

Cabinet

Minutes

Monday 8 April 2013

PRESENT

Councillor Greg Smith, Deputy Leader (+ Residents 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 Michael Cartwright

183. MINUTES OF THE CABINET MEETING HELD ON 4 MARCH 2013

That the minutes of the meeting of the Cabinet held on 4th March 2013 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

184. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Nicholas Botterill and Helen Binmore.

185. DECLARATION OF INTERESTS

There were no declarations of interest.

186. REVENUE BUDGET 2012 - 13 : MONTH 10 AMENDMENTS

RESOLVED:

1. That approval be given to the General Fund carry forward of £3.7m of 2012/13 underspends into 2013/14 budgets as outlined in Appendix 1 of the report.
2. That approval be given to write off an Adult Social Care debtor of £0.118m.

3. That £0.458m of the HRA budget be transferred to an earmarked reserve to cover future HRA redundancy costs.

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.

187. TRI-BOROUGH ICT TARGET OPERATING MODEL

RESOLVED:

1. That approval be given to undertake a process to appoint a new Tri-borough Director for ICT, to be in post by October 2013, and to note that at their meeting on 8 February 2013, Tri-borough Leaders agreed that London Borough of Hammersmith & Fulham be the employer for the Tri-borough ICT Director post.
2. To note the draft 2014 Target Operating Model (TOM) for ICT to be in fully in place by November 2014, subject to a final report in April 2014.
3. That the currently identified savings be noted and that the newly appointed Tri-borough ICT Director undertakes a review of the organisation and proposed savings with a view to bringing back a comprehensive report prior to April 2014.
4. That approval be given to the establishment of a shadow management team for ICT, chaired by the Tri-borough lead for ICT and consisting of the Chief Information Officers (CIOs) and their deputies, to begin functioning from April 2013 until April 2014.
5. That approval be given to the immediate secondment of staff to key posts, for an interim period until April 2014, to fill the strategic relationship manager, problem and change manager posts in the Target Operating Model.

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.

188. HAMMERSMITH LIBRARY REFURBISHMENT AND OPTION FOR ARCHIVE SERVICE

RESOLVED:

1. That the scheme to refurbish Hammersmith Library at a cost of £1.99m which is fully funded from section 106 (£1.65m) and the existing planned maintenance budget (£0.34m), be approved.
2. That the draw-down of £925,000 section 106 funding that has already been received by the London Borough of Hammersmith and Fulham from the Hammersmith Car Park Construction scheme, be approved.
3. That temporarily forward funding and bearing the risk of the balance of section 106 funding associated with the Hammersmith Car Park Construction scheme (£725,000) that is currently outstanding but expected to be available in April 2014, and to the draw down of that sum to spend or reimburse as required, the temporary finance being sourced from the corporate capital reserve and only used in the event that the outstanding S106 financing is not received prior to a requirement to fund expenditure as per the accounting cycle, be agreed.
4. That the proposal to relocate the Archives Service to Hammersmith Library and to undertake additional works to the library on the proviso that £700,000 Section 106 funding is secured as set out in paragraph 5.8 onwards of the report (of which £510,000, including fees, will relate to the creation of the new Archives location, £50,000 to move the service to the new location, a £50,000 allowance made for alternative service provision during the closure period, and the remainder used to purchase new stock), be approved.
5. That temporarily forward funding and bearing the risk of £700,000 of additional section 106 funding associated with the Kings Mall Car Park development and to the draw-down of that sum on the proviso that planning permission is granted on the site with the associated section 106 agreement included in the Head of Terms, the temporary finance being sourced from the corporate capital reserve and only used in the event that the outstanding S106 financing is not received prior to a requirement to fund expenditure as per the accounting cycle, be approved.
6. That the provision of £55,000 one off revenue contingency funding from April 2013 to allow the continued delivery of an Archives and Local Studies service and to prepare and rationalise the collections prior to transfer to their new location, be approved.

7. That delegation of the authorisation of the future spend of the drawn down Section 106 monies to the Deputy Leader and Cabinet Member for Residents Services, in consultation with the Executive Director for Environment, Leisure and Residents Services and the Executive Director of Finance and Corporate Governance, 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.

189. PARKS CAPITAL PROGRAMME 2013/16

RESOLVED:

1. That approval be given to the Parks Capital Programme 2013/14 budget and indicative budget forecasts for 2014/15 and 2015/16, as set out in Appendix 1 of the report, subject to any amendments as agreed for operational reasons by the Cabinet Member for Residents Services and the Executive Director of Environment Leisure and Residents Services (the Council funding allocation to Parks of £500,000 for 2013/14 and £500,000 for the next 2 years is subject to future amendment by the Executive Director of Finance and Corporate Governance).
2. That in accordance with the provisions contained in the Council's Contracts Standing Orders, all schemes with estimated values of £100,000 or greater be approved by the Cabinet Member for Residents Services, provided that the actual contractual sum comes within the estimated budget, be approved.
3. That the result of the public consultation for each of the parks be considered when undertaking the works specified in paragraph 5.6 of the report, be agreed.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

190. CEMETERIES - VARIATION TO GROUNDS MAINTENANCE CONTRACT

RESOLVED:

That approval be given to vary the Grounds Maintenance contract and require Quadron to manage the cemeteries function, which includes implementing an adequate staffing structure.

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.

191. FULHAM PALACE TRUST - PROPOSED FINANCE ARRANGEMENTS

RESOLVED:

1. That approval be given to a payment of £367,500 (£350,000 plus anticipated loan interest of £17,500) to Fulham Palace Trust as a one off grant to repay the Architectural Heritage Fund loan, therefore enabling the Trust to use the annual rental income from the lodges to balance their budget each year.
2. That approval be given to a loan of £250,000 to Fulham Palace Trust to create reserves, to be held in a separate bank account, to be repaid to the Council once the Trust starts to make a surplus.
3. That the approval of the final conditions of the grant and loan be delegated to the Cabinet Member for Residents Services, in consultation with the Executive Director for Environment, Leisure & Residents 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.

192. MENTAL HEALTH PARTNERSHIP AGREEMENT UNDER SECTION 75 NHS ACT 2006 LONDON BOROUGH OF HAMMERSMITH AND FULHAM (H&F) AND WEST LONDON MENTAL HEALTH TRUST (WLMHT)

RESOLVED:

1. That approval be given to the updated Partnership Agreement with West London Mental Health Trust for the provision of Mental Health Services.
2. That the Tri-borough Executive Director for Adult Social Care be authorised to sign the new agreement.

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.

193. CONTRACT EXTENSION OF CHILDREN'S CENTRE SPEECH AND LANGUAGE SERVICES

RESOLVED:

1. That the requirement contained in the Council's Contract Standing Orders (CSO) to seek competitive tenders be waived, in accordance with CSO 3.1, and that approval be given to negotiate a new contract for Speech and Language Therapy Services for Children's Centres with the existing provider Central London Community Health Care NHS Trust in accordance with CSO 9.11.
2. That this interim contract with the Central London Community Health Care NHS Trust shall be consistent with the decisions approved by Cabinet on 11 February 2013 regarding the Children's Centres contracts as the provision is delivered via these sites – that is, for the interim contracts to run for a period for no more than 2 years, with a break clause after 1 year in order to ensure service continuity whilst navigating through Children's Centre remodelling, be approved.
3. That officers explore ways in which efficiencies can be achieved during this interim contract, in particular savings opportunities which do not impact on front-line provision, be agreed.

4. That the interim contract with the existing provider incorporates a revised performance management framework that clearly reflects national developments, the Council's priority outcomes for children and families, and the statutory duty of Best Value, taking into account cost and quality, 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.

194. AWARD OF CONTRACT FOR INDEPENDENT NHS COMPLAINTS ADVOCACY SERVICE

RESOLVED:

1. That the Council calls off from a framework agreement for the provision of an independent NHS Complaints Advocacy Service let by the London Borough of Hounslow and enters into a contract with the preferred supplier, Voiceability Advocacy (Charity number 1076630), for two years (with options to extend for a third and then fourth year), be approved.
2. That delegated authority be given to the Tri-borough Director for Adult Social Care in consultation with the Bi-borough Director of Law to finalise the contract arrangements, 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.

195. HRA ASSET MANAGEMENT PLAN 2013 -16 AND HOUSING CAPITAL PROGRAMME 2013 - 14

RESOLVED:

1. That the HRA Asset Management Plan as set out in Appendix 1 of this report be endorsed and that approval be given to the underlying principles, broad objectives, and specific service priorities identified therein.
2. That the updated HRA 30 year business plan be endorsed, and it be noted that this now includes the updated and validated stock condition survey information which underpins the HRA Asset Management Plan and assumes the backlog identified by the stock condition survey is caught up within 5 years.
3. That approval be given to the projects and schemes identified in this report as set out in Appendix 2 which form the 2013/14 Housing Capital Programme to the value of £37.037 million (the envelope of £37.037m having previously been agreed at Budget Council on 27 February 2013).
4. That approval be given to the budget envelope of £44.691 million for 2014/15 and £46.194 million for 2015/16 together with contributions of £22.5 million for 2014/15 and £22.263 million for 2015/16 from the decent neighbourhoods fund and to note that revenue contributions are starting to be made to the programme (this recommendation is subject to future quarterly / annual changes to the overall Council capital programme).
5. That delegated authority be given to the Cabinet Member for Housing, in conjunction with the Executive Director of Housing and Regeneration, to award contracts over £100,000 and, if appropriate, exercise built-in options to extend such contracts in respect of any individual projects and schemes under the Housing Capital Programme identified in Appendix 2 of this report, in accordance with Contract Standing Order 9.4 and 9.4.1, be approved.
6. That delegated authority be given to the Cabinet Member for Housing, in conjunction with the Executive Director of Housing and Regeneration, to approve future amendments to the 2013/14 programme for operational reasons where such amendments can be contained within the overall approved 2013/14 – 2015/16 budget envelope and available resources, 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.

196. AWARD OF NEW HOUSING REPAIRS AND MAINTENANCE CONTRACT

RESOLVED:

1. That officers' recommendation that the Repairs and Maintenance contract be awarded to MITIE Property Services (UK) Ltd be noted.
2. That approval be given to delegate authority to the Cabinet Member for Housing in conjunction with the Executive Director for Housing & Regeneration to:
 - (i) award a borough wide sole supply contract under Lot 1, Housing Repairs and Maintenance Contract(s) 2013-2023 to MITIE Property Services (UK) Ltd, to provide works and services for a 10 year period (2013-2023), with the option to extend for a further 5 year period, subject to due regard being taken of the outcome of the section 20 consultation described in paragraphs 7.2.1 and 7.2.2. of this report.
 - (ii) approve any necessary amendments to the contract in light of the consultations.
3. That the notional Annual Contract Value¹ in the region of £17.9m, subject to annual indexation, and including revenue works (HRA), capital works and some further call off provision for capital schemes, be noted (this figure assumes that all KPIs are achieved and full incentivisation payments made).
4. That the TUPE transfer of approximately 41 Council staff to the new contractor be noted and that approval be given for the Council to enter into any necessary ancillary agreements as a result of such transfer.

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.

¹ See paragraph 5.1.1 of the report for explanation of the difference between notional annual contract value & annual budget

197. MARKET TESTING OF HOUSING SERVICES - ESTATE SERVICES (LOT 1)

RESOLVED:

1. That officers' recommendation that the contract for estate services be awarded to Pinnacle Housing Limited be noted.
2. That authority be delegated to the Cabinet Member for Housing, in consultation with the Executive Director for Housing and Regeneration, to:
 - (i) award the contract for Estate Services to Pinnacle Housing Limited in the initial sum of £2.8M per annum, subject to due regard being taken of the outcome of the section 105 and section 20 consultations described in paragraphs 7.16 to 7.21 of the report.
 - (ii) approve any necessary amendments to the contract in light of responses to the consultation.
3. That the submission of the in-house proposal described in paragraphs 6.11 to 6.22 be noted and that this proposal be not pursued.
4. That the TUPE transfer of approximately 92 Council staff to the new contractor be noted and that approval be given to the Council entering into any necessary ancillary agreements as a result of such transfer.

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.

198. MARKET TESTING OF HOUSING SERVICE - HOUSING MANAGEMENT (LOT2)

RESOLVED:

1. That officers' recommendation that the contract for housing management services for the south of the borough be awarded to Pinnacle Housing Limited be noted.
2. That authority be delegated to the Cabinet Member for Housing, in consultation with the Executive Director for Housing and Regeneration, to:-

- (i) award the contract for housing management services for the south of the borough to Pinnacle Housing Limited in the initial sum of £1.348M per annum, subject to due regard being taken of the outcome of the section 105 consultation described in paragraphs 7.3 to 7.6 and the consent of the Social Housing Regulator as described in paragraph 7.23 of the report.
 - (ii) approve any necessary amendments to the contract in light of the consultations or as may be required by the Social Housing Regulator.
3. That the management of higher level ASB remains in-house for the time being whilst noting that the proposed contract with Pinnacle Housing Limited will contain an option to vary the contract to include this service within the contract for housing management services.
4. That the TUPE transfer of approximately 25 Council staff to the new contractor be noted and that approval be given to the Council entering into any necessary ancillary agreements as a result of such transfer.

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.

199. HOME BUY ALLOCATION SCHEME

RESOLVED:

That the Home Buy Allocation Scheme as set out in Annex A to the report, be adopted.

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.

200. EXTENSION OF CONTRACT FOR THE MAINTENANCE OF PAY AND DISPLAY MACHINES

RESOLVED:

1. That the provisions of Contracts Standing Orders requiring the Council to obtain three quotations be waived, and it be noted that negotiations have taken place with the current provider to provide continuing support for a period not exceeding 2 months, be approved.
2. That the contract for the maintenance of pay and display machines with Metric Group Ltd be continued on the existing terms and conditions until the commencement of the proposed joint contract with RBKC which is scheduled to start on 01/06/13, with a notional value of £80,000.², 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.

201. SUBMISSION OF A BID TO THE MAYOR OF LONDON'S AIR QUALITY FUND

RESOLVED:

1. That the Council pledges to take action on improving air quality in the borough, thus enabling the Council to access the Mayor of London's Air Quality Fund, including the Leader signing up to the Exemplar Borough qualifying criteria as set out in Appendix 1.
2. That approval be given to the submission of an application to the GLA to fund local air quality improvement measures, including joint bids with other partners such as neighbouring boroughs, subject to joint funding, be approved.
3. That any bid made by the Council, which will be capped at a total of no more than £500,000, be approved by the Cabinet Member for Transport and Technical Services prior to submission to the GLA, be approved.

Reason for decision:

As set out in the report.

² Based upon current monthly invoices.

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.

202. KEY DECISIONS LIST

The Forward Plan was noted.

203. 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.]

204. EXEMPT MINUTES OF THE CABINET MEETING HELD ON 4 MARCH 2013 (E)

RESOLVED:

That the minutes of the meeting of the Cabinet held on 4 March 2013 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

205. TRI-BOROUGH ICT TARGET OPERATING MODEL : 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.

206. MENTAL HEALTH PARTNERSHIP AGREEMENT UNDER SECTION 75 NHS ACT 2006 LONDON BOROUGH OF HAMMERSMITH AND FULHAM (H&F) AND WEST LONDON MENTAL HEALTH TRUST (WLMHT) : 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.

207. AWARD OF NEW HOUSING REPAIRS AND MAINTENANCE CONTRACT : 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.

**208. MARKET TESTING OF HOUSING SERVICES - ESTATE SERVICES (LOT 1)
: 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.

**209. MARKET TESTING OF HOUSING SERVICE - HOUSING MANAGEMENT
(LOT 2) : 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.

Meeting started: 7.00 pm

Meeting ended: 7.31 pm

Chairman