circumstance as per CLG Guidance. If this is retained, the council should consider giving young people with additional needs priority for 5 year tenancies.

<p>Stoll Foundation (17 July 2012)</p>	<p>It would be inappropriate to distinguish between differing members of the Armed Forces as they are all making a considerable community contribution and to disentangle who made more would be difficult and hard to justify. I do not think it would be in the spirit of things to have a less deserving ex-serviceman or woman if, for instance they had not been in combat or had not been on a tour of Afghanistan. There is also the issue of length of service which has not been considered. Will there be a discrepancy between full-time service personnel and reservists? This is especially pertinent as the Armed Forces evolve in coming years. With limited housing stock, if H & F are going to make a tangible difference in terms of serving personnel then they should source accommodation from Stoll and this should be through a formal agreement, preferably names within the Allocations Scheme. There is an issue we have already spoken about whereby those who have lived in the Borough for 6 months prior to service will qualify for a community contribution but may not get a local connection. Housing have to give advice and assistance under the 2002 Act and Veterans have access to considerably more free resources than civilian personnel and there should be a conduit to Stoll and support services through the housing team.</p>
<p>Mencap Housing Sub Group Meeting (27 June 2012)</p>	<p>Concern about the format and writing style and whether people with learning disabilities can understand what is being proposed.</p> <p>Concern expressed about the fixed term tenancy and how this would work for people with Learning disabilities. It does state that proposed tenants who have special housing or health needs should be granted secure or assured tenancies. How will special housing or health need be evaluated? Who will do this? Will it be part of the existing health questionnaire that doesn't make provision for people with Learning Disabilities in the first instance?</p> <p>The community contribution again came into question. The group feel that people with Learning Disabilities and profound needs and autism should be exempt from this from the outset. How will community contribution be evaluated? What if the person is unable to volunteer because of their disability or impairment? What about other ways they may contribute, will these go un-noted?</p> <p>The ladder of opportunity seems to have no real relevance to people with Learning Disability and it is worrying that the proposed housing strategy will no longer be based on need but aspiration.</p>

	<p>It is also a worry that in paragraph 5.5 it states that if a disabled person no longer lives within a property, which is adapted, that the council are obliged to move the remainder of the family out. This means that if a family have lost their cared for person, they will also lose their home. Although the group understand this, how will it be done?</p> <p>Paragraph 5.9 states that local authority rent levels are likely to change following the implementation of the housing revenue account self financing regime. Will this be in line with council tax caps?</p> <p>The overall concern is that the does not seem to be any /or very little mention around people with disabilities and learning disabilities. There are 1.5 million people in London with some sort of impairment and by the nature of disability it is a certainty that we are talking about 1.5 million different impairments, however this strategy only seems to make reference to those who use wheelchairs, why?</p> <p>People with learning disabilities needs are perceived to being overlooked. Systems in place are already failing and with the new strategy being implemented it will only get worse for her and people in her situation.</p>
<p>Supporting people Providers Workshop (17 July 2012)</p>	<p>Some queried whether making a distinction between the length of the fixed tem tenancy for most 18-25 yr olds and those who were previously in the care of the local authority and entitled to receive services under the Leaving Care Act, might act as a perverse incentive for more homeless 16/17 yr olds to opt to be accommodated under S.20 of the Children Act, than is currently the case?</p> <p>Many vulnerable people are likely to need help to submit their tenancy renewal. It will be essential that there is the appropriate help and support available to prevent possession proceedings being instigated. There will need to be checks and balances in place to ensure vulnerable people do not lose their accommodation solely because they are not in a position to complete the form by required deadlines e.g. if they are in hospital. It will not be in anybody's interest to progress possession proceedings simply because an individual has not been able to complete the form in time.</p> <p>Many vulnerable people will feel anxious and alarmed at the prospect of their tenancy not being renewed and therefore it will be essential to communicate information accurately and sensitively. We must be careful not to unduly worry people, who are adhering to the terms of their tenancy, that their tenancy is at risk.</p>

Homelessness Strategy

Consultee	Comment
Mayor of London (4 July 2012 Meeting – Meeting Note 30 July 2012)	GLA broadly content with the proposed strategy. GLA wished to see inclusion of requirements on quality of private rented accommodation, as set out in the recently published CLG Homelessness (Suitability of Accommodation) (England) Order 2012 consultation document. LBHF agreed that this should be included. GLA also wish to see reference to the Mayor’s rough sleeping reduction targets. GLA referenced its support for direct housing benefit payments to private landlords who are accredited. H&F acknowledged the rationale for such an approach, but given the demand for private rented accommodation in the borough, it was unlikely that such an approach could be adopted. The Council is supportive of the Mayor of London’s target whereby no-one should spend more than one night rough sleeping, and supports initiatives such as No Second Night Out’ that will assist meeting this objective.
Housing Association Forum	HAs keen to see more examples of existing good practice.
Shepherds Bush HA	Reference to needs of rough sleepers needs to be made and related issues of complex medical needs that requires specialist provision need to be considered. Homelessness approaches are likely to increase and therefore supply needs to be planned for.
Consideration of recent CLG Guidance / Proposals	CLG Homelessness Order Consultation
Shelter	Need to monitor consequences where the discharge duty has been accepted and then a decision review overturns the allocation on suitability grounds. Need to consider financial consequences of tenant entering a 12 month tenancy which is accepted as unsuitable by the local authority. Authority has a choice as to whether discharge into the PRS: needs to consider whether this will be appropriate for specific cases, e.g., disabled applicant need adaptations.
Homelessness Strategy	Does not support use of PRS housing outside the borough. Displacement of households from family, friends, networks etc. creates huge family costs. Vulnerable single people who have been homeless and are accommodated in the PRS are more likely to return to hostel accommodation. Does not agree that there is a perception that a homelessness application is a quick route to obtain a social housing tenancy.
Catalyst	Broadly support the strategy.
Octavia	Would like to understand more the work of the HB Assist Team and its impact. Issue of ‘silting up’ in hostels of

	<p>applicants who are ready for independent living need identified measures/ interventions. Impacts of changes in Supporting People funding need to be considered. More reference to the work of Registered Providers needs to be made.</p>
<p>Centrepoint</p>	<p>Appropriateness of allocating homeless young people to PRS housing outside the borough will depend the location and circumstances of the person involved. Transport costs a key consideration. PRS housing is not suitable for everyone and that existing research indicates that such tenants in PRS are twice as likely to return to hostels or the streets than those allocated to social housing tenancies. Tackling ‘perverse incentives’ to seek a social housing tenancy should not be to the detriment of genuine homelessness cases.</p>
<p>Mencap Housing Sub Group Meeting (27 June 2012)</p>	<p>The documents were not specific enough with regards to possible exemptions for certain groups from the stated strategy e.g. would there be any exemptions for people with Learning Disabilities in the case of fixed term tenancies?</p> <p>Disability is broadly mentioned but it is done so in a general way, which does not necessarily take into account the actual needs of people with Learning Disability. More focus needed on the varying groups that fit into the disability category. The strategy simply refers to 10% of people using wheel chairs, what about everyone else?</p> <p>Groups and individuals have been working towards increasing awareness of the needs of people with Learning Disabilities so that, for example, housing officers and council officials can improve the services offered to people with Learning Disabilities. These advances were not apparent in the document overall. No real recognition of Learning Disabilities or their specific needs; if there is no recognition in the documents then this will be reflected in day to day practice.</p> <p>By not considering people with Learning Disability more closely there is the possibility of policy change that could be positive impacting negatively e.g. The community contribution: People with LD contribute positively to our community in a number of different ways, but, if the criteria for what contribution to community actually is, is too rigid (20 hours a month), then they may miss out on these benefits. A more flexible approach to people with LD needed.</p>

Housing Strategy Annex

Consultee	Comment
LBHF Planning	Corrections/Update
LBHF Performance and Information	Corrections/Update

Equalities Impact Assessment

Consultee	Comment
Mencap	Seeking an independent EqIA to be undertaken.
HFDF (27 July 2012)	Greater attention and evidence needed for the EqIA. Helpful guidance given on where additional information and guidance is required.

Full Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2012/13 Q3
Name and details of policy, strategy, function, project, activity, or programme	<p>Title of EIA: Building a Housing Ladder of Opportunity</p> <p>The purpose of the Building a Housing Ladder of Opportunity work programme is to adopt a set of documents that are designed to help the Council achieve a change in its housing approach across a number of work areas. The set of documents comprise the:</p> <ul style="list-style-type: none"> - Housing Strategy - Housing Allocation Scheme - Tenancy Strategy - Homelessness Strategy <p>There is an additional housing strategy annex which includes references and evidence to support the Housing Strategy content. The four documents are described as ‘the strategy documents’ in this EqIA. Each of these documents make separate but related contributions to the Council’s new housing agenda. The Housing Strategy sets the overall ‘direction of travel’ for other three strategy documents. The development and regeneration objectives of the Housing Strategy reflect the Council’s Local Development Framework Core Strategy (Oct 2011) objectives and the Borough Investment Plan (Dec 2011), both of which have been approved by Cabinet.</p> <p>By making the changes sought, the Council is seeking to reposition the authority to effectively take advantage of the freedoms and flexibilities granted under the 2011 Localism Act and a broader corporate requirement to ensure housing services provided by the council are as efficient and effective as possible. If agreed by Cabinet, the large majority of the changes, principally through the operation of the Housing Allocation Scheme, are planned to come into effect from April 2013. The second recommendation of the report gives delegated Authority 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.</p>

Lead Officer	Name: Aaron Cahill Position: Temporary Project Officer (Policy) Email: aaron.cahill@lbhf.gov.uk Telephone No: 0208 753 1649
Date of completion of final EIA	28 September 2012

Section 02	Scoping of Full EIA
Plan for completion	Timing – The EqIA process has informed recommendations in the Cabinet Briefing Report Resources – Officer time; data and statistics set out in the Housing Strategy Annex; additional housing allocations information recently available from the Council’s Performance Team; Borough-wide socio-economic statistics drawn from corporate sources. Lead Officer – Aaron Cahill
What is the policy, strategy, function, project, activity, or programme looking to achieve?	<p>There are three primary objectives that the Council is seeking to achieve: Firstly, to put the council’s ‘borough of opportunity’ agenda at the centre of its housing approach, highlighting the Council’s housing growth and jobs agenda. Secondly, to take advantage of the freedoms and flexibilities presented by the passing of the 2011 Localism Act. Thirdly, to introduce a housing approach which is more realistic, fair and affordable, reflecting more closely what the Council, as a local housing authority, is able to do in order to meet both housing need and aspiration.</p> <p>In that vein, the Council has prepared and consulted on four key documents that will change the approach as set out above. These are documents that have received comment and contributions from interested parties in Hammersmith & Fulham and other parties such as the Mayor of London whose representatives have offered a broadly positive view about the documents’ broad conformity with his latest London Housing Strategy.</p> <p>The Housing Strategy sets out the overall ‘direction of travel’ for the housing approach. With creating a ladder of opportunity at its core, the three objectives are to:</p> <ol style="list-style-type: none"> 1. Deliver major economic and housing growth within our opportunity areas 2. Tackle economic and social polarisation through the creation of more mixed and balanced communities where no one tenure dominates

3. Manage a better, streamlined housing service, with a focus on local decision making, delivering outcomes that improve resident satisfaction

The **Housing Allocation Scheme** sets out the Council's approach to prioritising housing applicants for accommodation. Whilst continuing to meet its statutory homelessness obligations, the Council intends to give greater priority to applicants who are making a community contribution, such as working households and ex armed service personnel.

The **Tenancy Strategy** sets out the Council's approach to flexible tenancies. This document highlights a range of fixed terms – from two to five years – which the Council intends to grant in its role as a registered provider of affordable housing. It also provides guidance to other registered providers, principally housing associations, on fixed term lengths and levels of affordable rent that should be charged in the borough. Some tenancies will still be granted on a secure or assured 'lifetime' basis.

Finally, the **Homelessness Strategy** sets out how the Council intends to meet its homelessness obligations (including preventative work) in the new operational environment.

The development and implementation of a successful Building a Housing Ladder of Opportunity approach will be critical to the Council realising its broader regeneration objectives which are intended to have medium to long term direct and indirect positive equality impacts for Hammersmith & Fulham's residents.

Of particular importance is the intention of the Council to develop and implement a community contribution orientated scheme of allocation which includes objectives such as giving greater housing priority to working households; ex-service personnel; foster carers; police community support officers; other workers; and volunteers who make a contribution to the local economy and community which features in the Housing Allocation Scheme; progressing its growth ambitions in the five regeneration opportunity areas and in other 'Rest of Borough' sites which features in the Housing Strategy; to reinforce its low cost home ownership agenda for hard-working households which also features in the Housing Strategy; and, ensuring that the Council meets its statutory homelessness obligations which features in the Housing Allocation Scheme and the Homelessness Strategy. There will be positive and negative equality impacts that may arise from each of these proposed activities which will need to be monitored with any negative impacts mitigated, where this is possible and assurance given that where this is not possible, negative impacts on protected group(s) are not unlawful.

The remainder of this EqIA reviews the equality impacts of each of the four strategy documents.

The **Housing Strategy** – sets out the overall 'direction of travel' for the housing approach. With creating a ladder

of opportunity at its core, the three objectives are to:

1. Deliver major economic and housing growth within our opportunity areas
2. Tackle economic and social polarisation through the creation of more mixed and balanced communities where no one tenure dominates
3. Manage a better, streamlined housing service, with a focus on local decision making, delivering outcomes that improve resident satisfaction

On the first objective, it is worth noting that the key strategy document in relation to new housing supply is the Local Development Framework (LDF) Core Strategy, adopted by Cabinet in October 2011. The sections in the Housing Strategy on new supply and the regeneration areas are a derivative of LDF Core Strategy housing policies, to help ensure there is alignment with documents already adopted by the Council. This includes the Borough Investment Plan adopted by Cabinet in Dec 2011.

Age	One of the few changes to the draft Housing Strategy related to the need for a more developed and integrated approach to the current and future housing needs of the vulnerable, the elderly and disabled people. The Strategy commits to adopting such an approach to identify and meet the needs of these equality groups. The Housing Strategy confirms the LDF Core Strategy policy to deliver housing that meet people's housing needs who need care and support, Housing Policy H4. This will include older people and also those who may have housing needs due to physical or learning disabilities. Increased supply of smaller accommodation will have positive impacts for applicants who are seeking small accommodation who form the largest cohort of need on the current Housing Register.	H	+
Disability	The development of new housing – market and affordable – which delivers 10% wheelchair accessible housing and delivers the “Lifetime Homes Standards” will have direct and positive impacts on disabled people's quality of life. Implementing the design standards identified in the Mayor of London's Draft Housing SPG (which incorporates the Housing Design Guide) will also have the impact of ‘future proofing’ homes, allowing people as they get older and/or become disabled to be able to stay in their own homes with relatively minor adjustments being required. The Lifetime Homes requirement as per planning policy will also benefit people who are not disabled at present but who become disabled, for example, those who acquire age-related mobility	H	+

	impairment(s). Taken with the Council's new statutory health role there is further work required to develop the Council's approach to the needs of the disabled (including people with learning disabilities), vulnerable and the elderly referenced in Section 7 of the Action Plan of this EqIA. This will be completed by HRD, by April 2013.		
Gender reassignment	The Housing Strategy is not expected to have negative or positive impacts on people who have transitioned or are transitioning.	N/A	N/A
Marriage and Civil Partnership	The Housing Strategy is not seeking to deliver a specific service for married people or people who are civil partners so this is not relevant to this protected characteristic.	N/A	N/A
Pregnancy and maternity	The Housing Strategy reflects Draft Development Management Plan proposals to maximise the amount of affordable family housing to be delivered through planning policies. It is clear from current evidence that there is a relatively small proportion of affordable family rented housing that is available to the Council to nominate households to. Of the 646 homes that the Council nominated to in 2011/12, just 92 had 3 or 4 bedrooms. Whilst demand for affordable housing for rent is largely for 1 bedroom and 2 bedroom homes due to homelessness demand, because of the limited supply of larger accommodation, the wait for larger accommodation is disproportionately longer. Therefore, increasing the supply of affordable family housing will have positive impacts on this protected group. Lone parents are a significant cohort of need in the accepted homelessness cohort of need.	H	+
Race	The Housing Strategy reflects the Core Strategy target to deliver 720 homes per annum and that 40% of the housing should be affordable. The affordable housing delivered is planned to be for both affordable home ownership and Affordable Rent. As set out in the Homelessness statistics in the Housing Strategy Annex, the homelessness approaches and acceptances from ethnic minority groups exceed that from white groups, excluding 'Other Total' and where ethnicity was not stated. In this respect, the Strategy should have a positive impact on all race groups, but that impact will be proportionately more on BME Groups in line with their presence in the homelessness statistics.	H	+
Religion/belief (including non-belief)	The Housing Strategy is not expected to have any impacts on people according to their religious beliefs.	L	Neutral

Sex	The Housing Strategy is intended to increase the amount of affordable housing for both intermediate and affordable rented purposes. In March 2012, 57% percent of the main applicants were women. On the Housing Register, 63% of the main applicants were women. Increasing the provision of affordable housing – bother intermediate and affordable rented – are likely to have positive impacts on men and women but on women proportionately more in line with their representation in the statistics.	H	+
Sexual Orientation	The Housing Strategy is not expected to have any impacts on lesbian, gay, bisexual or heterosexual people.	L	Neutr al

Human Rights and Children's Rights

Will it affect Human Rights, as defined by the Human Rights Act 1998?

No

Will it affect Children's Rights, as defined by the UNCRC (1992)?

No

The **Housing Allocation Scheme** sets out the Council's approach to prioritising housing applicants for accommodation. The Council will only be permitting applicants who meet one or more of the 'reasonable preference' criteria and a five year local connection to qualify for the Housing Register. **By using these two qualifying criteria, the Council is in effect only giving priority to housing applicants who have a local connection with the borough and are in housing need, as defined in legislation. The over-arching equality impacts are likely to be positive as those who are in housing need are more likely to be drawn from the protected groups than under current Housing Allocation Scheme.** Whilst continuing to meet its statutory homelessness obligations, the Council intends to give greater priority to applicants who are making a community contribution, such as working households and ex armed service personnel. The Council also intends to change the council's choice based lettings approach to a 'assisted choice' approach which is broadly similar to historic 'direct lettings' approaches, with the caveat that successful applicants will be made two offers (with discretion for a third). The Council also intends to adopt Local Lettings Plans in specific areas designed to address certain issues such as overcrowding; high concentrations of poverty; and local 'swaps' of homes to help improve local sustainability. The intention of the Council to continue adopting Annual Lettings Plans is set out in the Housing Allocation Scheme. Such Plans identifies quotas for cohorts of housing needs, e.g., supporting people; homeless; children leaving care; households in work; etc. Where adjustments are made that clearly advantage certain (non protected groups to the detriment of other (protected) groups, then these impacts will need to be

monitored and evaluated. A key element of the Housing Allocation Scheme involves greater use of private sector accommodation which the council intends to use to discharge its homelessness duties (also featured in the homelessness strategy sections below). Equality impacts relating to the Council's homelessness obligations are set out in the final part of this section of the full screening document. The earlier referenced scoping work on the needs of the vulnerable, elderly and disabled is primarily relevant to the Housing Allocation Scheme but has links with the Tenancy Strategy and Homelessness Strategy. Taken with the Council's new statutory health role there is further work required to develop the Council's approach to the needs of the disabled, vulnerable and the elderly referenced in Section 7 of the Action Plan of this EqIA. This will be completed by HRD by April 2013.

Age	<p>A relatively large proportion of lettings are available annually for older people for sheltered housing purposes. For 2009/10 such lettings comprised 126 sheltered homes out of a total of 990 homes for rent; for 2010/11, 125 out of 911; and, in 2011/12, 109 out of 646. On 1 April 2012, some 339 households were on the housing register seeking sheltered accommodation. The Council expects this demand to continue but has undertaken a review of its sheltered housing stock to ensure that the stock available continues to be fit for purpose. One of the proposals in the Housing Allocation Scheme is designed to facilitate a closer working relationship with the Council's Adult Social Care staff to help ensure that older applicants who may have other housing or health needs are able to access sheltered housing. This is intended to secure accommodation for a wider cohort of housing need beyond people who meet a simple age criteria, whilst also reducing reliance on private sector providers. The Council expects the move to 'Assisted Choice' to help older people with their housing choices as ICT based approaches are perceived to be difficult for this age group to operate.</p> <p>For younger people, it is expected that some young people in the training and employment community group will gain higher priority for accessing affordable housing. Through the Annual Lettings Plan, the Council expects that certain cohorts of need, e.g., supported housing needs; children/young adults leaving care; will continue to receive affordable housing, but may in some instances be allocated private rented or leased accommodation. Subject to the publication of Government Regulations on suitability of accommodation, this may have positive or negative impacts on those affected, depending on individual circumstances.</p>	H	+
		H	+ and -

	For younger people, the number of 18-24 year olds allocated homes in 2011/12 totalled 106 (16%) out of a total of 646. Reviewing the data available from the Homelessness Strategy, it can be estimated that approximately half of this cohort of need will have accessed the housing register through a homelessness acceptance. The Council intends to use private rented housing (subject to publication of the Government's Homelessness Order) to discharge its homelessness duty. Any such housing is likely to need to meet (based on the Draft Order's content) suitability criteria in regarding its quality and location. Therefore any such housing will need to be chosen with care in order to meet statutory requirements which will be based on the location of the homes and their quality.		
Disability	The move to 'Assisted Choice' should help the Council identify housing that is more suitable for disabled applicants' needs, using discretion where necessary. Presently, there are recorded 311 household members out of a total of 22,178 members on the Housing Register (i.e., either applicants or household members who are on the c 10,000 list). The reported level of need is considered to be under-reporting the likely level of housing needs. Further work will need to be undertaken to ensure information is accurately recorded as part of the new Housing Allocation Scheme implementation process. This will need to occur at the point of where new housing register applications are completed and annually updated. These will form part of the review exercise identified in the Action Plan at the end of this assessment.	H	+
Gender reassignment	The Housing Allocation Scheme is not expected to have any impacts on people who have transitioned or who are transitioning.	L	Neutral
Marriage and Civil Partnership	The Housing Allocation Scheme makes clear in the sections on tenancy succession that a spouse or a civil partner and a person who lives with the tenant as if they were a spouse or a civil partner should have tenancy succession rights, subject to meeting residency criteria.	H	+
Pregnancy and maternity	Housing allocation priority through the homelessness route for accommodation is set out in the final part of this section of the full screening document.	H	+

	Race	<p>Given the high levels of deprivation that some ethnic minority households continue to experience it is inevitable that ethnic minority groups are highly represented in the allocation of affordable rented housing. In 2011/12, 646 allocations were made of which a total of 52% were from ethnic minority groups and 44% from white groups (with 4% not stated). The over-representation of ethnic minority groups seeking housing support is illustrated by the profile of those currently on the housing register. Out of the total of 10,115 applicants reported on 12 September 2012, 52.4% were from black, Asian or other ethnic minority groups; 37% were from white groups, with 10.6% ethnicity not stated. The current ethnic minority 'need profile' of the current housing register can be described as being broadly proportionate to the profile of allocations in the 2011/12 year.</p> <p>The Council will monitor and evaluate impacts that may arise from the implementation of the Housing allocation Scheme. As specified in the introductory text, the switch to a Housing Allocation Scheme which centres on giving priority for reasonable preference groups and people with a local connection, the equality impacts are likely to be positive. However, with the introduction of the community contribution, the Council will need to monitor and evaluate what positive and negative impacts are experienced and what (if any) mitigating actions need to be put in place.</p> <p>Where the Council adopts local lettings plans and seeks to draw applicants who may not necessarily meet the reasonable preference criteria from the Home Buy Register for short term tenancies, then the Council will monitor what impacts – negative or positive - this may have on the ethnic profile of applicants who are accessing affordable rented housing.</p> <p>It should be noted that of the 4,143 people registered on the Home Buy Register in March 2012, 60.8% were from white groups; 35% from ethnic minority groups; 4.1% not stated. Where there are allocations of rented housing made from the Home Buy Register, they are statistically more likely to be from white backgrounds. Any local lettings plan approach will be monitored</p>	H	+

	and evaluated carefully. Allocating more rented housing from the Home Buy Register could have a negative impact on ethnic minority groups. Following the introduction of the Housing Allocation Scheme, lettings trends will need to be monitored and evaluated to assess impacts, and acted as necessary.	M	-
Religion/belief (including non-belief)	The Housing Allocation Scheme is not expected to have any impacts on people according to their religious beliefs.	L	Neutral
Sex	The 646 Allocations in 2011/12 by gender (based on main applicant) were as follows: 372 (58%) to women, 274 (42%) to men. The Council will monitor and evaluate the impact of the new Housing Allocation Scheme on this equality group closely, drawing on data for 2012/13 and for previous years. The Housing Allocation Scheme gives high rehousing priority to victims of domestic violence. Allocating more rented housing from the Home Buy Register could have a negative impact through differential levels of income.	H M	+ -
Sexual Orientation	The Housing Allocation Scheme makes clear in the sections on tenancy succession that a civil partner and a person who lives with the tenant as if they were a civil partner should have tenancy succession rights, subject to meeting residency criteria.	H	+

Human Rights and Children's Rights

Will it affect Human Rights, as defined by the Human Rights Act 1998?

No

Will it affect Children's Rights, as defined by the UNCRC (1992)?

No

The **Tenancy Strategy** sets out the Council's approach to flexible tenancies. This document highlights a range of fixed terms – from two to five years – which the Council intends to grant in its role as a registered provider of affordable housing. It also provides guidance to other registered providers, principally housing associations, on fixed term lengths and levels of affordable rent that should be charged in the borough. Some tenancies will still be granted on a secure or assured (i.e., lifetime basis). Private Registered Providers (usually housing associations) are required to have due regard to the local housing authority's Tenancy Strategy when formulating their own tenancy and tenancy renewal policies. The large majority of the impacts described below relates to how the Council in its registered provider role intends to change the tenancies it intends to grant. It should be noted

that many Private Registered Providers (usually housing associations) intend to continue granting 'lifetime tenancies' and therefore monitoring and evaluation of offering and take up of such tenancies will need to be undertaken. On the basis of a 'lifetime' tenancy being more attractive to applicants, the Council will need to ensure that it is not giving undue preference to certain groups of applicants when making offers of a tenancy to applicants.

Age	The Tenancy Strategy proposes to continue granting 'lifetime' secure tenancies to applicants who are over 65 years old which will be positive as they will see no change in the policy for them.	H	+
	The strategy proposes to grant 2 year tenancies to applicants who are between the ages of 18-25, unless they are leaving local authority care and entitled to receive services under the Leaving Care Act and so the impacts will be both positive and negative for this age group. 2 year tenancies are proposed for this group to help ensure they are able to take on the responsibilities associated with sustaining a tenancy which is likely to be renewed if the tenancy is managed well.	H	+ and -
	The Tenancy Strategy proposes to grant 5 year tenancies to general needs applicants aged 26-64. There is a clear possibility that a 2 year tenancy could be perceived to have a negative impact on younger people, given there will be situations where a young applicant may be able to give good reason that they can sustain a tenancy as successfully as an older applicant.	H	+ and -
Disability	The Tenancy Strategy proposes that applicants with disabilities and/or special health needs should continue to be granted 'lifetime' secure tenancies. The document also makes reference to keeping disabled adapted housing in the lettings pool in the context of a succession scenario where the remaining housing occupants do not have a disabled housing need.	H	+
	The Tenancy Strategy highlights guidelines to Private Registered Providers on Affordable Rents which should be charged up to 80% of local market rents. In the event that new or re-let housing provided by Private Registered Providers which is adapted for wheelchair purposes, then this is likely to have negative impacts on this protected group. Research published by the Equality and	H	-

		Human Rights Commission in 2008 indicated that the median weekly earnings of disabled men is around 10% lower than that for non-disabled men. The research indicated that disabled women's income was 5% lower using the same research methodology. The level of rents charged by Private Registered Partners will vary according to rent policy for each organisation. Where the PRP concerned seeks to charge the maximum Affordable Rent, then disabled people requiring wheelchair accessible accommodation are likely to be disproportionately affected. The Council issues the large majority of tenancies to housing applicants (72% compared to 27% provided by housing associations with 1% placed outside the borough), therefore any proposal by PRPs to charge higher rents for properties that are adapted for disabled use will be proportionate to the housing supply available. The need for a specific approach to affordable rents for homes that are affordable to disabled people will be considered as part of the April 2013 Review.		
	Gender reassignment	The Tenancy Strategy is not expected to impact on people who have transitioned or are transitioning.	L	Neutral
	Marriage and Civil Partnership	The Tenancy Strategy is not expected to impact on people who are married or in a civil partnership.	L	Neutral
	Pregnancy and maternity	The Tenancy Strategy is not expected to have a major impact on this protected group. A small proportion of lone parents who are women (70 out of 164 homelessness acceptances in 2010/11) are likely to be impacted.	M	-
	Race	In the 'Age' section above, it is highlighted that 18-25 year olds will be granted 2 year fixed term tenancies in the first instance, which may lead to the granting of a longer 5 year tenancy at a later stage. 52% of council lettings in 2011/12 were to ethnic minority groups and therefore the granting of fixed term tenancies to future tenants is likely to have a relatively modest negative impact on people from race protected groups. Given that a proportion of lettings are made to young people in housing need, it is reasonably certain that a significant proportion of 2 year tenancies will be granted to applicants from ethnic minority backgrounds.	M	-
	Religion/belief (including non-belief)	The Tenancy Strategy is not expected to have negative impacts on people according to their religious beliefs.	L	Neutral

Sex	The Tenancy Strategy is not expected to have negative impacts on people according to their gender.	L	Neutral
Sexual Orientation	The Tenancy Strategy has not so far emerged as relevant to people's sexual orientation.	L	Neutral

Human Rights and Children's Rights

Will it affect Human Rights, as defined by the Human Rights Act 1998?

No

Will it affect Children's Rights, as defined by the UNCRC (1992)?

No

The **Homelessness Strategy** sets out how the Council intends to meet its homelessness obligations (including preventative work) in the new operational environment. Core to the strategy is to continue its homelessness prevention approach which has been successful in reducing successful homelessness approaches since 2003/04 (see Homelessness Strategy Annex). This overall approach is intended to have positive impacts on the protected groups. The Housing Allocation Scheme which governs who qualifies for available accommodation gives greater priority to those who meet the reasonable preference and five year local connection criteria. Again, this is likely to have positive impacts on the protected groups. This will include seeking to discharge its homelessness duty into the private rented sector, subject to publication of the final CLG Homelessness (Suitability of Accommodation) (England) Order. Given that homelessness applicants who are accepted by the Council who are from one or more of the equality groups described below, these impacts will need to be monitored carefully. It should be noted that the final CLG Homelessness Order referenced above has yet to be published and therefore the Council's intention to discharge its homelessness duties into the private rented sector (PRS) cannot be fully implemented until the final Order is issued. The earlier referenced scoping work on the needs of the vulnerable, elderly and disabled is primarily relevant to the Housing Allocation Scheme but has links with the Tenancy Strategy and Homelessness Strategy. Taken with the Council's new statutory health role there is further work required to develop the Council's approach to the needs of the disabled, vulnerable and the elderly referenced in Section 7 of the Action Plan of this EqIA. This will be completed by HRD by April 2013.

In respect of both the Housing Allocation Scheme and the Homelessness Strategy, the Council intends to monitor and evaluate on a quarterly basis the impacts of its new policies.

Presently, the Council has 1,091 households who have been accepted as homeless (or a decision is pending) and are housed in temporary accommodation, both within the borough and outside. Over the past three financial

years the number and proportion of social housing lettings to homeless households has been as follows: 264 (27%) out 990 social housing lettings in 2009/10; 201 (22%) out of 911 social housing lettings in 2010/11; and 162 (25%) out of 646 social housing lettings in 2010/11.

The Council's power to discharge its homelessness duty into the private rented sector will be dependent on the publication of the CLG Homelessness Order. Whilst the Consultation document gives an indication of what the likely content will be, focusing on the suitability of location and quality of the accommodation, it is not possible to state what the Regulations will specify, and consequently what the equality impacts might be. The Regulations are expected to be published by December 2012 at the latest.

The earlier referenced scoping work on the needs of the vulnerable, elderly and disabled is primarily relevant to the Housing Allocation Scheme but has links with the Tenancy Strategy and Homelessness Strategy. This will need to take account of the Homelessness Order regulations. Taken with the Council's new statutory health role there is further work required to develop the Council's approach to the needs of the disabled, vulnerable and the elderly referenced in Section 7 of the Action Plan of this EqIA. This will be completed by HRD by April 2013.

Age	<p>The large proportion of homelessness acceptances (i.e., where the council has received an approach and has accepted a duty) by the Council are from people from younger age groups. Out of a total of 132 acceptances during Apr 2011 – Dec 2011, just 9 were from 60-64, 65-74, and 75 + groups. This is contrasted by a relatively high supply (c 100 p.a.) against demand for this kind of accommodation (c 300 p.a.) available from the Council where the older cohort of need can be reasonably confident of being re-housed. There is a clear trend of homelessness acceptances from people who are young; lone parents; from ethnic minorities; and, excluded from parents/relatives accommodation. There are a relatively small number of acceptances from people who have been in institutional care – just 2 cases in Apr 2011-Dec 2011 – which may be due to the developed approach that the Council has had to date with offering housing to young people leaving care. Given that it is likely that homelessness demand is likely to remain strong, it follows that its characteristics will remain similar also.</p> <p>Where the Council uses private rented housing to discharge its homelessness duties (subject to the above mentioned Homelessness order) then there are likely to be negative impacts on 18-24 year olds who comprised 26% of the successful homelessness approaches in 2010/11. Use of the private rented sector for discharging its homelessness duties is subject to publication of the</p>	<p>H</p> <p>M</p>	<p>+</p> <p>-</p>
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	Government's Homelessness Order.		
Disability	The Homelessness Strategy identifies the importance of meeting housing needs of the disabled in line with the reasonable preference eligibility and qualifying criteria set out in both the Strategy itself and the Housing Allocation Scheme. The numbers of homelessness applicants approaching the Council on the basis of disability is statistically small and are therefore not monitored in a way that other cohorts of need are. This does not preclude applicants placing themselves in other cohorts of need, e.g., 'ex-institution of care'. The Council will need to monitor more closely this cohort of need (with relevant subsets to ensure there is appropriate demarcation of needs such as physical disabilities from learning disabilities).	H	+
Gender reassignment	The Homelessness Strategy is not expected to have impacts on people who have transitioned or are transitioning.	L	Neutral
Marriage and Civil Partnership	The Homelessness Strategy evidence base indicates that 12 homelessness cases (out of a total of 132) which involved violence related relationship breakdown were accepted during Apr 2011 – Dec 2011. This is proportionately more to the 20 cases accepted during 2010/11 (out of a total of 164 acceptances). It can be concluded that the council's homelessness approach will need to continue to make a meaningful contribution to meeting housing needs arising from domestic violence. The Homelessness Strategy and the Housing Allocation Scheme are clear in their support for victims of domestic violence, but such support will not automatically lead to an allocation of affordable rented housing.	M	+
Pregnancy and maternity	The Draft Homelessness Strategy evidence base indicates that homelessness acceptances from female lone parents totalled 63 out of a total of 132 during Apr 2011 – Dec 2011. This compares with 70 out of 164 in 2010/11. This is a considerable proportion of total acceptances. Other evidence indicates that the large majority of homelessness acceptances during Apr 2011-Dec 2011 are from the 16-24 (38 acceptances) and 25-44 (65 acceptances) age groups, indicating that acceptance are from the younger age group cohorts with 31 acceptances to the remaining older groups.	H	+
Race	The Homelessness Strategy evidence base has indicated that the majority of homeless acceptances since 2003/04 have been from ethnic minority groups. During April 2011-Dec 2011, the number from white groups totalled 51 with the	H	+

		<p>total number from non-white groups totalled 81. Given that people from ethnic minority backgrounds are disproportionately over-represented in deprivation indicators, this representation is to be expected in line with the statistics. In Section 3.28 of the Draft Housing Strategy evidence base, it is indicated that unemployment rates amongst black other, black Caribbean and black African groups were four times higher than that for white ethnic groups.</p> <p>Where the Council uses private rented housing to discharge its homelessness duties (subject to the above mentioned Homelessness order) then there are likely to be negative impacts on ethnic minority groups who comprised 60% of the successful homelessness approaches in 2010/11. Use of the private rented sector for discharging its homelessness duties is subject to publication of the Government's Homelessness Order.</p>	M	-
	Religion/belief (including non-belief)	The Homelessness Strategy is not expected to have impacts on people according to their religious beliefs.	L	Neutral
	Sex	The Homelessness Strategy evidence base indicates that 12 homelessness cases (out of a total of 132) which involved violence related relationship breakdown were accepted during Apr 2011 – Dec 2011. This is proportionately more to the 20 cases accepted during 2010/11 (out of a total of 164 acceptances). It can be concluded that the council's homelessness approach will need to continue to make a meaningful contribution to meeting housing needs arising from domestic violence. The Homelessness Strategy and the Housing Allocation Scheme are clear in their support for victims of domestic violence, but such support will not automatically lead to an allocation of affordable rented housing.	H	+
	Sexual Orientation	The Homelessness Strategy is not expected to have impacts on lesbian, gay, bisexual or heterosexual people.	L	Neutral
<p>Human Rights and Children's Rights</p> <p>Will it affect Human Rights, as defined by the Human Rights Act 1998? No</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)? No</p>				

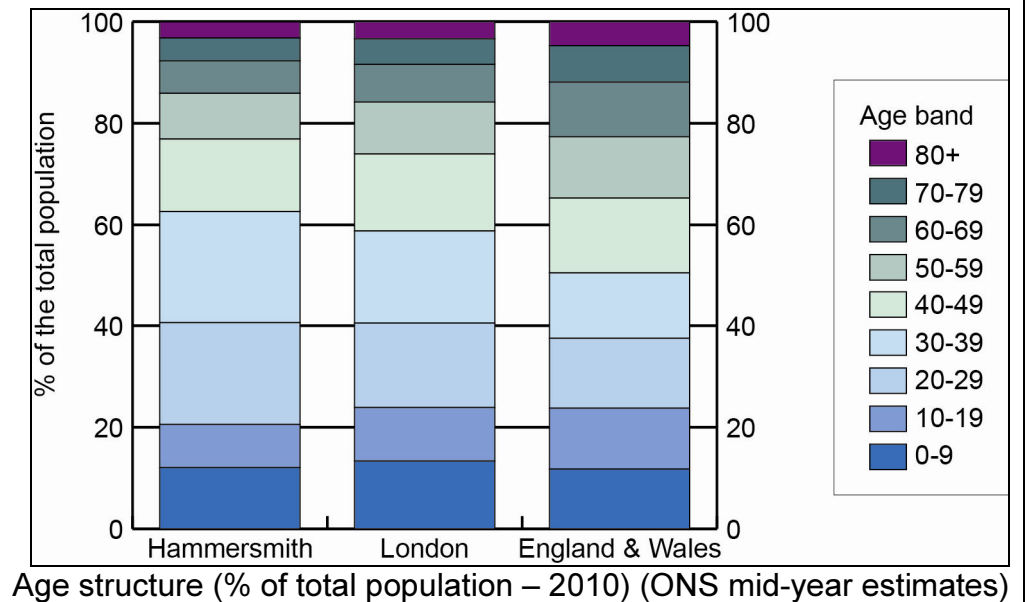


Section 03	Analysis of relevant data and/or undertake research
Documents and data reviewed	<p><u>LOCAL DEMOGRAPHICS OF EQUALITY TARGET GROUPS</u></p> <p>A summary of the demographic situation in relation to each of the equality groups is given below. This provides a starting point for the analysis of likely impacts of the PDCS on these groups. Data based on the 2001 Census and will be updated when the 2011 Census data is complete enough to undertake a proper analysis.</p> <p>A summary of the current position in relation to each of the equality groups is given below. This provides a starting point for the analysis of likely impacts of the PDCS on these groups.</p> <p>Population</p> <p>The population of the borough is relatively young and ethnically diverse. It is also a highly mobile population with about half of all households having moved in the previous five years.</p> <p>It is projected by the GLA (2011), taking account of the borough’s housing target of an additional 615 dwellings per annum, that the population will increase from 188,235 in 2011 to 208,683 in 2031 (an 11% increase).</p> <p>Households</p> <p>The borough has a high proportion of single people, the second highest proportion (54.7%) of any local authority in England & Wales and 43% of all households consist of one person households in 2008 (DCLG 2008).</p> <p>It is projected by DCLG (2008) that households will increase from 76,000 in 2011 to 82,300 in 2031 (an 8% increase). It is projected that the main growth in number of households will be in ‘one person’ households (21% up to 2033), while the number of ‘ co-habiting couples’ households will decrease by nearly 11% between 2008 and 2033.</p> <p>Age</p> <p>In 2010, nearly half of the population (42%) is between 20 and 40 years old which is significantly higher than the London (35%) and the country (27%) averages (Source: ONS, 2010 mid-year estimates).</p>

Between 2010 and 2031, the population aged 20 to 49 is expected to grow by 6.5%, the population aged 50 to 64 by 37%, the population aged 65 to 79 by 15% and the population over 80 by 23%.

In 2010, the borough had a higher proportion of young adults aged 25-39 (34%) than London (28%) and England and Wales (35%). Conversely, the proportion of children and young adults (0-24) in the borough is lower than in London (29%) and England and Wales (31%). Finally, 23% of the population is aged 50 or over, which is slightly lower than the London (26%) and country (35%) averages.

According to the H&F Carer's Strategy 2005-2010 and Experian Mosaic Data for the borough, older residents in the borough are more likely to live alone.

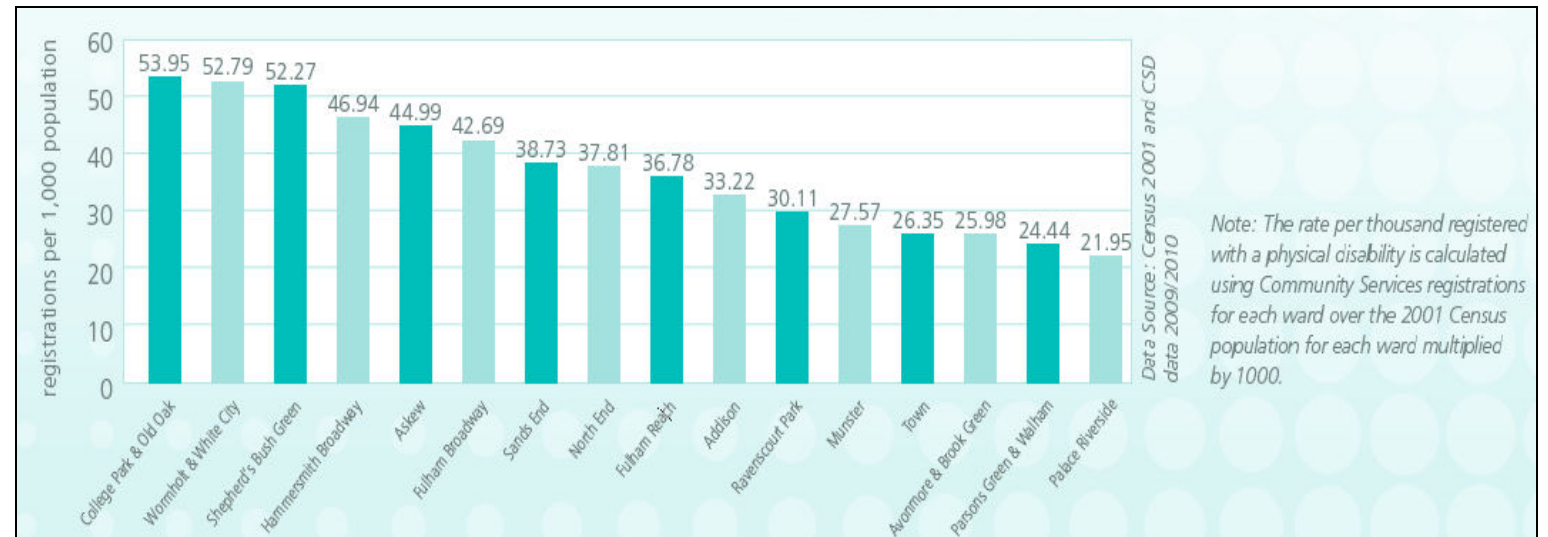


Disability

The rate of physical disability registrations for Hammersmith and Fulham as a whole is 37.3 registrations per 1,000 population. The Single Equalities Scheme (SES) indicates that around 15% of residents in Hammersmith and Fulham have a disability. College Park and Old Oak has the highest rate of physical disability registrations in

the borough (53.95). The five wards with the highest rates are all in the north of the borough; College Park and Old Oak, Wormholt & White City, Shepherd's Bush Green, Hammersmith Broadway and Askew. Palace Riverside has the lowest rate of registrations in the borough. Physical disability registration is voluntary so the figures do not give a complete picture of disability within Hammersmith & Fulham.

We recognise that people with disabilities and those that support them may be represented in one or more of the other equality groups. The other related group that is usually referenced is age, in particular, we recognise that people with disabilities who can experience difficulty accessing services are often children and young people, older people, and those who may provide care for older and younger disabled people. As disability covers a broad spectrum, we also recognise that adaptations for people with mobility impairments may not make services accessible for people with sensory impairments, and that people with mental health or long-term limiting illnesses may have different requirements.



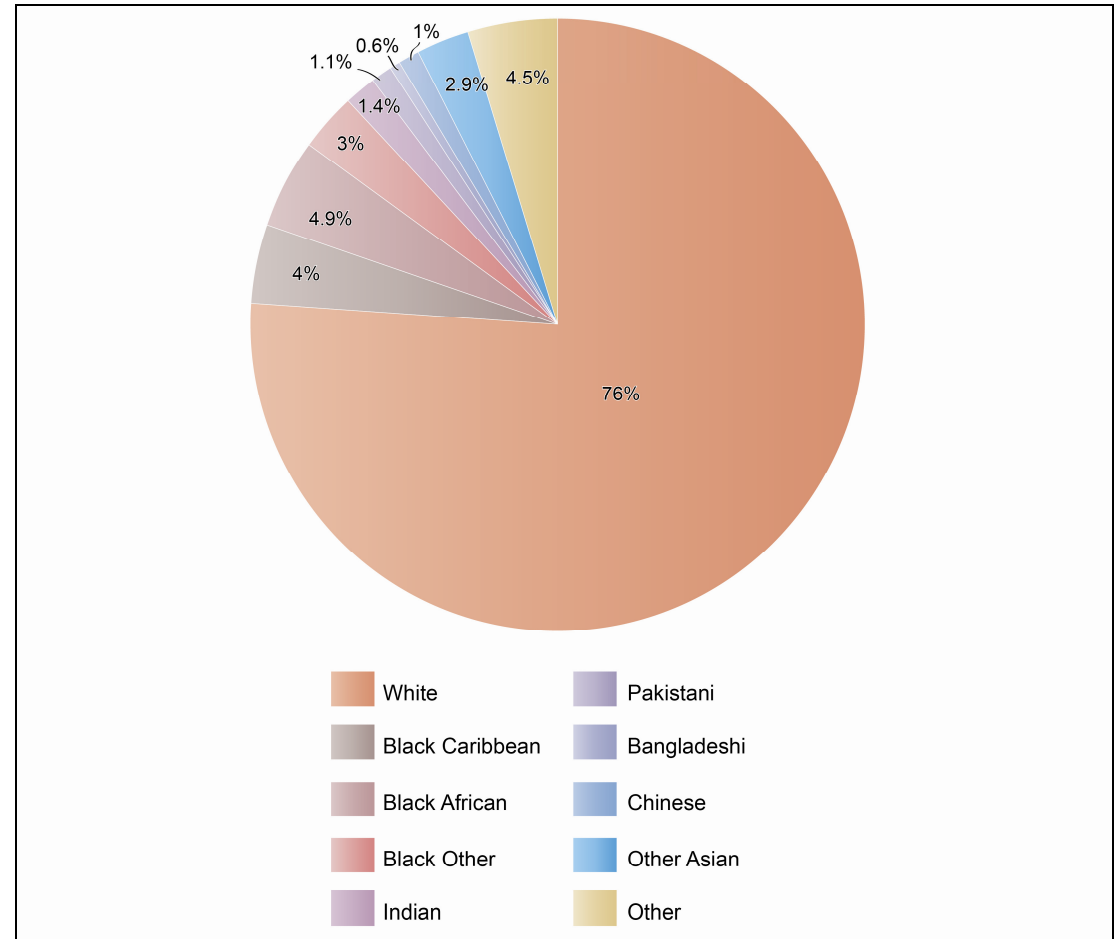
Number of people registered with a disability (Community Services registrations)

Race

According to the GLA 2010 round ethnic group population projections, 24% of the borough population in 2011

belonged to ethnic groups other than white. This represents an increase of 2% since 2001. The main ethnicity in the borough was 'white people' (76%) followed by people from 'black African' origin (4.90%) and the 'other'¹ group (see figure below).

In 2011, the white population represented 80% of the economically active population followed by the Black African ethnic group (4.4%) and the 'other group' (3.9%).



Ethnic groups in Hammersmith & Fulham (GLA 2010)

¹ The other group refers to the two ONS 2001 Census Ethnic Category: 'other mixed and Chinese or other.'

Religion

The religious profile of the Borough is less diverse than in London as a whole. In 2001, 63.6% of residents in the Borough were Christians, 6.8% were Muslim and 2.3% were other religions. This partly reflects the ethnic profile of the Borough, with a higher White population who are predominantly Christian and a lower Asian population who have a more diverse religious profile. In 2001, 17.6% of residents in the Borough stated that they had no religion. This is similar to the proportion for Inner London (18.3%) and Greater London (15.8%).

It is noted that members of this population will also be represented through one or more other equality strands and that race and religion are often linked, meaning that impacts may be experienced by this group in more subtle ways.

Sexual Orientation (and transgender)

The nature of issues facing LGB people is such that often, the voluntary sector has worked with those supporting transgendered or transitioning people as well, hence we often use the term LBGT (lesbian, gay, bisexual, transgender). This is relevant when assessing impacts and looking at populations, for there are no official statistics on sexual orientation or gender identity, as these are not routinely captured by public bodies, and are not captured by the census. However:

“In 2005, the Department for Trade and Industry published a figure of 6% as the percentage of LGBT people in the general population... the number of LGBT people in London is thought to be anywhere between 6% and 10% of the total population, increased by disproportionate levels of migration. This equates to an urban population of between 450,000 and 750,000”

(Kairos in Soho, *London's LGBT Voluntary Sector Infrastructure Project*, 25:2007)

To put this in a local context so far as is possible, although there are no accurate statistics for the numbers of lesbian, gay and bisexual residents in the borough, the 2001 census recorded 568 people (or 1.1% of couples), aged 16 and over, living as same sex couples in Hammersmith and Fulham. In 2009 there were 49 civil partnerships in this borough. This gives us some of the picture but within the parameters of the DTI figures, we note that these local statistics may hide single LGB people, or LGB people who have not entered into civil partnerships. We do not have specific data on transgendered or transitioning people.

It is noted that members of the LGBT population will also be represented through one or more other equality strands, meaning that impacts will be experienced by this group in more subtle ways.

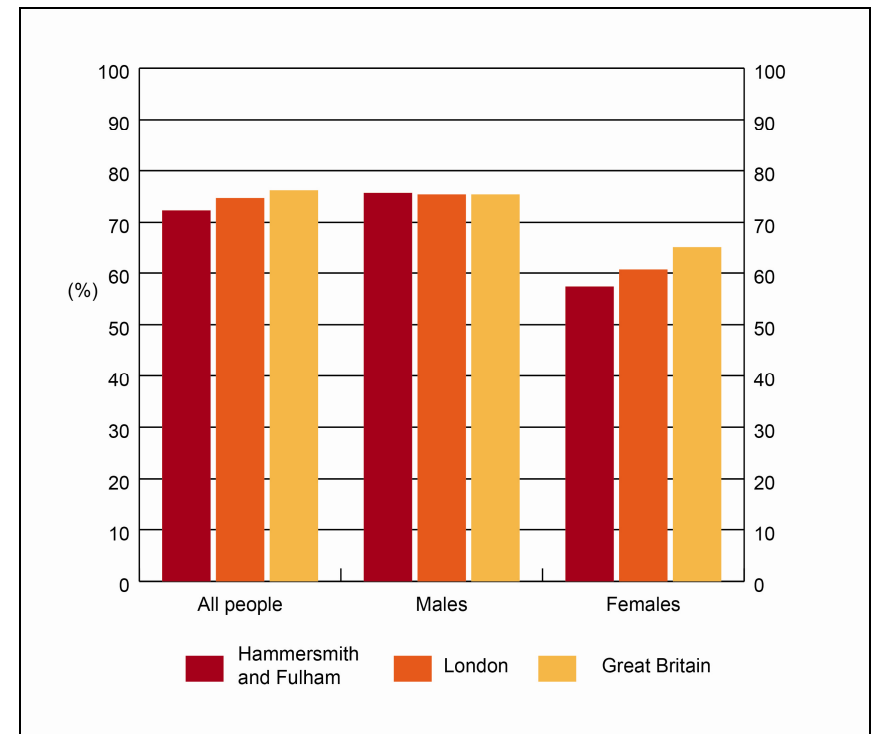
Gender and economic activity

In 2010, there are more men in the borough than women (there are more women than men in London).

The Single Equalities Scheme (SES) indicates that there are more female headed households in the borough which represents a key equality gap for Hammersmith and Fulham.

Women are less economically active than men representing respectively 62.8% and 81.4% in 2010. Those figures are lower than the London figures of 66.4% for women and 82.7% for men (Source: NOMIS).

Hammersmith & Fulham has a marginally higher proportion of male residents in employment (75.7%) than the London and national averages (75.4%), but has a lower proportion of female residents in employment (57.4%) than the London (60.7%) and national averages (65.2%).



Socio-economic

In 2010, Hammersmith & Fulham is ranked as the 55th most deprived local authority in England, in the country and there are significant pockets of deprivation.

The 2001 Census shows that Hammersmith & Fulham is a polarised borough with relatively high proportions of residents who are high earners and low earners. Census measures also show very high degrees of polarisation compared to other local authorities in educational attainment and occupation levels.

H&F has high proportions of working age residents in higher-paid jobs. In 2010, four in ten adults (39%) are managers, senior officials or professionals compared to 35.8% in London and 29.7% in the UK. 19.6% are in higher managerial or professional positions: this has increased significantly from 1991 when only 12.3% fell within this occupation group. There have been similar significant rises in associate professional and technical occupations: 15.8% in 1991, 23.5% in 2001 and 26.4 in 2010. On the other hand, 6.6% are in 'elementary occupations' compared to 8.6% in London and 11.1% in the UK.

In terms of economic inactivity, 27.7% of the 16-64 population in 2010 is inactive compared to an average of 25.8% in London.

References

1. LBHF Local Development Framework – Core Strategy (Oct 2011)
2. LBHF Local Development Framework – Proposed Development Management DPD (Nov 2011)
3. LBHF Strategic Housing Market Assessment (Dec 2010)
4. West London Strategic Housing Market Assessment (Nov 2010)
5. Hammersmith and Fulham Community Strategy 2007/14 (September 2007)
6. Mayor of London's London Plan (July 2011)
7. Mayor of London's Housing Strategy (Feb 2010)

8. LBHF Housing Strategy 2007/14 – A Housing Ladder of Opportunity for All (2007)
9. Mayor of London's A Revised London Housing Strategy (Dec 2011)
10. CLG A Fairer Future for Social Housing (Nov 2010)
12. LBHF LDF Strategic Housing Land Availability Assessment (Oct 2010)
13. LBHF LDF Background Paper: Affordable Housing (Oct 2010)
14. HMG Laying the Foundations: A Housing Strategy for England (Nov 2011)
15. TSA The Regulatory Framework for Social Housing in England from April 2012 (March 2012)
16. CLG National Planning Policy Framework (March 2012)
17. LBHF Housing Allocation Scheme (July 2009) Second Edition
18. LBHF Housing Demand by Applicant Type and Requirement (1 April 2012)
19. The CLG Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 (July 2012)
20. CLG Allocation of accommodation: Guidance for Local Housing authorities in England (June 2012)
21. CLG Homelessness (Suitability of Accommodation) (England) Order 2012 – Consultation (May 2012)
22. CLG Pay to Stay Consultation Paper on charging higher rents to social housing tenants (June 2012).

New research	<p>Following the equality impact assessment review and feedback from interested parties, it has become apparent that further scoping work is required to better understand the housing needs and aspirations of vulnerable, elderly and disabled people (including people with learning disabilities), which will be undertaken before the Housing Allocation Scheme comes into force in April 2013, by way of a further report and recommendations which will be considered by the Executive Director for Housing and Regeneration in consultation with the Cabinet Member for Housing. the needs and aspirations of other protected groups are likely to feature as part of this process.</p> <p>There is some research and examples of good practice (cf the Homelessness Strategy), but in the context of significant strategic, policy and financial change and challenge at national, regional and local levels, a scoping review to assess how the needs of the identified groups can be met in the most effective way with the resources that will be available may be beneficial.</p> <p>The Council now has the advantage of the tri-borough working which means that the ability to share good practice is that much greater. Innovation and closer partnership working with the private sector and registered providers will potentially help greatly to improve what future services are on offer. In the context of diminishing resources available for public service delivery there is a clear need to understand clearly what the housing needs and aspirations of vulnerable, elderly and disabled and other applicants are and how future service provision can be calibrated efficiently and effectively.</p> <p>In tandem, the Council will shortly be taking on a statutory health and well-being role which creates some imperative to initiate this work in conjunction with health stakeholders. In that vein, the research work would need to be an action-oriented piece of work that focuses in simple terms what degree of need exists using existing research; what existing service delivery practice is undertaken; assess and evaluate possible positive and negative equality impacts; and establish how a more a holistic service delivery approach can be shaped in time for policy implementation in April 2013.</p>
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Section 04	Undertake and analyse consultation
Consultation	<p>The consultation process involved consultation with three core audiences:</p> <ul style="list-style-type: none"> • Council tenants and leaseholders representatives who were sent a letter from the Cabinet Member with the four strategy documents, annexes and draft equalities impact assessment. Other residents of the borough were able to contribute to the process through use of the Citizenspace consultation portal. The Council wrote to borough Tenants and Residents Associations; gave a presentation to the Tenants' Borough Forum on 22 May 2012; attended a stand at the Tenants' Conference on 14 July 2012; met with residents when requested;

- Council staff both within the Housing and Regeneration Directorate and wider staff membership, particularly staff responsible children and the elderly agendas as well as staff responsible for vulnerable adults such as people with dependency issues, victims of domestic violence
- Key agencies responsible for approving and/or delivering the Housing Strategy document, e.g., Mayor of London (who has to ensure that the local strategy is in broad compliance with his own regional document); private and affordable housing developers; providers of supported housing services; voluntary sector agencies; local advisory agencies.

In addition to the four draft documents, a housing strategy annex and draft initial screening equalities impact assessment was circulated either by post to some interested parties and available on the Council's Citizenspace consultation portal.

The Council convened two housing strategy meetings of the H&F Housing Association Forum on 18 May 2012 (before the official start of the consultation process) and 6 July 2012. One-to-one meetings were held with housing association and homelessness organisation representatives on housing strategy matters and specific issues of interest. A meeting was convened with the Mayor of London's housing representatives on 4 July 2012 (note of meeting attached as Annex E). The Council also wrote to local Members of Parliament; Assembly Member; and contacted elected Members by email. A meeting of the Housing, Health and Adult Social Care Select Committee discussed the housing strategy documents on 17 July 2012. The consultation process was also advertised on the Locata, the Council's choice based letting application and also on the Hammersmith & Fulham Voluntary Services website. The Council's own intranet was used to advertise the process to council officers. Letters were sent to national housing bodies – Chartered Institute of Housing, Shelter, Crisis, National Housing Federation – and also London Councils. The documents were also the subject of media attention in the national, regional and trade press.

The consultation period was initially publicised as being from 22 May 2012 to 18 July 2012, following approval by Cabinet of the documents on 21 May 2012. However, the process could not fully begin until after the 'call-in' period had expired. Letters and other email correspondence did not begin being sent out until after the call-in date of 30 May 2012. To compensate for this, the consultation deadline was extended 25 July 2012 to interested parties to ensure there was reasonable time for responses.

In total, there were a maximum of 114 respondents to the short online survey (see below). Some respondents did not answer certain questions, so responses varied according to question.

Using the Council's Citizenspace web-based consultation application, an eleven question online 'short' survey was prepared to cover key issues raised in each of the housing strategy documents. More detailed online surveys (which for consistency included the questions in the short survey) were created for each of the four documents. Set out below are summary comments on the key questions in the housing documents. The survey report is attached as Annex F to the Cabinet Report. The more in-depth survey will be available and will help inform the policies and procedures process detailed later on in this document.

What did online respondents say?

Focusing on the responses to the short online consultation survey, the responses ranged from strongly agree; agree; neither agree, nor disagree; disagree; strongly disagree. Where respondents neither agreed nor disagreed, their percentage response have been removed, hence the responses do not add up to 100%). On the issue of the three housing strategy themes (identified in section 2.1), there was support for the approach being adopted:

- **Deliver economic and housing growth** – 65% agreeing compared to 18% disagreeing
 - **Tackle economic and social polarisation** – 55% agreeing compared to 20% disagreeing
 - **Manage a better, streamlined service** – 59% agreeing compared to 22% disagreeing
- On the housing allocation scheme, there was strong agreement – 80% - for the council's proposals to **verify needs at the point of application**, compared to 13% who disagreed. On stopping applicants from outside the borough applying for housing in Hammersmith & Fulham, there was strong agreement – 66% - compared to 24% disagreeing. There was strong support – 54% - for the Council's intention to modify its approach to the choice based lettings scheme compared to 32% disagreeing.
 - On the issue of introducing a **five year local connection rule**, 47% of respondents thought the length 'about right' with 21% thinking it too short, and 32% thinking it too long.
 - On the issue of **tenancy succession**, 47% agreed with the approach being adopted with 41% disagreeing.
 - Just under half of respondents (47%) thought that the **guideline maximum household income of £40,200 for accessing social housing** was about right, with 37% thinking it too low and 19% thinking it too high.
 - On the Council's intention to **give greater housing allocation priority to groups who make a community contribution**, there was strong support with 61% agreeing compared to 27% disagreeing.

- On priority for particular community groups, the strongest support was for **working households** – 78% - with the lowest support for young people (52%), applicants in training and employment (50%) and volunteers (50%).
- On the Council's intention to issue **five year fixed term tenancies**, 48% agreed compared to 39% who disagreed. In respect of using two year tenancies for those who had a history of anti-social behaviour, committed a crime, etc, 68% agreed compared to 24% disagreeing. And for issuing 2 year tenancies that were between the ages of 18 and 25 years old, 53% agreed compared to 31% who disagreed.
- On homelessness issues, there was **strong support for the Council's intention to end the perception that a homelessness application will lead to a social housing tenancy**, with 53% agreeing compared to 24% disagreeing. On using private sector rented housing outside the borough to meet its homelessness duties, 47% agreed compared to 33%.

What did written respondents say?

A number of respondents preferred to submit their responses in writing rather than use the online mechanism. This was particularly relevant where respondents had convened their own meetings and wished to present their views in the form of meeting minutes or written responses. And some specialist organisations, e.g., from the homelessness and learning disabilities sectors had issues of detail which did not necessarily lend themselves to a survey response. Also received was a response from the Member of Parliament for Hammersmith. The responses from individual groups are summarised in Annex G of the Cabinet report, and will be published in full, subject to permission from respondents. Some respondents saw the changes proposed as an opportunity to stop perceived shortcomings in current policy and practice. Many interested parties across the spectrum saw the changes as a fresh opportunity to engage with the borough on housing issues.

In summary, for **Housing Strategy** interest groups representing people who are physically disabled, learning disabled, and elderly were concerned that their needs were not sufficiently identified and consequently would not be prioritised under the new strategic approach. There was also a broader concern that existing development planning policies designed to meet these groups' needs were not delivering on the ground, despite sound policies being in place. Delivery of housing that is wheelchair accessible and meeting lifetime homes standards were quoted as concerns. Housing Associations (described as Private Registered Providers in the strategy documents) were concerned that their potential role in helping delivering the strategy objectives, which they were broadly

supportive of, was not being given sufficient profile, given that they collectively own and manage as much affordable housing as the Council. In a similar vein, some housing associations considered the strategy to be 'council-centric' and not sufficiently partnership focused.

On the **Housing Allocation Scheme**, there were concerns from housing associations that the move towards more direct lettings reduces the element of choice for applicants and may in practice be more time-consuming to operate. There was a general concern from disabilities organisations that the housing needs of their client groups might be marginalised. There were additional concerns about how the community contribution mechanism might work in practice for people who may not be able to spend time volunteering or access sustainable employment. Concern was also expressed about how the Accessible Housing Register (which is to be retained) will work with the new Assisted Choice approach, replacing the current Choice Based Letting scheme. Homelessness organisations expressed concern that their client groups needs may be marginalised, although there was some 'in principle' support for the overall strategic approach. Concerns were expressed about how ex-offenders and the fairness of the proposal for 2 year tenancies for this and other client groups, such as 18-25 year olds. There was a broader issue of how the new Scheme could reduce 'silting up' of supported housing, where vulnerable households were reluctant to 'move on' to other permanent accommodation. However, a number of respondents were broadly supportive of the additional priority being given to community contribution groups, e.g, working households, ex-armed services personnel, and also recognised that the current choice based lettings scheme was not flexible enough to meet disabled people's needs.

On the **Tenancy Strategy**, housing associations (described as Private Registered Providers in the strategy documents) were clear that they would have regard to the strategy on fixed term tenancy matters. However, they were generally reluctant to change their approach based on the Council's adopted position. Whilst many are issuing fixed term tenancies (and have been able to for some time), they are generally of the view that differing local authority positions on fixed term tenancies make it difficult for them to adopt a single position. An issue of contention was also the fairness of granting 2 year fixed term tenancies for 18-25 year olds and to a lesser degree, people who had history of anti social behaviour, tenancy fraud, etc.

On the **Homelessness Strategy**, the general concern was about how sustainable an option the private rented sector would be to meet homeless people's needs, whether within the borough or outside it. The potential break up of friend and family networks was also highlighted. This change would need to be monitored to assess its impacts. There was also a concern that the needs of rough sleepers weren't sufficiently profiled.

Mayor of London's Housing Strategy

A key consideration for the Council was to ensure that the documents were in general conformity with the Mayor's Housing Strategy, the latest iteration of which is the Revised Housing Strategy (December 2011). The final Housing Strategy is not expected to be published until April 2013 but is not expected to depart substantially from the policy content set out in the 'revised' document. Representatives from the Mayor's Housing Team attended a meeting with the Council on the 4th July 2012 to discuss any changes that the Mayor may seek to the Council's four draft documents to address conformity issues. There were some issues raised (see Annex E attached to the Cabinet report) which the Council considers to be satisfactorily addressed in the revised documents.

CLG Regulations, Guidance and Consultation Papers

Since the 23 April 2012 Cabinet meeting, a number of Government Community and Local Government (CLG) documents have been published which have influenced the content of some of the housing strategy documents.

- The CLG Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 (July 2012)
- Allocation of accommodation: Guidance for Local Housing authorities in England (June 2012)
- The CLG Homelessness (Suitability of Accommodation) (England) Order 2012 – Consultation set out the Government's proposals for defining the suitability – quality and location - of private rented housing for homeless people (May 2012)
- The CLG Pay to Stay Consultation Paper on charging higher rents to social housing tenants (June 2012).

The Council has had regard to the first two of these documents when preparing the housing strategy documents (principally the Housing Allocation Scheme in these instances) and made reference to the likely direction of travel that may follow the adoption of policy on the second two documents.

Analysis

Following the consultation process, the Council has identified five key areas that require further and ongoing attention. A recurring theme of this equalities impact process has been the need to put in place robust monitoring and evaluation mechanisms once the Housing Allocation Scheme 'goes live' in April 2013. Five key areas of analysis were identified:

1. On adoption of the four strategy documents, the Council will need to develop a set of policy and procedure notes that will set out how the new Housing Allocation Scheme will operate. Accompanying this will need to be a

more detailed approach to monitoring, reflecting the needs of equality groups identified in this Impact Assessment, but also subsets that cover specific needs, e.g., demarcating physical disabilities from learning disabilities. In tandem, the Council will need to continue maintaining the Accessible Housing Register, ensuring that it has close interface with the day to day process of matching suitable accommodation to applicants needs.

2. The equality impacts of granting 2 year fixed term tenancies for 18-25 year olds (and other groups) needs to be carefully monitored and evaluated.

3. The need to scope out how a more developed approach to meeting the needs of the vulnerable, elderly and disabled might be achieved. Whilst there is evidence that such housing need both exists and is growing and that housing supply (e.g., through sheltered housing for older people which provides over 100 homes annually for older applicants) is available, there is a clear need to deliver a more integrated approach that reflects the overlapping needs that these three cohorts of need have. In addition, the Council needs to have new regard to its new statutory health and well-being role which require closer alignment between its housing and health strategic service delivery functions.

4. The Council will need to monitor the equality impacts of using private rented housing to discharge its homelessness duty. It is clear from data set out in the Homelessness Strategy annex that a significant quantum of homelessness demand comes from people who are in one or more of the equality groups who may also have additional health needs. There are specific issues that have to be taken into account regarding the statutory rights and needs of children, particularly in respect of reasonably close access to schools, health facilities and other services that the council may be providing such as monitoring children at risk.

5. The Council proposes to use Local Lettings Plans to help deliver the broad objective of mixed, balanced sustainable communities, using applicants from the Home Buy Register who may wish to access a short term affordable rented option. Clearly there will be an 'opportunity cost' to this approach as some nominations may be made to applicants who may not have 'reasonable preference' under the Housing Allocation Scheme, but do meet Home Buy Register criteria. Equality impacts will need to be monitored and evaluated.

Section 05

Analysis of impact and outcomes

Analysis

At present there is no evidence that that any lawful or unlawful discrimination will take place. Where the Council intends to use private rented sector accommodation to discharge its homelessness duty, this can only be done in line with the CLG Homelessness Order Regulations when published.

Following the analysis sequence in the above section:

1. Develop a set of procedure notes to deliver the new approach set out in the Housing Allocation Scheme including monitoring and evaluation criteria to assess equality impacts.
2. The Council needs to be mindful of potential negative impacts of granting 2 year fixed term tenancies to 18-25 year olds (and other groups granted such tenancies). At this early point it is not possible to assess the range of positive and negative impacts that will occur. The Council is one of a small number of local authorities that is taking advantage of the housing related freedoms and flexibilities that have been granted under the 2011 Localism Act and there is not evidence that can be drawn from other local housing authorities.
3. Undertake an initial scoping exercise to review how the housing needs of the vulnerable, elderly and disabled are being met and assess how they will be met under the new housing allocation scheme. There is evidence available and good practice already in place (such as the existing close working relationship with supported housing providers), but given the scale and scope of changes proposed under the new Housing Allocation Scheme this is a timely opportunity to review how this impacts on the groups identified above, and how their future needs and aspirations might be met within the financial constraints that the Council will be operating. The scoping exercise may require further desk-top research and engagement with groups representing disabled people interests.
4. Monitor and evaluate the equality impacts of using private sector housing to discharge the Council's homelessness duty. Until the CLG Homelessness Order is in place, the Council will not be able to implement this proposal.
5. Monitor and evaluate equality impacts of Local Lettings Plans where nominations are proposed to applicants on the Home Buy Register who do not meet the reasonable preference criteria.

Section 06	Reducing any adverse impacts
Outcome of Analysis	A recurring outcome of the analysis of each of the documents is the need to have in place robust monitoring and evaluation mechanisms to monitor what impacts might occur following the implementation of the strategy documents' proposals. The impacts to be monitored are primarily oriented towards the Housing Allocation Scheme and the Homelessness Strategy, although there are obvious links to elements of the Tenancy Strategy (in respect of the 2 year fixed term tenancies) and the Housing Strategy (in respect of delivering wheelchair

accessible housing and the 16 lifetime homes standards). A comprehensive approach will need to be developed which must have regard to what impacts – negative and positive – are being experienced already. There will need to be some review of the fairness of existing policies and procedures and whether negative impacts on one equality group can be mitigated by a positive impact for another equality group as described in the housing allocation scheme section on gender and race.

Reference has been made to addressing the housing needs of vulnerable, elderly and disabled people and other protected groups in a more strategic fashion. This will happen by no later than March 2013, in time for the implementation of the Housing Allocation Scheme (and any other relevant policy changes arising from adoption of the other strategy documents) and all policies in April 2013.

Section 07		Action Plan					
Action Plan		Issue identified	Action (s) to be taken	When	Lead officer	Expected outcome	Date added to business/service plan
	Ensure policy and procedure notes include fit for purpose equalities and evaluation mechanism	Drafting of Policy and Procedure Notes including equalities and evaluation monitoring mechanism	Oct 2012 – Dec 2012.	Aaron Cahill	Policy & Procedure Notes including monitoring and evaluation mechanism	28 September 2012	
	Requirement to monitor and evaluate equality impacts of granting 2 year fixed term tenancies for 18-25 year olds	Monitoring and evaluation of tenancies granted to 18-25 year olds to assess positive and negative impacts on specific equality groups	April 2013 – March 2014 (Report in June 2014)	Mike England	Evaluation Report	28 September 2012	
	Scoping exercise	Review existing	Apr 2013	Aaron Cahill /	Scoping Report	28 September	

	to assess the housing needs and aspirations of vulnerable, elderly and disabled (including people with learning disabilities) groups and develop an approach to effectively address identified needs. Other groups may be identified as part of this process.	housing needs exists; review existing service delivery practice; assess and evaluate possible positive and negative equality impacts; establish how a more a holistic service delivery approach can be shaped; develop an implementation plan		Mike England		2012
	Requirement to monitor and evaluate equality impacts discharging homelessness duty into the private rented sector	Monitor and evaluate equality impacts of homeless households who are allocated private rented accommodation	April 2013 – March 2014 (Report in June 2014)	Mike England	Evaluation Report	28 September 2012
	Monitor and evaluate equality impacts of adopting Local Lettings Plans	Monitor and evaluate	April 2013- March 2016 (with interim annual reports in April 2014 and April 2015).	Mike England	Evaluation Report	28 September 2012

Section 08	Agreement, publication and monitoring
Chief Officer sign-off	Name: Mel Barrett Position: Executive Director Housing and Regeneration Email: Melbourne.barrett@lbhf.gov.uk Telephone No: 0208 753 4228
Key Decision Report	Date of report to Cabinet Member: 15 October 2012 Confirmation that key equalities issues found here have been included: Yes
Opportunities Manager for advice and guidance only	Name: Carly Fry Position: Opportunities Manager Date advice / guidance given: 28/09/2012 Email: PEIA@lbhf.gov.uk Telephone No: 020 8753 3430



Cabinet

15 OCTOBER 2012

CABINET MEMBER FOR HOUSING

Councillor Andrew Johnson

MEASURED TERM CONTRACT FOR BOROUGH-WIDE CYCLICAL PLANNED MAINTENANCE TO COUNCIL-OWNED HOUSING PROPERTIES 2012-2015

Wards All

This report provides the context for the letting of a three year Contract For Borough-Wide Cyclical Planned Maintenance To Council-Owned Housing Properties 2012-2015, subject to satisfactory conclusion of Stage 2 statutory leaseholder consultation, and seeks approval to place orders for the first year’s programme of work to be undertaken under the contract.

A separate report on the exempt Cabinet agenda provides exempt information about the tendering process and financial aspects, and requests approval to appoint the most economically advantageous tender.

CONTRIBUTORS

- HRD
- EDFCG
- FCSLs
- DoL
- EDFCG

Recommendations:

1. To note that the new contract is expected to start on 29 October 2012 for a period of three years, with no option to extend.
2. To note that the actual value of the contract will vary depending on available budgets and contractor's performance.
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.

HAS AN EIA BEEN COMPLETED?
YES

HAS THE REPORT CONTENT BEEN RISK ASSESSED?
YES

1. BACKGROUND

- 1.1 With the substantial conclusion of the Decent Homes Programme at the end of 2010, the Council has re-commenced its ongoing planned maintenance and cyclical redecorations programme to ensure that the external envelopes of those properties which were already decent prior to the Decent Homes Programme, or those which were made decent during the Programme, remain in a good condition going forward into the future.
- 1.2 For non-engineering services-related planned maintenance and cyclical redecorations in 2012/13 and beyond it is proposed to let a long-term Framework arrangement by way of a Measured Term Contract. Similar contracts (four area-based contracts) were in place prior to and during the initial stages of the Decent Homes Programme and they resulted in the successful delivery of cyclical planned maintenance works between 2003 and 2007.
- 1.3 Under the Measured Term Contract Tenderers are required to tender against the National Schedule of Rates, which is effectively a “shopping list” of typical building related maintenance items which are pre-priced and the Contractor provides a percentage uplift or reduction to the prices. This provides a framework contract under which individual orders are placed for each scheme. The National Schedule, which is an industry standard document for valuing building works, is updated each year to reflect inflation.
- 1.4 This arrangement allows projects to be processed quickly without recourse to a separate tender but at the same time maintaining value for money as the completed works are paid for at competitively tendered rates.
- 1.5 The value of this contract exceeds the European threshold for services contracts. The contracts were tendered in accordance with the Restricted Procedure under the Public Contracts Regulations 2006 (as amended).
- 1.6 A Tender Appraisal Panel (TAP) was set up to oversee the tendering process for the contract. This panel consists of officers from Housing & Regeneration, Procurement and IT Strategy, Legal Services and Finance.
- 1.7 A Contract Notice was placed in the OJEU on 18th August 2011 requesting Economic Operators apply for inclusion on the select lists to tender for the contracts, by the deadline of 26th September 2011. Contractors were required to complete the PQQ and provide information in respect of their technical and financial credentials for carrying out the scope of works proposed. Selection of six Economic Operators to be included on the tender list was on the basis of the highest scores awarded by the Council’s Tender Appraisal Panel, based on a pre-defined quality weighted appraisal of the PQQs, provided the Economic Operators met the necessary financial criteria and that satisfactory references were received; the criteria for satisfactory references was clearly prescribed in the PQQ.
- 1.8 Nineteen submissions were received by the deadline. Of these nineteen, one did not submit the necessary information for references to be taken up, and two did not meet the necessary financial criteria. The submissions of the remaining sixteen were evaluated. The Cabinet Member for Housing approved the pre-tender short-listing of the six highest scoring contractors together with the strategy to let the Measured Term Contract on 16 January 2012.

1.9 The new contract is for a period of three years, with no option to extend. The total value of works to be placed through this contract will vary from year to year depending on resources and demand but is expected to be approximately £10m per annum.

2. BRIEF DETAILS OF THE WORKS

2.1 The works to be undertaken under this Measured Term Contract include cyclical, external, communal redecorations, repairs and renewals to the Council's housing stock. Where necessary, determined by pre-survey, examples of such work include external decoration of previously painted surfaces, window renewal/repair, roof renewal/repair, rainwater and gutter repair/renewal communal area electrical works and communal area/stairwell repair and redecoration.

2.2 The annual programme of this planned maintenance work will be packaged up into suitable contract packages which will form individual schemes. An order for each scheme will be issued to the Contractor giving authority to proceed.

2.3 Each works package will be traditionally managed, in as much as the schedule of works for each property will be specified by the Council, rather than the contractor, and furthermore, it is proposed that no works package will be released to the Contractor until after the surveys have been undertaken, and a contract sum is agreed with the Contractor. Therefore, the Council will retain control of the scoping of works, and can ensure that the Contractor is in receipt of sufficient information to enable works to proceed expeditiously. Each property will be inspected by the Council prior to the erection of any scaffolding, to ensure that there are no works which need to be programmed, which would otherwise cause the scaffolding to be erected longer than it need be. A more detailed inspection will be undertaken once the scaffolding is in place. A Clerk of Works will be used to carry out interim inspections while the works are ongoing. Interim valuation inspections will also be undertaken by an independent Quantity Surveyor, prior to approval of any payments. Inspections will also be carried out upon completion of the works by H & F Officers and each property will be individually handed over.

2.4 The Contract includes financially incentivised key performance indicators whereby, under the terms of the contract, 10% of the amount payable to the Contractor for each scheme is dependant upon the Contractor achieving the necessary performance as defined by the KPI. The areas of performance to be measured are:-

- Residents' Satisfaction (4%)
- Level of Defects (2%)
- Construction Time – Individual Properties (2%)
- Construction Time – Overall Scheme (1%)
- Time to Agree Final Account (1%)

Two additional key performance indicators, relating to Safety and Completion of Defects at the end of the Defects Period, shall also be measured by the Council, although these performance indicators will not be linked to any incentivised additional payments.

3. CONTRACT AWARD MODEL

- 3.1 The Cabinet Member for Housing agreed the proposal that the award of the contract should be made on a quality / price model with price at 80% and quality at 20%, provided that tenderers first met the Council's quality threshold.
- 3.2 Quality was judged by requiring the contractors to provide with their tender a statement on how they would operate the contract with particular reference to quality control; programming and resourcing; sub-contracting and customer care.
- 3.3 Price was ascertained by the contractors providing in their tender an overall percentage adjustment to the National Schedule of Rates, and a rate for the provision of a Residents' Liaison Officer (RLO).
- 3.4 A financial model was established to ascertain each bid against the notional annual value of each of the contracts in order to arrive at overall tender figures for comparison and scoring of the prices submitted.
- 3.5 In order to arrive at the economically most advantageous bids for the Council, the price scores were then assessed in conjunction with the quality scores. The tender results and assessment outcomes are in the separate report on the exempt Cabinet agenda.

4. FIRST YEAR'S PROGRAMME OF WORKS

- 4.1 Appendix 1 of this report includes a schedule of properties. The properties have been sectioned into the proposed contract packaging, although this is a draft proposal only at this stage, and is subject to change following initial discussions with the Contractor once they have been appointed. A number of these packages will be programmed as the approved 2012/13 Programme up to an estimated value of £4.690m. Remaining packages will go forward to the 2013/14 programme.
- 4.2 Under this Measured Term Contract, the works called-off will not form separate contracts – rather, each works package will be an Order, issued as an instruction under the over-arching Term Contract.
- 4.3 Each Order will be based on a schedule which will include a summary of the scope of works with estimated costs for each property based on initial site survey. The Order values will be prepared by the Council's quantity surveyors, in accordance with the Contractor's tendered rates.
- 4.4 It is proposed that officers will provide a monitoring report, on a monthly basis, to the Cabinet Member for Housing, detailing the progress of each contract package against the planned programme, and providing updated information in relation to the estimated and final outturn costs for each package. The report will also provide any other relevant exception or performance issues in relation to the works let under the Contract.
- 4.5 Officers therefore recommend that approval is given to issue orders to the recommended contractor to proceed with the 2012/13 programme of works to be undertaken under the contract, up to a maximum value of £4.690m, and that regular progress updates are provided to the Cabinet Member for Housing. Required amendments to the programme throughout the year, which might

become necessary as a result of resident consultation, budget profiling etc shall be agreed with the Cabinet Member for Housing on an ongoing basis.

5. PROCUREMENT PROGRAMME

5.1 The anticipated programme of work is as follows:

Cabinet Meeting	15 October	2012
Issue Leaseholder Notices of Proposal (Schedule 2)	17 September	2012
Leaseholder Notices of Proposal Expire	17 October	2012
Alcatel Period Expires	26 October	2012
Issue Letter of Acceptance for new contract	29 October	2012
Proposed Commencement of Framework	05 November	2012
Commencement of Schemes on site	01 February	2013
Anticipated Completion of Framework	05 November	2015

6. COMMENTS OF THE DIRECTOR OF ASSET MANAGEMENT & PROPERTY SERVICES (HOUSING & REGENERATION)

6.1 The Housing Capital Programme seeks to meet the corporate strategic objective of improving the quality of the borough's social housing stock. Specifically, this contract will reintroduce a cyclical programme of preventative maintenance, repairs, and renewals to remedy disrepair, prevent deterioration, and preserve the asset value of the stock.

7. DETAILS OF FUNDING PROVISION

7.1 The revised 2012/13 housing capital programme includes a total budget of £4.690m for various planned maintenance schemes which could potentially be fed through this contract and a further £10.935m is included in the draft programme for similar works in 2013/14. Given the current estimated start on site the budget will be re-profiled accordingly and movement will be reported as part of the Corporate Capital Monitor.

8. LEASEHOLDER CONSULTATION - SECTION 20 OF THE LANDLORD AND TENANT ACT 1985 (AS AMENDED BY SECTION 151 OF THE COMMONHOLD AND LEASEHOLD REFORM ACT 2002)

8.1 Initial Notices of Intent were issued to all leaseholders potentially affected by this Framework on 13 September 2011 and expired on 13 October 2011. A total of 34 observations were received all of which were responded to within the statutory timescale.

8.2 The statutory consultation process now requires the Council to issue a Notice of Proposal to all affected leaseholders, notifying them of the intention to appoint the successful contractor and inviting observations. Leaseholders will have 30 days to submit observations all of which will be responded to within the statutory timescales. Leaseholders who have bought their property subsequent to the issue of the initial Notice of Intent, either under the Right to Buy or voids disposal policy will have been notified of the intention to undertake planned maintenance works within their Section 125 notices.

- 8.3 Prior to the issue of any Order under this contract a Notice of Estimated costs (Schedule 3) will be issued to leaseholders in accordance with the Landlord and Tenant Act 1985. The estimated cost to leaseholders will be dependent on the details of each lease and the extent of work carried out to each property or block. Orders will not be issued until the expiry of the consultation period. Following the issue of the Schedule 3 Notices, leaseholders will have the opportunity to come in and see the tendering documents/discuss their issues on a one to one basis and there will also be a consultation meeting for them to discuss the works and ask any questions they may have. The 2012 – 15 Framework will be the first contract in which leaseholders will be recharged from the onset of works commencing on site, rather than three months following practical completion.
- 8.4 There are a range of payment options offered by the Council for leaseholders to assist with the payment of invoices. These include a discount of 2.5% for early settlement of bills; an interest free 36 month instalment scheme; a 5 year payment scheme offering the first 36 months interest free with the remaining months charged at the Bank of England variable rate. In addition, there is a loan plan on offer with different terms of three years, five years and ten years respectively. A “Paying for Major Work” leaflet is available for leaseholders from Housing and Regeneration Development and from Leaseholder Services.

9. RISK MANAGEMENT

- 9.1 Risks relating to the Framework’s pre-construction processes have been ascertained. A post-contract risk register for both the over-arching Framework and for each individual order will be developed jointly with the contractor once they have been appointed, in order that risks can be managed throughout the duration of the contract.

10. EQUALITY IMPLICATIONS

- 10.1 An Equalities Impact Assessment has been completed and is available electronically.

11. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

- 11.1 These are in the exempt report.

12. COMMENTS OF THE DIRECTOR OF LAW

- 12.1 Legal Services have advised on the procurement process and have been represented on the TAP. The procurement has been carried out in accordance with the Council’s contract standing orders and EU procurement rules.

11. COMMENTS OF THE DIRECTOR FOR PROCUREMENT & IT STRATEGY.

- 11.1 These are in the exempt report.

**LOCAL GOVERNMENT ACT 2000
BACKGROUND PAPERS**

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Project files, tender documents, individual project files.	Mark Udall Ext. 4842	Housing & Regeneration 6 th Floor, HTH Ext King Street Hammersmith W6 9JU
2.	Job files, European advertisement, contractor applications for shortlist Procurement Reports	Matthew Martin Ext. 4832	Housing & Regeneration 6 th Floor, HTH Ext King Street Hammersmith W6 9JU
3.	Project development	Roger Thompson Ext. 3920	Housing & Regeneration 3 rd Floor, HTH Ext King Street Hammersmith W6 9JU
4.	Housing Capital Programme approval papers	Vince Conway Ext.1915	Housing & Regeneration 3 rd Floor, HTH Ext King Street Hammersmith W6 9JU

CONTACT OFFICER:	NAME: Matthew Martin
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Frithville Gardens Estate			
Block	Tenanted	Leased	Total
Frithville Court, 1-8	2	6	8
Linden Court, 1-8	3	5	8
Linden Court, 9-16	3	5	8
Linden Court, 17-24	4	4	8
Linden Court, 25-30	4	2	6
Brooklyn Court, 1-8	5	3	8
Total	21	25	46

Becklow Gardens Estate A,B,C			
Block	Tenanted	Leasehold	Total
Becklow Gardens, 1-45	35	10	45
Becklow Gardens, 46-60	14	1	15
Becklow Gardens, 61-100	25	13	38
Total	74	24	98

Becklow Gardens Estate E,F,G			
Block	Tenanted	Leasehold	Total
Becklow Gardens, 127-196	56	14	70
Becklow Gardens, 197-231	29	6	35
Becklow Gardens, 232-273	35	7	42
Total	120	27	147

Rainville Court			
Block	Tenanted	Leasehold	Total
Rainville Court Block A	9	3	12
Rainville Court Block B	11	3	14
Rainville Court Block C	3	1	4
Total	23	7	30

Richard Knight House			
Block	Tenanted	Leasehold	Total
Richard Knight House, 1-8	5	3	8
Total	5	3	8

Street Properties - Addison South/Brook Green			
Block	Tenanted	Leasehold	Total
Addison Gardens, 71	2		2
Addison Gardens, 142	1	1	2
Addison Gardens, 144	3	1	4
Blythe Road, 190	3		3
Caithness Road, 31	1	1	2
Caithness Road, 42	1	1	2
Faroe Road, 67	1		1
Fielding Road, 6	2		2
Gratton Road, 26	2		2
Gratton Road, 43	3		3
Gratton Road, 44	2		2
Gratton Road, 45	1	2	3

Gratton Road, 46	2	1	3
Gratton Road, 48	2		2
Gratton Road, 49	2		2
Gratton Road, 50	1	1	2
Gratton Road, 51	3		3
Gratton Road, 53	2		2
Gratton Road, 55	1	2	3
Haarlem Road, 2	3		3
Haarlem Road, 4	4		4
Hazlitt Road, 8	1	3	4
Hazlitt Road, 10	2	2	4
Hazlitt Road, 18	2	1	3
Hazlitt Road, 20	2	1	3
Irving Road, 11	1		1
Irving Road, 40	3		3
Luxembourg Gardens, 19	2	1	3
Milson Road, 38	1		1
Redan Street, 42	1		1
Sinclair Gardens 19	1	3	4
Sinclair Road, 1	4	1	5
Sinclair Road, 88	5		5
Sinclair Road, 94	3	2	5
Sinclair Road, 101	2	2	4
Sinclair Road, 102	2	2	4
Total	74	28	102

Street Properties - Askew 1			
Block	Tenanted	Leasehold	Total
Askew Crescent, 33	1		1
Askew Road, 5	3	1	4
Boscombe Road, 47	1	1	2
Davisville Road, 70	1		1
Goodwin Road, 7	3		3
Goodwin Road, 9		3	3
Goodwin Road, 11	2	1	3
Goodwin Road, 13	2	1	3
Goodwin Road, 15	3		3
Goodwin Road, 17	2	1	3
Goodwin Road, 19	1	2	3
Greenside Road, 34	1	1	2
Greenside Road, 50	1	1	2
Keith Grove, 7	3	1	4
Keith Grove, 9	4		4
Keith Grove, 15-17	5	1	6
Keith Grove, 26	1	1	2
Keith Grove, 51	1	1	2
Keith Grove, 55	1	1	2
Landor Walk, 7	1		1
Percy Road, 112		2	2

Percy Road, 56-72	5	4	9
Starfield Road, 6	1		1
Vespan Road, 87		2	2
Vespan Road, 89	1		1
Westville Road, 53-63	2	4	6
Total	46	29	75

Street Properties - Fulham Reach			
Block	Tenanted	Leasehold	Total
Aspenlea Road, 8		2	2
Aspenlea Road, 10	2		2
Aspenlea Road, 50	1		1
Averill Street, 4	2		2
Averill Street, 16		2	2
Beryl Road, 18	1	1	2
Beryl Road, 20		2	2
Beryl Road, 54	1		1
Beryl Road, 55	1		1
Claybrook Road, 11	1		1
Colwith Road, 13	1		1
Delorme Street, 10	2		2
Delorme Street, 19	1		1
Delorme Street, 35	1		1
Ellaline Road, 10	1		1
Ellaline Road, 25	1	1	2
Gastein Road, 38	1		1
Hawksmoor Street, 5	1		1
Humbolt Road, 19	1	1	2
Humbolt Road, 69	2		2
Humbolt Road, 80	1		1
Kinnoul Road, 46	2		2
Kinnoul Road, 54	2		2
Larnach Road, 11	1		1
Lillie Road, 268	1		1
Lillie Road, 346	1		1
Lillie Road, 347	1		1
Margravine Gardens, 10	2		2
Margravine Gardens, 37	2		2
Margravine Gardens, 86	1		1
Margravine Gardens, 88	1		1
Moylan Road, 8	1	1	2
Moylan Road, 38	1		1
Moylan Road, 40	1		1
Musard Road, 29	1		1
Musard Road, 49	1		1
Nella Road, 34	1		1
Parfrey Street, 2	1		1
Parfrey Street, 12	1		1
Parfrey Street, 34	1		1

Petley Road, 52	1		1
Petley Road, 60	1		1
Rainville Road, 22	1	1	2
Rainville Road, 33	1		1
Rannoch Road, 13	1		1
Rannoch Road, 64	1		1
Silverton Road, 11	1		1
Silverton Road, 27	1		1
Silverton Road, 36	1		1
Skelwith Road, 21	1		1
Skelwith Road, 30	1		1
St Dunstans Road, 49	1	1	2
St Dunstans Road, 58	1		1
Tasso Road, 1	1		1
Winslow Road, 39	1	1	2
Total	60	13	73

Street Properties - Munster South			
Block	Tenanted	Leasehold	Total
Burnfoot Avenue, 17	2		2
Burnfoot Avenue, 30	9	3	12
Colehill Lane, 19	2		2
Colehill Lane, 29	1		1
Colehill Lane, 41	2		2
Colehill Lane, 78-80	2		2
Gowan Avenue, 10		2	2
Gowan Avenue, 39	1	1	2
Gowan Avenue, 51	1	1	2
Gowan Avenue, 61	1	1	2
Gowan Avenue, 62		2	2
Gowan Avenue, 64	1		1
Gowan Avenue, 65	1	1	2
Gowan Avenue, 76	1	1	2
Gowan Avenue, 109		2	2
Gowan Avenue, 114	2		2
Hestercombe Avenue, 31		2	2
Hestercombe Avenue, 43	1	1	2
Hestercombe Avenue, 50	1	1	2
Kimbell Gardens 32	2		2
Lalor Street, 1	1	1	2
Lambrook Terrace, 6	1	1	2
Lambrook Terrace, 20	1	1	2
Lambrook Terrace, 38	1	1	2
Oxberry Avenue, 12	2		2
Oxberry Avenue, 26	1	1	2
Oxberry Avenue, 28		2	2
Oxberry Avenue, 40	2	1	3
Oxberry Avenue, 53	1	1	2
Oxberry Avenue, 66	2	1	3

Oxberry Avenue, 70	1		1
Park Mansions, 1-10	9	1	10
Park Mansions, 11-20	5	5	10
Ringmer Avenue, 1	1		1
Ringmer Avenue, 35	1	1	2
Vera Road, 1	4	2	6
Vera Road, 3	4	2	6
Waldemar Avenue, 4	2	1	3
Waldemar Avenue, 16	1	1	2
Total	70	41	111

Street Properties - North End 1			
Block	Tenanted	Leasehold	Total
Barons Court Road, 23	3	3	6
Barons Court Road, 27	3		3
Barons Court Road, 34		3	3
Barons Court Road, 36	4	1	5
Barons Court Road, 38	1	2	3
Barons Court Road, 47	3		3
Barons Court Road, 49	3		3
Barons Court Road, 60	2	1	3
Barons Court Road, 80	2	1	3
Barons Court Road, 118	3	1	4
Talgarth Road, 09	2	2	4
Talgarth Road, 23	3	1	4
Talgarth Road, 25	1	3	4
Talgarth Road, 29	1	3	4
Talgarth Road, 31	1	3	4
Talgarth Road, 47	1	2	3
Talgarth Road, 57	3	1	4
Talgarth Road, 75	3	1	4
Talgarth Road, 77	3	1	4
Talgarth Road, 79	2	2	4
Talgarth Road, 81	3	1	4
Talgarth Road, 83	2	2	4
Talgarth Road, 87		4	4
Talgarth Road, 91	2	2	4
Talgarth Road, 103	3	1	4
Talgarth Road, 107	3	1	4
Total	57	42	99

Street Properties - Parsons Green South/Town 1			
Block	Tenanted	Void	LEASEHOLD
Acfold Road, 04	2		2
Acfold Road, 21	1	1	2
Alderville Road, 17	2		2
Alderville Road, 29	2		2
Ashington Road, 2	1		1

Bagleys Lane, 24	2		2
Bagleys Lane, 60	1		1
Bagleys Lane, 64	1		1
Bettridge Road, 27		2	2
Bettridge Road, 38	1		1
Bovingdon Road, 2	2	1	3
Bovingdon Road, 12	1		1
Bovingdon Road, 17	1	1	2
Bovingdon Road, 34	1	1	2
Bowerdean Street, 15	2		2
Bowerdean Street, 35	1	1	2
Campana Road, 5	1		1
Campana Road, 20	1	1	2
Campana Road, 30	1	1	2
Chiddingstone Street, 26	1	1	2
Coniger Road, 42	1	1	2
Coniger Road, 46		2	2
Cortayne Road, 14	1	1	2
Cristowe Road, 11	1	1	2
Cronlace Road, 40	1	1	2
Delvino Road, 42	1	1	2
Doria Road, 28		2	2
Eddiscombe Road, 4	1	1	2
Elthiron Road, 12	2		2
Elthiron Road, 25	2		2
Elthiron Road, 33	2		2
Ewald Road, 22	1		1
Foskett Road, 4		2	2
Hurlingham Road, 26	1	2	3
Hurlingham Road, 94	1	2	3
Irene Road, 12		2	2
Irene Road, 30	1	1	2
Munster Road, 3	1	1	2
Munster Road, 4	2	2	4
Munster Road, 42	1	1	2
New Kings Road, 97	1		1
Parthenia Road, 1		2	2
St Dionis Road, 58	1		1
St Dionis Road, 78	2		2
Total	49	35	84

Street Properties - Ravenscourt/Broadway Central			
Block	Tenanted	Leasehold	Total
Agate Road, 51	1	2	3
Ashcurch Grove, 8	1		1
Atwood Road, 15	1		1
Brackenbury Gardens 12	1	1	2
Brackenbury Road, 79	2	1	3
Cambridge Grove, 48	1		1

Dalling Road, 128	1	1	2
Dorville Crescent 2	4	1	5
Dorville Crescent 21	2		2
Glenthorne Road, 92	1		1
Goldhawk Road, 183	1	3	4
Goldhawk Road, 217	1	3	4
Goldhawk Road, 273	1	1	2
Goldhawk Road, 362a	1		1
Iffley Road, 146-148		2	2
Kilmarsh Road, 3	1	1	2
Marco Road, 12	1	1	2
Overstone Road, 12	1	1	2
Overstone Road, 14	1	3	4
Overstone Road, 16	2	2	4
Overstone Road, 18	3	1	4
Overstone Road, 72		2	2
Paddenswick Court, 1-9	6	3	9
Raynham Road, 16	1	1	2
Raynham Road, 22	1		1
Raynham Road, 34	1		1
Redmore Road, 8	1		1
Redmore Road, 24	1		1
Redmore Road, 30	1		1
Rosedale Terrace 3	1	1	2
Rosedale Terrace 5	2		2
Southerton Road, 1-3	2	4	6
Southerton Road, 5-7	4	2	6
Southerton Road, 9	1	1	2
Southerton Road, 11	1	1	2
Studland Street, 42	1	1	2
Studland Street, 54	1		1
Wingate Road, 44	1		1
Wolverton Gardens 22	1		1
Wolverton Gardens 24	1	1	2
Wolverton Gardens 26	1	1	2
Total	57	42	99

Street Properties - Sands End 1			
Block	Tenanted	Leasehold	Total
Cranbury Road, 2	1	1	2
Cranbury Road, 5		2	2
Cranbury Road, 6		2	2
Cranbury Road, 9		2	2
Cranbury Road, 11	2		2
Cranbury Road, 12	1		1
Cranbury Road, 13	1	1	2
Cranbury Road, 16	1	1	2
Cranbury Road, 18	2		2
Cranbury Road, 20	2		2

Cranbury Road, 21	2		2
Cranbury Road, 36	1	1	2
Cranbury Road, 42	1	1	2
Cranbury Road, 43	1	1	2
Cranbury Road, 45		2	2
Cranbury Road, 46		2	2
Cranbury Road, 47		2	2
Cranbury Road, 49		2	2
Cranbury Road, 50	2		2
Cranbury Road, 52		2	2
Cranbury Road, 54	1	1	2
Cranbury Road, 56	1		1
Cranbury Road, 57		2	2
Cranbury Road, 60		2	2
Cranbury Road, 62	2		2
Cranbury Road, 66	1	1	2
Cranbury Road, 68	1	1	2
Cranbury Road, 72	2		2
Cranbury Road, 74	1	1	2
Cranbury Road, 78		2	2
Rosebury Road, 1	1	1	2
Rosebury Road, 3	1		1
Rosebury Road, 7	1		1
Rosebury Road, 14		2	2
Rosebury Road, 20	1		1
Rosebury Road, 22	1		1
Rosebury Road, 24	2		2
Rosebury Road, 26	1		1
Rosebury Road, 29	1	1	2
Rosebury Road, 30	2		2
Rosebury Road, 31	1	1	2
Rosebury Road, 32	2		2
Rosebury Road, 33	2		2
Rosebury Road, 36	1		1
Rosebury Road, 37	1	1	2
Rosebury Road, 38	2		2
Rosebury Road, 51	1	1	2
Rosebury Road, 58	1		1
Rosebury Road, 61		2	2
Rosebury Road, 62	1		1
Rosebury Road, 64	2		2
Rosebury Road, 65		2	2
Rosebury Road, 70		2	2
Total	51	45	96

Street Properties - Shepherds Bush Green North			
Block	Tenanted	Leasehold	Total
Bulwer Street, 18	1		1
Bulwer Street, 48	1		1

Bulwer Street, 50	1		1
Shepherds Bush Place, 3	1		1
Shepherds Bush Place, 15	1		1
Shepherds Bush Place, 16	1		1
Shepherds Bush Place, 17	1		1
Arming Road, 37	1	1	2
Arming Road, 38	1	1	2
Frithville Gardens 46	2		2
Frithville Gardens 77	2	1	3
Frithville Gardens 95	1		1
Frithville Gardens 96	1		1
MacfarLane, Road, 8	1		1
MacfarLane, Road, 14	2		2
MacfarLane, Road, 16	1		1
MacfarLane, Road, 24	1		1
MacfarLane, Road, 73	2		2
MacfarLane, Road, 75	2		2
Tadmor Street, 6	1		1
Wood Lane, 21	4		4
Sterne Street, 13	1		1
Sterne Street, 24	1		1
Sterne Street, 39	1		1
Sterne Street, 51	1		1
Caxton Road, 25	1		1
Caxton Road, 26	1		1
Royal Crescent Mews, 3	1		1
Total	36	3	39
Grand Total	743	364	1107



Cabinet

15 OCTOBER 2012

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

CABINET MEMBER FOR COMMUNITY CARE

Councillor Marcus Ginn

18.1 3RD SECTOR INVESTMENT FUND ALLOCATION

On 15 July 2010 Cabinet agreed to the allocation of the 3rd Sector Investment Fund from October 2010 until September 2014.

Organisations could apply for funding for up to four years. Where organisations had applied for more than two years funding, they were awarded a two year contract with an option to extend (up to the period applied for) on an annual basis.

CABINET MEMBER FOR CHILDREN'S SERVICES

Councillor Helen Binmore

This report seeks agreement to extend fifteen 3rd Sector Investment Fund grant funding agreements under the service areas of Children, Young People & Families.

Decision made by Cabinet Members on: 3 September 2012

That approval be given to a 12 month extension, to 30 September 2013, to the following 3rd Sector Investment Fund grant funding agreements:

- Barnardo's
- The Brunswick Club
- The Catholic Children's Society
- Doorstep Library Network
- Hammersmith & Fulham Action on Disability
- H&F Mencap
- H&F Urban Studies Centre
- London Cyrenians/Notting Hill Housing Trust
- QPR In The Community Trust
- Sands End Associated Projects In Action
- Urban Partnership Group
- West London Action for Children

Wards: All

DEPUTY LEADER (+ RESIDENTS SERVICES)

Councillor Greg Smith

18.2 CEMETERIES REORGANISATION REPORT

The LBHF Cemeteries Service has a Bereavement Services Manager and 2 Bereavement Service Officers. The Manager and one of the Officers are due to retire on 31 August 2012. The Bi-borough initiative

has also provided the opportunity to re-assess the staffing of the service across both Authorities and a number of options have been identified which are set out below. The proposal is to vary the current Grounds Maintenance Contract with Quadron Services Limited (QSL) on a temporary basis to include the management and client function of the Cemeteries, with a decision on the longer term future to be agreed as part of a wider service review.

Decision made by Cabinet Member on: 3 September 2012

- 1. That the Grounds Maintenance contract be varied in order to enable Quadron to supply on a temporary basis for up to a maximum six months (until the parks service review has been completed) a replacement Bi-borough Cemeteries Manager and Bereavement Services Officer in LBHF as stated in option 3 of this report.**
- 2. That up to £50k be transferred from H&F staffing costs into the Quadron contract to achieve this. This represents approx 1.8% of the total grounds maintenance contract amount for H&F (£3.292m).**

Wards: All

**CABINET MEMBER
FOR CHILDREN'S
SERVICES**

*Councillor Helen
Binmore*

18.3 FAMILY DRUGS AND ALCOHOL COURT

The Family Drug and Alcohol Court (FDAC) is a new approach to care proceedings, in cases where parental substance misuse is a key element in a Local Authority's decision to initiate care proceedings. The FDAC courts have been running since January 2008.

In the last financial year 2010-11, Hammersmith and Fulham had six places in the FDAC courts and the model has proved to be successful for these families in managing the parental addiction issues, and resolving the long term care plan for their children. We are seeking agreement to commission a further six full FDAC multi-disciplinary assessments for the financial year 2012-13 at a total cost of £72,000.

Decision made by Cabinet Member on: 3 September 2012

- 1. That the Council agrees to the continued use of the Family Drugs and Alcohol Court for the current financial year in the sum of £72,000 in relation to 6 assessments.**
- 2. That delegated authority be given to the Executive Director of Children's Services to sign off any contractual arrangement on behalf of the Council.**

Wards: All

**CABINET MEMBER
FOR TRANSPORT
AND TECHNICAL
SERVICES**

*Councillor Victoria
Brocklebank-Fowler*

**18.4 FULHAM PALACE ROAD WEST NEIGHBOURHOOD –
PHASE 2**

The report details a package of measures for the Fulham Palace Road West Neighbourhood Area for this financial year. The improvements are part of the 2012/13 neighbourhood programme, funded by Transport for London.

Funding has been provided specifically for this project by Transport for London and it has been designed on the basis of maximising value for money, reducing the costs to the council of maintenance and repairs, de-cluttering the street environment, and maximising residents' parking.

Phase 1 of the works included de-cluttering and accessibility improvements and has already been approved at TTCM on 11 June 2012.

This report details the second phase to be approved. The second phase includes more substantial works than the first phase, including the following proposals:

- Upgrade road point closures (fire barriers),
- Improve road narrowing treatments,
- Install a contra-flow cycle lane on Rainville Road
- Remove traffic calming on Rainville Road

Cabinet approved expenditure on this scheme within the annual TfL funded programme on 6 March 2012, subject to Member approval of the detailed proposals.

Decision made by Cabinet Member on: 3 September 2012

That approval be given to consult on and implement the highway improvements proposed in section 3 of this report (subject to a positive response to consultation) at a total cost of £133,000.

**Wards: Hammersmith Broadway, Fulham Reach, & Palace
Riverside**

**CABINET MEMBER
FOR TRANSPORT
AND TECHNICAL
SERVICES**

*Councillor Victoria
Brocklebank-Fowler*

**18.5 FULHAM PALACE ROAD EAST NEIGHBOURHOOD –
PHASE 2**

This report details a package of measures for the Fulham Palace Road East Neighbourhood Area for this financial year. The highway improvements are part of the 2012/13 neighbourhood programme, funded by Transport for London.

Funding has been provided specifically for this project by Transport for London and it has been designed on the basis of maximising value for money, reducing the costs to the council of maintenance and repairs, de-cluttering the street environment, and maximising residents' parking.

Phase 1 of the works included de-cluttering and accessibility improvements and has already been approved at TTCM on 11 June 2012.

This report details the second phase to be approved. The second phase includes more substantial highway improvement works than the first phase including:

- Upgrade road point closures (fire barriers),
- Improve crossings for school children,
- Install new footway paving.
- Install cycle racks and plant trees

Approximately 25m of parking bay will be gained as a result of these works.

Cabinet approved expenditure on this scheme within the annual TfL funded programme on 6 March 2012, subject to Member approval of the detailed proposals.

Decision made by Cabinet Member on: 3 September 2012

That approval be given to consult on and implement the highway improvements proposed in section 3 of this report (subject to a positive response to consultation) at a total cost of £100,000.

Wards: Fulham Reach, Munster, & Town

**DEPUTY LEADER
(+ RESIDENTS
SERVICES)**

*Councillor Greg
Smith*

**18.6 ENVIRONMENT, LEISURE AND RESIDENTS SERVICES :
CHANGES TO REGISTRAR'S FEES AND CHARGES**

The Registrars service has relocated from Fulham Town Hall to Hammersmith Town Hall in order to deliver against the Council's Asset Management Plan for 2012/13. This paper sets out proposed changes to Wedding Ceremony Fees and Charges.

Decision made by Cabinet Member on: 3 September 2012

That approval be given to the changes to Fees and Charges for the Registrar's Service as set out in Appendix A of the report.

Wards: All

**DEPUTY LEADER
(+ RESIDENTS
SERVICES)**
*Councillor Greg
Smith*

**18.7 SEX ESTABLISHMENT VENUES AND SEXUAL
ESTABLISHMENT LICENSING POLICY - FEES**

In October 2010, at a Full Council meeting, a decision was made to adopt Section 27 of the Policing and Crime Act 2009. This new legislation offered the Council and local residents greater power to control the number and location of lap dancing clubs and similar venues in the borough. A policy to control all types of sex establishments was also agreed at this meeting.

Section 2.2.5 of the Full Council report stated 'it is considered that a reduced fee would be appropriate for renewal, transfer and variation applications, which will be agreed at the Council's next annual review of fees and charges'.

This amendment of fees was not reflected in the Council's annual review of fees. All Sex Establishments are currently charged the same for new and renewal applications which was not the intention of the Full Council decision. Fees for transfer and variation applications were also not specified.

A revised fees structure has been proposed in section 3 of this report.

Decision made by Cabinet Member on: 3 September 2012

That the revised fees for renewals of all Sex Establishment Licenses, as set out in Section 3, be approved.

Wards: All

**CABINET MEMBER
FOR COMMUNITY
CARE**
*Councillor Marcus
Ginn*

**18.8 SCRUTINY OF NORTH WEST LONDON ACCIDENT AND
EMERGENCY CLOSURE PLANS**

To agree funding to assist with the engagement and scrutiny of North West London NHS's proposals for the configuration of acute services.

Decision taken by Cabinet Member on: 3 September 2012

To agree £58,600 to be funded from the corporate contingency for campaign costs

Wards: All

**CABINET MEMBER
FOR COMMUNITY
CARE**

*Councillor Marcus
Ginn*

18.9 FAST TRACK SMALL GRANTS SCHEME, OCTOBER 2012

This report details allocations for the Fast Track Small Grants scheme aimed at local 3rd sector organisations and recommendations for the future administration of the scheme.

Decision taken by Cabinet Member on: 3 September 2012

- 1. That approval be given to the grant awards to the applicant organisations as listed in Appendix 1 of the report. These awards are recommended in line with the stated funding criteria.**
- 2. That the revised administration of the scheme, from a twice yearly to an ongoing rolling programme, be approved.**

Wards: All

**CABINET MEMBER
FOR TRANSPORT
AND TECHNICAL
SERVICES**

*Councillor Victoria
Brocklebank-Fowler*

18.10 EAST ACTON NEIGHBOURHOOD IMPROVEMENTS

The report details a package of measures for the East Acton Neighbourhood Area for this financial year. The improvements are part of the 2012/13 neighbourhood programme, funded by Transport for London.

Funding has been provided for this project by Transport for London (TfL) and it has been designed on the basis of maximising value for money, reducing the costs to the council of maintenance and repairs, de-cluttering the street environment, and maximising residents' parking.

Phase 1 of the works included de-cluttering and accessibility improvements and has already been approved at the TTCM meeting on 11 June 2012.

This report details the more substantial Phase 2 works to be approved.

Cabinet approved expenditure on this scheme within the annual TfL funded programme on 6 March 2012, subject to approval of the detailed proposals by the relevant Cabinet Member.

Decision made by Cabinet Member on: 17 September 2012

That approval be given to carry out consultation and implementation of the highway improvements (subject to positive consultation) as proposed in section 3 of this report at a total cost of £95,000.

Wards: College Park and Old Oak

**CABINET MEMBER
FOR TRANSPORT
AND TECHNICAL
SERVICES**

*Councillor Victoria
Brocklebank-Fowler*

18.11 GOLDHAWK ROAD CORRIDOR IMPROVEMENTS

The report details a package of measures for the Goldhawk Road Corridor for this financial year. The improvements are part of the 2012/13 neighbourhood programme, funded by Transport for London.

Funding has been provided for this project by Transport for London (TfL) and it has been designed on the basis of maximising value for money, reducing the costs to the council of maintenance and de-cluttering and improving the street environment.

Decision made by Cabinet Member on: 17 September 2012

That approval is given to carry out consultation and implementation of the highway improvements (subject to positive consultation) as proposed in section 3 of this report at a total cost of £170,000. Cabinet approved expenditure on this scheme within the annual TfL funded programme on 6 March 2012, subject to approval of the detailed proposals at TTCM.

Wards: Shepherds Bush Green; Hammersmith Broadway; Askew; Ravenscourt Park

**CABINET MEMBER
FOR TRANSPORT
AND TECHNICAL
SERVICES**

*Councillor Victoria
Brocklebank-Fowler*

18.12 UXBRIDGE ROAD – CORRIDOR IMPROVEMENTS

The report details proposed highway improvements along Uxbridge Road, which is a key west-east route in the borough. These improvements are part of the 2012/13 Corridor programme and will involve a range of road safety and environmental improvements, such as addressing road safety problems, decluttering the area of excessive street clutter, improving accessibility for pedestrians, improving the appearance of the area, providing facilities for sustainable modes of transport and trees planting - see plan in Appendix 1 of the report.

Funding has been provided specifically for this project by Transport for London and it has been designed on the basis of maximising value for money and reducing the costs to the council of maintenance and repairs.

Decision made by Cabinet Member on: 17 September 2012

That approval be given to carry out consultation and subsequent work towards the highway improvements at a total cost of £175,000 as set out in para.s 5.1 and 5.2 of the report. Cabinet approved expenditure on this scheme within the annual TfL funded programme in March 2012.

Wards: Wormholt and White City; Askew; Shepherds Bush Green

**CABINET MEMBER
FOR HOUSING**

*Councillor Andrew
Johnson*

18.13 DRAFT COUNCIL HOUSING TENANCY AGREEMENT

The purpose of this report is to seek the authority of the Cabinet Member for Housing to consult with all council housing tenants on a proposed new tenancy agreement. This will include reference to new flexible fixed term tenancies; basis for tenants to operate a business from home; tenancy succession issues; highlight the consequences of tenancy fraud and attempts at tenancy fraud; potential consequences of criminal acts; as well general updating and presentational improvements to the document.

Decision made by Cabinet Member on: 22 August 2012

- 1. That approval be given to consult with all of the borough's council housing tenants on the Draft Tenancy Agreement (Annex A of the report) from Mid August 2012 for a period of 6 weeks.**
- 2. To approve a draw down of £75,000 from HRA working balances (HRA Reserves) for costs associated with serving of the Preliminary Notice of Variation and serving of the Notice of Variation.**

Wards: All

**CABINET MEMBER
FOR CHILDREN'S
SERVICES**

*Councillor Helen
Binmore*

**18.14 APPOINTMENT OF LOCAL AUTHORITY SCHOOL
GOVERNOR- BENTWORTH ACADEMY**

This report records the Cabinet Member's decision to appoint LA Governors, which falls within the scope of her executive portfolio.

Decision made by Cabinet Member on: 7 September 2012

To appoint Eugenie White to the Bentworth Academy Governing Body for a four-year term from date of signature.

Ward: College Park And Old Oak

**CABINET MEMBER
FOR CHILDREN'S
SERVICES**

*Councillor Helen
Binmore*

**18.15 APPOINTMENT OF LOCAL AUTHORITY SCHOOL
GOVERNORS**

This report records the Cabinet Member's decision to appoint LA Governors, which falls within the scope of her executive portfolio.

Decision made by Cabinet Member on: 22 August 2012

To reappoint William Stevenson and Adrienne Pain to the Greenside Primary School Governing Body for a four-year term with effect from 22 June 2012 and 11 September 2012, respectively.

Ward: Askew

**CABINET MEMBER
FOR TRANSPORT
AND TECHNICAL
SERVICES**

*Councillor Victoria
Brocklebank-Fowler*

**18.16 APPOINTMENT OF COUNCIL REPRESENTATIVES TO
LONDON HELIPORT CONSULTATIVE GROUP**

This report records the Cabinet Member's decision to appoint a Council representative to the London Heliport Consultative Group, which falls within the scope of her executive portfolio.

Decision taken by the Cabinet Member on: 22 August 2012

To appoint Illytd Lewis to the London Heliport Consultative Group as a residents' representative for a period of 1 year, from 22 August 2012.

Wards: All

**DEPUTY LEADER
(+ RESIDENTS
SERVICES)**

*Councillor Greg
Smith*

**18.17 APPOINTMENT OF COUNCIL REPRESENTATIVES TO THE
BOARD OF THE LYRIC THEATRE HAMMERSMITH
LIMITED AND THE WESTERN RIVERSIDE WASTE
AUTHORITY**

This report records the Deputy Leader's decision to appoint Council representatives to outside organisations which fall within the scope of his executive portfolio.

Decision taken by the Cabinet Member on: 25 June 2012

- 1. To reappoint Councillors Tom Crofts, Frances Stainton, and Stephen Cowan as Members of the Company and Directors of the Lyric Theatre Hammersmith Limited for a period of one year from 21 July 2012, and to;**
- 2. To appoint Councillor Belinda Donovan as a Member of the Company and Director of the Lyric Theatre Hammersmith Limited for a period of one year from 21 July 2012**
- 3. To appoint Councillor Peter Graham to the Western Riverside Waste Authority for a four year term from date of signature, replacing Councillor Nicholas Botterill as the Council's nominee.**

Wards: All

**LEADER
(+REGENERATION,
ASSET
MANAGEMENT
AND IT)**
*Councillor Nicholas
Botterill*

18.18 APPOINTMENT OF COUNCIL REPRESENTATIVES TO OUTSIDE ORGANISATIONS

This report records the Leader's decision to appoint Council representatives to outside organisations, which falls within the scope of his executive portfolio.

Decision taken by the Leader on: 22 August 2012

- 1. To reappoint Councillor Andrew Johnson to the Park Royal Partnership for a period of one year from 3rd September 2012.**
- 2. To reappoint Councillor Mark Loveday to Greater London Enterprise for a period of one year from 3rd September 2012.**
- 3. To reappoint Councillors Mark Loveday and Lucy Ivimy for a period of one year from 3rd September 2012.**

Wards: All

**DEPUTY LEADER
(+ RESIDENTS
SERVICES)**
*Councillor Greg
Smith*

18.19 APPOINTMENT OF COUNCIL REPRESENTATIVES TO RIVERSIDE TRUST LTD

This report records the Deputy Leader's decision to appoint a Council representative to Riverside Trust Limited, which falls within the scope of his executive portfolio.

Decision taken by the Cabinet Member on: 19 July 2012

- 1. To reappoint Councillor Peter Graham to Riverside Trust Limited for a period of one year from 6th July 2012;**
- 2. To appoint Councillors Rachel Ford and Andrew Brown to the Riverside Trust Limited with effect from 6th July 2012.**

Wards: All