

Cabinet Members' Decisions


made between November and December 2014

Date Issued: 30 December 2014

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	<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">CABINET MEMBER DECISION</p> <p align="center">DECEMBER 2014</p>
<p align="center">APPOINTMENT OF A COUNCIL REPRESENTATIVE TO THE HAMMERSMITH UNITED CHARITIES BOARD OF TRUSTEES</p>	
<p>Report of the Leader of the Council – Councillor Stephen Cowan</p>	
<p>Open Report</p>	
<p>Classification: For Decision</p> <p>Key Decision: No</p>	
<p>Wards Affected: All</p>	
<p>Accountable Executive Director: Jane West, Executive Director Finance and Corporate Governance</p>	
<p>Report Author: Ibrahim Ibrahim, Assistant Committee Coordinator</p>	<p>Contact Details: Tel: 020 8753 2075 E-mail: ibrahim.ibrahim@lbhf.gov.uk</p>

AUTHORISED BY:

The Cabinet Member has signed this report.....

DATE: 3 December 2014.....

- 1. EXECUTIVE SUMMARY**
- 1.1. This report records the Leader’s decision to appoint a Council representative to the Board of Trustees of the Hammersmith United Charities, which falls within the scope of his executive portfolio.
- 2. RECOMMENDATION**
- 2.1. That Councillor Charlie Dewhirst be appointed as a Trustee from 2 December 2014 and expiring on 16 June 2018.

3. REASONS FOR DECISION

- 3.1 The Council is fully committed to supporting the 3rd sector in Hammersmith & Fulham and understands the significant contribution that the services provided make to the social fabric of our borough. This appointment will strengthen the relationship with the Hammersmith United Charities and will ensure closer partnership around a shared objective of promoting social inclusion and improving the lives of our residents.

4. INTRODUCTION AND BACKGROUND

- 4.1 The Council currently has Councillor Iain Cassidy, Councillor Vivienne Lukey and Julian Hillman as Council representatives on the Hammersmith United Charities Board of Trustees.

Councillor Adronie Alford recently stepped down from her position on the Hammersmith United Charities Board at the Charity's AGM in November 2014. The Council requests that Councillor Charlie Dewhirst be appointed as Trustee to replace Councillor Adronie Alford.

- 4.2 In response to this request, the Leader is of the view that he will provide a positive contribution to the work of the organisation, and should therefore represent the Council in this regard.

5. PROPOSAL AND ISSUES

- 5.1 As above.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. Not applicable.

7. CONSULTATION

- 7.1. Not applicable.

8. EQUALITY IMPLICATIONS

- 8.1. Not applicable.

9. LEGAL IMPLICATIONS

- 9.1 The Council Constitution gives the Leader the power to appoint representatives to outside bodies. Item 1.9 ('Scope of portfolio') states the following: "Appointing or nominating and where appropriate removing the Authority's representatives on appropriate outside bodies."

- 9.2 Implications completed by: Tasnim Shawkat, Bi-Borough Director of Law.
Tel: 020 8753 2088.

10. FINANCIAL AND RESOURCES IMPLICATIONS

10.1. Not applicable.

11. RISK MANAGEMENT


11.1. Not applicable.

12. PROCUREMENT AND IT STRATEGY IMPLICATIONS

12.1. Not applicable.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	<i>Description of Background Papers</i>	Name/Ext of holder of file/copy	Department/ Location
1.	None		

	London Borough of Hammersmith & Fulham CABINET MEMBER DECISION DECEMBER 2014
APPOINTMENT OF A COUNCIL REPRESENTATIVE TO THE MORTLAKE CREMATORIUM BOARD OF TRUSTEES	
Report of the Leader of the Council – Councillor Stephen Cowan	
Open Report	
Classification: For Decision Key Decision: No	
Wards Affected: All	
Accountable Executive Director: Jane West, Executive Director Finance and Corporate Governance	
Report Author: Ibrahim Ibrahim, Assistant Committee Coordinator	Contact Details: Tel: 020 8753 2075 E-mail: ibrahim.ibrahim@lbhf.gov.uk

AUTHORISED BY:

The Leader has signed this report.

DATE: 2 December 2014

1. EXECUTIVE SUMMARY

- 1.1. This report records the Leader's decision to appoint a Council representative to the Board of Trustees of the Mortlake Crematorium, which falls within the scope of his executive portfolio.

2. RECOMMENDATION

- 2.1. That Councillor Larry Culhane be appointed as a Trustee from 2 December 2014 and expiring on 16 June 2017.

3. REASONS FOR DECISION

- 3.1 The Council is fully committed to supporting the 3rd sector in Hammersmith & Fulham and understands the significant contribution that the services provided make to the social fabric of our borough. This appointment will strengthen the relationship with the Mortlake Crematorium and will ensure closer partnership around a shared objective of promoting social inclusion and improving the lives of our residents.

4. INTRODUCTION AND BACKGROUND

- 4.1 The Council currently has Councillors Michael Cartwright and Adronie Alford as Council representatives on the Mortlake Crematorium Board of Trustees. The Council approached the Mortlake Crematorium requesting that Councillor Larry Culhane be appointed a Trustee as he is actively involved in the local community and will bring a wealth of experience to the organisation.
- 4.2 In response to this request, the Leader is of the view that he will provide a positive contribution to the work of the organisation, and should therefore represent the Council in this regard.

5. PROPOSAL AND ISSUES

- 5.1 As above.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. Not applicable.

7. CONSULTATION

- 7.1. Not applicable.

8. EQUALITY IMPLICATIONS

- 8.1. Not applicable.

9. LEGAL IMPLICATIONS

- 9.1 The Council Constitution gives the Leader the power to appoint representatives to outside bodies. Item 1.9 ('Scope of portfolio') states the following: "Appointing or nominating and where appropriate removing the Authority's representatives on appropriate outside bodies."
- 9.2 Implications completed by: Tasnim Shawkat, Bi-Borough Director of Law. Tel: 020 8753 2088.

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1. Not applicable.

11. RISK MANAGEMENT


11.1. Not applicable.

12. PROCUREMENT AND IT STRATEGY IMPLICATIONS

12.1. Not applicable.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	None		

	London Borough of Hammersmith & Fulham CABINET MEMBER DECISION DECEMBER 2014
APPOINTMENT OF DIRECTOR TO H&F DEVELOPMENT LIMITED	
Report of the Cabinet Member for Housing, Councillor Lisa Homan	
Open Report	
Classification - For Decision Key Decision: No	
Wards Affected: None	
Accountable Executive Director: Melbourne Barrett, Executive Director Housing & Regeneration	
Report Author: John Higgins Head of Housing Financial Strategy and Investment	Contact Details: Tel: 020 8753 6997 E-mail: john.higgins@lbhf.gov.uk

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 19 December 2014.....

1. EXECUTIVE SUMMARY

- 1.1. The Council has a wholly owned subsidiary company, H&F Housing Development Limited (HFD or the Company) that was originally set up to deliver the Discount Market Sale programme. Only one scheme was completed through the subsidiary before changes in regulations and legislation meant the remainder of the programme could be delivered directly by the Council.
- 1.2. The company has only one director, Melbourne Barrett, Executive Director of Housing and Regeneration, following the removal of its other director, Andrew Johnson by the Council as the Shareholder in accordance with the rules of the Company. This report seeks authority to appoint a second director. This is required so a quorate Board meeting can be held to

enable the Company to approve the latest set of accounts and transfer the remaining assets in the company to the Council prior to the company becoming dormant.

2. RECOMMENDATIONS

- 2.1. To approve the appointment of Kathleen Corbett, Director of Finance & Resources, Housing & Regeneration Department, as Director of H&F Housing Development Limited.

3. REASONS FOR DECISION

- 3.1. Following the removal of Mr Johnson, former Cabinet Member for Housing under the previous administration, as a Director, H&F Housing Development Limited only has one appointed director and consequently the board is inquorate and therefore cannot make any further decisions until a second director is appointed.
- 3.2. H&F Housing Development Limited's current order of business is the approval of the latest audited accounts and the orderly wind down and transfer of assets to the Council before becoming dormant, all of which require board approval.

4. BACKGROUND

- 4.1. In April 2011, Cabinet approved the establishment of a local housing development company structure to allow the Council to generate and retain development surplus through the development of new housing on Council land. This created a major opportunity for the Council to deliver housing and regeneration outcomes using its own land, under its own leadership.
- 4.2. This involved creation of an arm's length development company - H&F Housing Developments Limited (HFD) to build homes directly. HFD is supported by a charitable company to ensure tax efficiency for its income. The Council received external legal advice at the time and the key considerations for the Council in selecting the structure were centred around vires, tax efficiency and control, particularly in relation to development of private for sale housing. Both HFD and the charitable company have been registered at Companies House. HFD has undertaken the development and sale of two flats at Becklow Gardens Estate and secured planning permission for several other sites.
- 4.3. However, further to the freedoms and flexibilities introduced by the Localism Act 2011 and the Housing Revenue Account Reform - together with the Council's adopted Housing Strategy (2012) - further legal and financial advice in 2013 confirmed that it was appropriate that the housing

development programme can be undertaken directly by the Council, without the need to utilise the Council's arm's length special purpose vehicle arrangements that have previously been put in place. And therefore a decision was taken in June 2013 to continue development activity directly through in the Council and therefore the two companies have remained effectively dormant since then.

- 4.4. As the company is no longer required to carry out a development programme a board resolution is required to enable all retained assets to be transferred to the Council and to approve the accounts prior to the company becoming dormant.
- 4.5. Following the removal of the former Administration's Cabinet Member for Housing, Andrew Johnson, as a Director, by the Council as the Shareholder in accordance with the rules of the Company, the company only has one director and consequently is unable, under its Articles of Association, to carry out any further business until it has two directors and can hold a quorate Board meeting. Therefore an additional Director is required to enable the accounts to be approved and the assets to be transferred to the Council.
- 4.6. Once approved the directors for H&F Developments Limited will be:

Melbourne Barrett, Executive Director Housing & Regeneration
Kathleen Corbett, Director of Finance & Resources, Housing & Regeneration

5. EQUALITY IMPLICATIONS

- 5.1. There are no equality implications in this decision

6. LEGAL IMPLICATIONS

- 6.1. *This section should include the legal power relevant to the proposal must be set out together with any future possible legal implications. [This is where LBH&F officers will insert the comments of the Director of Law.]*
- 6.2. Implications verified/completed by: (Janette Mullins
Principal Solicitor (Housing and Litigation) | Bi Borough Legal Services,
Tel: 020 8753 2744)

7. FINANCIAL AND RESOURCES IMPLICATIONS

- 7.1. There are no financial implications arising from this decisions
- 7.2. Implications verified/completed by: (John Higgins, Interim Head of Housing Financial Strategy & Investment Tel: 020 8753 6997)

8. RISK MANAGEMENT

- 8.1. Appointing the director addresses the risk of having a subsidiary unable to conduct business including its responsibilities to file returns with Companies House.
- 8.2. Implications verified/completed by: (Michael Sloniowski, 020 8753 2587)

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	None.		



CABINET MEMBER DECISION

DECEMBER 2014

APPROVAL OF CONVERSION OF HURLINGHAM & CHELSEA SCHOOL TO ACADEMY STATUS

Report of the Cabinet Member for Children and Education

Open Report

Classification - For Decision

Key Decision: No

Wards Affected:

Accountable Executive Director: Andrew Christie, Tri-Borough Executive Director of Children's Services

Report Author: Alan Wharton, Head of Asset Strategy (Schools and Children's Services)

Contact Details:

Tel: 020 7641 2911

E-mail:

awharton@westminster.gov.uk

AUTHORISED BY:

The Cabinet Member has signed this report...

DATE: 19 December 2014

1. EXECUTIVE SUMMARY

- 1.1. This report relates to the conversion of Hurlingham & Chelsea School to academy status. United Learning Trust is the sponsor and will be granted a 125 year lease modelled on the DfE standard form. The lease requires use of the site for school purposes and will revert to the local authority on expiry.
- 1.2. In line with the delegated power from Cabinet from the 5th March 2012 the Cabinet Member is requested to approve the following recommendations to enable the conversion of Hurlingham & Chelsea School to a United Learning Trust academy.

2. RECOMMENDATIONS

- 2.1 To approve the grant of a 125 years lease of Hurlingham & Chelsea School site to United Learning Trust.
- 2.2 To approve the Council entering into a Commercial Transfer Agreement transferring the schools assets, contracts and staff from Hurlingham & Chelsea School to United Learning Trust.

3. REASONS FOR DECISION

- 3.1. The decision is required to comply with the procedures necessary to give effect to the conversion of Hurlingham & Chelsea School to academy status.

4. INTRODUCTION AND BACKGROUND

- 4.1 As part of the Government drive to raise school standards and further empower schools to be more in control of their delivery, further encouragement has been given to schools to convert to academy status. This has also included a simplification of the process and a generic standardisation of the required documentation to enable both existing trustees (usually local authorities or dioceses) and local authorities as the current funding bodies to effect the necessary change from maintained schools to academies.
- 4.2 This standard documentation is the end of a process that commenced when the schools individually registered their interest in considering academy status with the Secretary of State and then underwent a series of steps including broad stakeholder consultation and consideration of this by the governing body before making their final applications to the Secretary of State.
- 4.3 Once the Secretary of State has considered their requests and approved their conversion to academy status, then the following aspects are required before the school can formally convert:
 - that a funding agreement is approved between the Secretary of State and the academy
 - to enable the Secretary of State to enter into a funding agreement, the academy must have entered into a long term(125 years) lease with academy (in this case United Learning)
 - to enable the converting academy to deliver continuous education the existing staff are TUPE'd to the new academy and relevant contracts and assets are novated across under the terms of a commercial transfer agreement.
- 4.4 The latter action involves the local authority as a co-signatory.

5. PROPOSAL AND ISSUES

- 5.1 To deliver the conversion of Hurlingham & Chelsea school to an academy from a maintained community school, the Council is required by the Secretary of State to enter into a long term lease (125 years) with United Learning Trust. The Council is also required to transfer the employees, assets and contracts across to the new academy.
- 5.2 The transfer of the school land and buildings element is dealt with by way of a lease. The Government has set out a model lease for use by councils and academy trusts to facilitate a smooth transaction. However, the model lease provisions are not compulsory and can be negotiated
- 5.3 The transfer of the staff, assets and contracts is dealt with by way of a commercial transfer agreement (CTA) which sets out the staff, contracts and assets to be transferred as well as the respective rights, obligations and liabilities of the parties. There is a model form of contract provided by the DfE upon which the commercial transfer agreement between the Council and United Learning will be based.
- 5.4 Officers within the Council have worked with United Learning Trust as the sponsor of Hurlingham & Chelsea School to finalise the lease and CTA which will protect the Council's interests and enable the conversion of Hurlingham & Chelsea School to Hurlingham & Chelsea Academy.
- 5.5 The following matters have been agreed with United Learning Trust and are reflected in the terms of the lease and CTA:
- Insurance. The Council will insure the buildings and re-charge the premium in accordance with its usual practice. .
 - Caretaker's house. The house is an integral part of the site and cannot be separated from it and will not therefore be excluded from the transfer. There is no contractual obligation to rehouse the caretaker, so ULT will have no liability to re-house the caretaker at termination of employment or retirement. The Council's statutory obligations as a housing authority will apply.
 - The community library. This was provided in accordance with Planning Permission 2011/01578/FUL dated 4 August 2011, and is managed in accordance with a Community Use Policy (CUP)_relating to library facilities, school holiday programmes for students, adult learning, and partnership with sports clubs. The CUP was approved by the Governing Body on 21 November 2011. Future revisions are to be agreed by the Head Teacher, Chair of Governors and the Local Authority.

- Other occupations. The Council has provided a schedule of occupations which will continue to be honoured whilst compatible with the business of the school.
- Use of community open space. The school has the use of adjoining open space in accordance with a separate agreement with the Council, which will not be included in the lease.
- Outstanding building works and financial contributions.
 - I. Maintenance. The Council's Maintenance Grant allocation from the EFA for 2014-15 is £1.5M with a similar amount top-slice from the DSG to fund maintenance expenditure for schools. A per capita allocation to Hurlingham & Chelsea would equate to approximately £140,000, of which works are already commissioned to the value of £41,000.
 - II. As part of their due diligence United Learning reviewed the Condition Survey undertaken on behalf of the Council in 2011-12 and commissioned their own health and safety survey. A comparison of both surveys identified approximately £31,000 of works that could be deemed to be the Councils' responsibility. The cost of these works will be funded from the allocation with the remainder paid to United Learning to facilitate other works. No further contributions will be made in respect of items contained in the condition survey.

The Council will not indemnify the school or ULT for works required to comply with statutory health and safety requirements since these are the school's responsibility,

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1 The Council's options in relation to schools converting to academy status are extremely limited. Steps have been taken as outlined in paragraph 5.5 to protect the Council's property interests and maintain other services for the community.

7. CONSULTATION

- 7.1. The Council has worked closely with all stakeholders including the school and Department for Education.

8. LEGAL IMPLICATIONS

- 8.1 Under the Academies Act 2010 (the "Academies Act") the Secretary of State for Education may enter into Academy funding agreement with an Academy Trust for establishment of an independent school/ academy. Local authorities are required to comply with such Secretary of State decision to transfer land and assets to the Academy Trust. Further, the Academies Act gives the Secretary of State powers to make transfer

schemes relating to land, property, rights or liabilities to the Academy where agreement cannot be reached between the Local Authority and the Academy Trust.

- 8.2 The Secretary of State for Education pursuant to his powers conferred under the Academies Act had exercised powers to convert Hurlingham & Chelsea School to Academy status. The Academies Act provides that on the conversion date (1 January 2015) the school closes and opens as a sponsored academy under the academy arrangements under section 1 of the Academies Act.
- 8.3 Under the statutory provisions of the Academies Act, as the Council holds the school land and buildings as freeholder, it is required to negotiate and grant a lease of the land and buildings where it is used wholly or mainly for the purposes of the school. The Council will therefore, grant a lease of the land and buildings occupied by the school to the Academy Trusts for a term of 125 years at a peppercorn rent
- 8.4 The principal terms of the academy lease, which is recommended by the Department for Education together with other terms or variations of the principal terms as deemed appropriate by the Council and the Academy Trust were agreed and incorporated into the lease.
- 8.5 Non-compliance would prompt an issue of direction and the required decisions to be taken by the Secretary of State for Education.
- 8.6 The DfE has drawn up a model form of commercial transfer agreement which sets out the terms under which the assets, contracts and staff are transferred from the school or local authority to the new academy.
- 8.7 Legal services will work with officers to finalise and agree the lease and commercial transfer agreement.

Implications completed by: Kar-Yee Chan
Solicitor (Contracts) | Bi-Borough Legal Services Tel: 020 8753 2772 and Rachel Silverstone, Solicitor (Property) Tel: 020 8753 2210.

9. FINANCIAL AND RESOURCES IMPLICATIONS

- 9.1. The Director of Finance has been consulted during the preparation of the final documentation for lease and both the commercial transfer agreements and notes that these decisions are required to enable the conversion of academies and are based on model national documentation.
- 9.2. On completion of the conversion the Council will transfer £99,000 in lieu of all obligations relating to the maintenance and upkeep of the building to be transferred.
- 9.3. In accordance with guidance for maintained community schools transferring to Academy status, the land will be leased to the academy sponsor on a 125 year (operating) lease for a peppercorn rent. As an

operating lease, the Council will continue to be the freeholder and the asset will continue to be recognised on the Council's balance sheet.

Implications completed by: Dave McNamara, Director of Finance, telephone 020 8753 3404.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.			
2.			
CONTACT OFFICER:		Alan Wharton, Head of Asset Strategy EXT. 020 7641 2911	



London Borough of Hammersmith & Fulham

CABINET MEMBER DECISION

DECEMBER 2014

CONSTITUTION OF THE GOVERNING BODY OF BRACKENBURY PRIMARY SCHOOL

Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION

Open Report

Classification - For Decision

Key Decision: No

Wards Affected:

Accountable Executive Director: Jane West, Executive Director Finance and Corporate Governance

Report Author
Jackie Saddington
Tri-Borough Head of School Governor Services

Contact Details:
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Jackie.saddington@rbkc.gov.uk

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 12 December 2014

1. EXECUTIVE SUMMARY

The report recommends a variation in the Instrument of Government for the governing body of Brackenbury Primary School to bring them in line with the School Governance (Constitution) England) Regulations 2012.

2. RECOMMENDATIONS

That the Instrument of Government for the governing body of Brackenbury Primary School, as set out in Appendix 1 of this report, be made, coming into effect from 25th February 2015.

3. REASONS FOR DECISION

The Council is required to make a new Instrument of Government.

4. BACKGROUND

The Education Act 2002 and the School Governance (Constitution) (England) Regulations 2012 require the governing bodies of all maintained schools to conform to a constitutional model.

The regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution.

The constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their constitution, in accordance with the regulations, by varying their Instrument of Government.

5. UPDATE

At the Full Governing Body meeting of Brackenbury Primary School held on 22nd September 2014 the governors voted to reconstitute the Governing Body to bring it in line with the School Governance (Constitution) (England) Regulations 2012. The Governing Body had previously been constituted under the School Governance (England) (Constitution) Regulations 2003. The total number of governors will increase from 14 to 16 and the numbers in each category will be amended to reflect the latest Regulations. The number of governors in each category will change as follows:

- Parent Governors will remain at 5
- LA Governors will reduce from 3 to 1
- Staff Governors will reduce from 3 to 1
- Headteacher
- Community Governors are renamed to Co-Opted Governors and will increase from 3 to 8.

Total = 16

6. INSTRUMENT OF GOVERNMENT

Accordingly, they have asked the Authority to vary their Instrument of Government to show the amended categories of governors.

Appendix 1 of this report sets out the constitution of the governing body in the form of an Instrument of Government, as requested by the governors of Brackenbury Primary School.

7. RISK MANAGEMENT

The subject of the report is not included on a departmental or corporate risk register.

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

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

9. EQUALITY IMPLICATIONS

There are no equality implications.

10. LEGAL IMPLICATIONS

The School Governance (constitution) (England) Regulations 2012 set out the framework for the constitution of governing bodies and the process of making Instruments of Government. The Instrument of Government proposed in appendix 1 of this report complies with those regulations.

Comments supplied by Jackie Saddington

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No	Description of Background Papers	Name/Ext of Holder of File/Copy	Department/Location
1.	Education Act 2002 (PUBLISHED)	Jackie Saddington 020 7598 4782	Tri-borough Children's Services Kensington Town Hall
2.	The School Governance (Constitution) (England) Regulations 2012	Jackie Saddington 020 7598 4782	Tri-borough Children's Services Kensington Town Hall

	(PUBLISHED)		
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APPENDIX 1

LONDON BOROUGH OF HAMMERSMITH AND FULHAM

INSTRUMENT OF GOVERNMENT:

BRACKENBURY PRIMARY SCHOOL

1. The name of the school is Brackenbury Primary School.
2. The school is a Community school.
3. The name of the governing body is “The governing body of Brackenbury Primary School”.
4. The governing body shall consist of:
 - a. 5 parent governors
 - b. 1 staff governor
 - c. 1 Local Authority governor
 - d. The Head Teacher ex-officio
 - e. 8 co-opted governors
5. Total number of governors is 16.
6. This instrument of government comes into effect from 25th February 2015.
7. This instrument was made by order of Hammersmith & Fulham Local Education Authority on
8. A copy of the instrument must be supplied to every member of the governing body (and the Head Teacher if not a governor).



London Borough of Hammersmith & Fulham

CABINET MEMBER DECISION

DECEMBER 2014

CONSTITUTION OF THE GOVERNING BODY OF VANESSA NURSERY SCHOOL

Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION

Open Report

Classification - For Decision

Key Decision: No

Wards Affected:

Accountable Executive Director: Jane West, Executive Director Finance and Corporate Governance

Report Author
Jackie Saddington
Tri-Borough Head of School Governor Services

Contact Details:
E-mail:
Jackie.saddington@rbkc.gov.uk

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 12 December 2014

1. EXECUTIVE SUMMARY

The report recommends a variation in the Instrument of Government for the governing body of Vanessa Nursery School to bring them in line with the School Governance (Constitution) England) Regulations 2012.

2. RECOMMENDATIONS

That the Instrument of Government for the governing body of Vanessa Nursery School, as set out in Appendix 1 of this report, be made, coming into effect from 12th February 2015.

3. REASONS FOR DECISION

The Council is required to make a new Instrument of Government.

4. BACKGROUND

The Education Act 2002 and the School Governance (Constitution) (England) Regulations 2012 require the governing bodies of all maintained schools to conform to a constitutional model.

The regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution.

The constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their constitution, in accordance with the regulations, by varying their Instrument of Government.

5. UPDATE

At the Full Governing Body meeting of Vanessa Nursery School held on 4th November 2014 the governors voted to reconstitute the Governing Body to bring it in line with the School Governance (Constitution) (England) Regulations 2012. The Governing Body had previously been constituted under the School Governance (England) (Constitution) Regulations 2003. The total number of governors will reduce from 14 to 12 and the numbers in each category will be amended to reflect the latest Regulations. The number of governors in each category will change as follows:

- Parent Governors will reduce from 5 to 2
- LA Governors will reduce from 3 to 1
- Staff Governors will reduce from 3 to 1
- Headteacher
- Community Governors are renamed to Co-Opted Governors and will increase from 3 to 7.

Total = 12

6. INSTRUMENT OF GOVERNMENT

Accordingly, they have asked the Authority to vary their Instrument of Government to show the amended categories of governors.

Appendix 1 of this report sets out the constitution of the governing body in the form of an Instrument of Government, as requested by the governors

of Vanessa Nursery School.

7. RISK MANAGEMENT

The subject of the report is not included on a departmental or corporate risk register.

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

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

9. EQUALITY IMPLICATIONS

There are no equality implications.

10. LEGAL IMPLICATIONS

The School Governance (constitution) (England) Regulations 2012 set out the framework for the constitution of governing bodies and the process of making Instruments of Government. The Instrument of Government proposed in appendix 1 of this report complies with those regulations.

Comments supplied by Jackie Saddington

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No	Description of Background Papers	Name/Ext of Holder of File/Copy	Department/Location
1.	Education Act 2002 (PUBLISHED)	Jackie Saddington 020 7598 4782	Tri-borough Children's Services Kensington Town Hall
2.	The School Governance (Constitution) (England) Regulations 2012 (PUBLISHED)	Jackie Saddington 020 7598 4782	Tri-borough Children's Services Kensington Town Hall

APPENDIX 1

LONDON BOROUGH OF HAMMERSMITH AND FULHAM

INSTRUMENT OF GOVERNMENT:

VANESSA NURSERY SCHOOL

1. The name of the school is Vanessa Nursery School.
2. The school is a maintained nursery school.
3. The name of the governing body is “The governing body of Vanessa Nursery School”.
4. The governing body shall consist of:
 - a. 2 parent governors
 - b. 1 staff governor
 - c. 1 Local Authority governor
 - d. The Head Teacher ex-officio
 - e. 7 co-opted governors
5. Total number of governors is 12.
6. This instrument of government comes into effect from 12th February 2015.
7. This instrument was made by order of Hammersmith & Fulham Local Education Authority on
8. A copy of the instrument must be supplied to every member of the governing body (and the Head Teacher if not a governor).



London Borough of Hammersmith & Fulham

CABINET MEMBER DECISION

DECEMBER 2014

CONSTITUTION OF THE GOVERNING BODY OF ST PAUL'S CHURCH OF ENGLAND PRIMARY SCHOOL

Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION

Open Report

Classification - For Decision

Key Decision: No

Wards Affected:

Accountable Executive Director: Jane West, Executive Director Finance and Corporate Governance

Report Author
Jackie Saddington
Tri-Borough Head of School Governor Services

Contact Details:
E-mail:
Jackie.saddington@rbkc.gov.uk

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 12 December 2014

1. EXECUTIVE SUMMARY

The report recommends a variation in the Instrument of Government for the governing body of St Paul's Church of England Primary School to bring them in line with the School Governance (Constitution) England) Regulations 2012.

2. RECOMMENDATIONS

That the Instrument of Government for the governing body of St Paul's Church of England Primary School, as set out in Appendix 1 of this report, be made, coming into effect on the date of the first Governing Body meeting following the date of making.

3. REASONS FOR DECISION

The Council is required to make a new Instrument of Government.

4. BACKGROUND

The Education Act 2002 and the School Governance (Constitution) (England) Regulations 2012 require the governing bodies of all maintained schools to conform to a constitutional model.

The regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution.

The constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their constitution, in accordance with the regulations, by varying their Instrument of Government.

5 UPDATE

At the Full Governing Body meeting of St Paul's Church of England Primary School held on 21st October 2014 the governors voted to reconstitute the Governing Body to bring it in line with the School Governance (Constitution) (England) Regulations 2012. The Governing Body had previously been constituted under the School Governance (England) (Constitution) Regulations 2003. The total number of governors will reduce from 16 to 12 and the numbers in each category will be amended to reflect the latest Regulations. The number of governors in each category will change as follows:

- Parent Governors will reduce from 3 to 2
- LA Governors remains the same at 1
- Staff Governors will reduce from 3 to 1
- Headteacher
- Foundation Governors reduce from 9 to 7.

Total = 12

6. INSTRUMENT OF GOVERNMENT

Accordingly, they have asked the Authority to vary their Instrument of Government to show the amended categories of governors.

Appendix 1 of this report sets out the constitution of the governing body in the form of an Instrument of Government, as requested by the governors of St Paul's Church of England Primary School.

7 RISK MANAGEMENT

The subject of the report is not included on a departmental or corporate risk register.

8 COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

9. EQUALITY IMPLICATIONS

There are no equality implications.

10. LEGAL IMPLICATIONS

The School Governance (constitution) (England) Regulations 2012 set out the framework for the constitution of governing bodies and the process of making Instruments of Government. The Instrument of Government proposed in appendix 1 of this report complies with those regulations.

Comments supplied by Jackie Saddington

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

No .	Description of Background Papers	Name/Ext of Holder of File/Copy	Department/Location
1.	Education Act 2002 (PUBLISHED)	Jackie Saddington 020 7598 4782	Tri-borough Children's Services Kensington Town Hall
2.	The School Governance (Constitution) (England) Regulations 2012 (PUBLISHED)	Jackie Saddington 020 7598 4782	Tri-borough Children's Services Kensington Town Hall

APPENDIX 1

LONDON BOROUGH OF HAMMERSMITH AND FULHAM

INSTRUMENT OF GOVERNMENT:

ST PAUL'S CHURCH OF ENGLAND PRIMARY SCHOOL

1. The name of the school is St Paul's Church of England Primary School.
2. The school is a voluntary aided school.
3. The name of the governing body is "The governing body of St Paul's Church of England Primary School".
4. The governing body shall consist of:
 - a. 2 parent governors
 - b. 1 staff governor
 - c. 1 Local Authority governor
 - d. The Head Teacher ex-officio
 - e. 7 Foundation governors
5. Total number of governors is 12.
6. Foundation Governors shall be appointed as follows
 - a. 2 appointed by the London Diocesan Board for Schools
 - b. 2 appointed by the Parochial Church Council of St Paul's Church Hammersmith
 - c. 2 appointed by the Hammersmith and Fulham Deanery
7. a) The holder of the following office shall be a foundation governor ex-officio: the Vicar of St Paul's Church Hammersmith
 - b. The Archdeacon of Middlesex shall be entitled to appoint a foundation governor to act in the place of the ex-officio governor whose governorship derives from the office named in (a) above, in the event that that ex-officio

governor is unable or unwilling to act as a foundation governor, or has been removed from office under regulation 21 (1) of the Regulations.

- 8.** The Archdeacon of Middlesex shall be entitled to request the governing body to remove the ex-officio foundation governor referred to in 8a above and to appoint any substitute governor.

- 9.** Ethos statement:

Recognising its historic foundation, the school will preserve and develop its religious character in accordance with the principles of the Church of England and in partnership with the Church at parish and diocesan level.

The school aims to serve its community by providing an education of the highest quality within the context of Christian beliefs and practice. It encourages an understanding of the meaning and significance of faith, and promotes Christian values through the experience it offers to all its pupils.

- 10.** This instrument of government comes into effect on the date of the first Governing Body meeting following the date of making.
- 11.** This instrument was made by order of Hammersmith & Fulham Local Education Authority on
- 12.** A copy of the instrument must be supplied to every member of the governing body (and the Head Teacher if not a governor).

London Borough of Hammersmith & Fulham



CABINET MEMBER DECISION

DECEMBER 2014

SUPPORTING PEOPLE DOMESTIC VIOLENCE SERVICE CONTRACT EXTENSIONS

Report of the Cabinet Member for Health and Adult Social Care - Councillor Vivienne Lukey

OPEN REPORT

**Classification - For Decision
Key Decision: NO**

Wards Affected: ALL

Accountable Executive Director: Liz Bruce - Executive Director Adult Social Care

**Report Author:
Julia Copeland Senior Commissioner**

Contact Details:
Tel: 020 8753 1203
E-mail:
julia.copeland@lbhf.gov.uk

AUTHORISED BY:

The Cabinet Member has signed this report.
DATE: 4 December 2014.....

1. EXECUTIVE SUMMARY

1.1 This report seeks approval for the following recommendations:

- i. Exercise the option to extend provision in the contract between Hammersmith & Fulham Council and Hestia Housing & Support (Hestia) for domestic violence refuge accommodation and extend the contract from 1 April 2015 to 30 March 2016.

- iii. Vary the contract terms of the current Shepherds Bush Housing Group (SBHG) domestic violence floating support contract in order to extend the contract from 1 April 2015 to 30 September 2015.
- 1.2 The Hestia refuge accommodation contract provides 13 units of accommodation for women and children experiencing domestic violence. The SBHG floating support service provides support to 20 women and their children in the community who have experienced domestic abuse. Both services are delivering good outcomes and provide a range of practical and emotional support including debt management, budgeting, resolving tenancy issues, reducing social isolation, signposting to employment, training & education opportunities and improving health and well-being. Services aim to provide support for six to nine months.
- 1.3 Both contracts are ending on 31st March 2015 and it is necessary to extend the contracts to maintain service continuity while officers conclude the commissioning and procurement processes to secure future services.
- 1.4 It is proposed that a future domestic violence floating support service should be commissioned as part of the proposed shared Violence against Women and Girls (VAWG) Integrated Support Service in Hammersmith & Fulham, RB Kensington and Chelsea and Westminster City Council to ensure future services are better co-ordinated and able to offer a more holistic service to women and children experiencing domestic violence in Hammersmith & Fulham. Refuge services are not currently included in the scope of the proposed shared VAWG service and therefore officers are considering a range of options for future services.
- 1.5 Although the cost of the proposals exceed £100,000, a Cabinet decision is not required because on 13 May 2013, Cabinet delegated the authority to extend and or vary the contractual terms of Supporting People contracts, including the Hestia Housing & Care and SBHG contracts to the Cabinet Member for Health & Social Care.

2. RECOMMENDATIONS

- 2.1 That approval be given to extend the Hestia Housing and Care domestic violence refuge contract from 1 April 2015 to 31st March 2016 at a total cost of £141,225 as set out in table 1 below.
- 2.2 That approval be given to a waiver from the Council's Contract Standing Orders of the requirement to seek competitive tenders in order to vary the contract terms to extend the SBHG domestic violence floating support contract from 1 April 2015 to 30 September 2015, with a month break clause at a total cost of £30,207 as set out in table 1 below:

Table 1

Contract	Contract start	Contract end	Current Expiry Date	Proposed extension	Current annual contract value	Total extension value
Hestia Housing & Care Refuges -	1/4/2011	31/3/2014 with option to extend for 2 X 12 month periods	31/3/15	1/4/15-31/3/16	£141,225	£141,225
Shepherds Bush Housing Group - Floating Support	1/05/2010	30/4/2013 with option to extend for 2 X 12 month periods	31/3/15	1/4/15-30/9/15	£73,593 to 31.12.14 and from 1/1/15 = £60,413	£30,207

2.3 That in the event the award and implementation of the proposed shared VAWG Integrated Support Service contract is delayed beyond 30 September 2015, the arrangements for the SBHG contract to continue on a rolling monthly basis until contract award and implementation until no later than 31 March 2016, at a potential additional monthly cost of £2517.25.

3. REASONS FOR DECISION

3.1 It is proposed that the council will achieve better outcomes and value for money by recommissioning the SBHG floating support service as part of the proposed shared VAWG Integrated Support Service in Hammersmith and Fulham (LBHF), RB Kensington and Chelsea and Westminster City Council. The proposed new shared service is anticipated to commence in July 2015.

3.2 The current SBHG contract expires on 31 March 2015 and so to provide continuity of service to vulnerable residents it is necessary to vary the contract terms in order to extend the contract to 30 September 2015 as a contingency for any delays to the proposed procurement timetable. A month's break clause will be included so that the contract ends coterminous with the commencement of the proposed shared VAWG Integrated Support Service. A waiver from the Contract Standing Orders of the requirement to seek competitive tenders is necessary because there are no further extension provisions in the SBHG contract.

3.3 Refuge accommodation is not currently in scope of the proposed shared VAWG Integrated Support Service and therefore it is not an option to include the Hestia refuge services in a wider contract at the moment. Officers are looking however, at new service models and how we can achieve better outcomes and value for money in the future. The Hestia contract expires on 31 March 2015 and it will not be possible to procure new services before the contract ends and therefore it is necessary to exercise the option to extend the contract to 31 March 2016.

4. BACKGROUND

- 4.1 The former Supporting People programme was established in 2003 and the responsibility for commissioning and contracting housing support services transferred to local authorities. Housing support services include floating support and accommodation services for people experiencing domestic violence and abuse. In 2009/10, LBHF reconfigured domestic violence housing support services and commissioned the two services detailed in Table 1 above. These services are funded from the Adult Social Care Supporting People budget.
- 4.2 In LBHF, the strategic responsibility for VAWG services sits with Community Safety, but several council departments fund VAWG services including Housing and Regeneration, 3rd Sector Investment Fund, Children's Services and the ASC Supporting People budget.
- 4.3 The current arrangements are fragmented; and the Council is currently considering bringing together a number of local VAWG services and commissioning future services within a shared VAWG Integrated Support Service in Hammersmith & Fulham, RB Kensington and Chelsea and Westminster City Council.
- 4.4 A review of the SBHG floating support service in 2013-14 indicated that some of the households being supported could be referred to other types of local services for example, counselling and advocacy services and that other cases could be closed more quickly. These findings suggested that the capacity of the contract could be reduced while still ensuring support is available to those households who could benefit most from the service. In addition SBHG indicated that the contract was no longer financially viable for their organisation and were seeking an early exit from the contract.
- 4.5 To address these issues, from 1 October 2014 the current SBHG contract was varied to reduce the capacity from 40 households to 20 and the contract value was reduced as set out in table 1. The reduction in capacity is being mitigated by improved throughput, making onward referrals to more appropriate services and a better prioritisation of cases. Officers consider that the current capacity is sufficient to meet the borough's future requirements for domestic violence floating support but there are inefficiencies associated with recommissioning a smaller standalone contract in the future.
- 4.6 Officers consider therefore that the Council will achieve an enhanced service offer and better value for money by commissioning a future floating support for women and children in Hammersmith & Fulham as part of a larger shared VAWG service. Hammersmith and Fulham residents will have access to a wider range of services and support; floating support staff will be part of a larger integrated team of specialists working with a wide range of women and girls experience violence and abuse and there will be reduced management and overhead costs, thereby maximising the availability of front-line services

- 4.7 The overall aim of the proposed shared VAWG Integrated Support Service in the three councils is to provide a holistic, co-ordinated and responsive wrap around service to victims and the aims of this service are compatible with the objectives and outcomes of the current domestic violence services.

5. PROPOSAL AND ISSUES

- 5.1 It is proposed that the council extends the two contracts as set out in Table 1 and that the SBHG floating support contract is re-commissioned as part of a proposed shared VAWG Integrated Support Service in Hammersmith & Fulham, RB Kensington and Chelsea and Westminster City Council proposed to commence on 1 July 2015.

6 OPTIONS AND ANALYSIS

Do Nothing

- 6.1 There is not an option to do nothing as existing contracts expire on 31 March 2015 and there will be a reputational risk to the Council if the services end before alternative arrangements are in place. Therefore this option is not recommended.

Extend the contracts

- 6.2 It is proposed that the Council utilises the extension provisions available in the Hestia contract and extends the domestic violence refuge accommodation contract as set out in Table 1 above. Officers are currently reviewing the future requirements and service models for refuge services to ensure that new arrangements are in place by 31 March 2016. The recommendations about future services will be the subject of a Cabinet Member Decision report.
- 6.3 It is proposed that the Council waives the Contract Standing Orders of the requirement to seek competitive tenders in order vary the contract terms to extend the contract end date of the SBHG domestic violence floating support service as set out in Table 1 above. The purpose of this extension is to ensure the contract end date is coterminous with the start date of the proposed shared VAWG Integrated Support Service in Hammersmith & Fulham, RB Kensington and Chelsea and Westminster City Council.
- 6.4 It is proposed that the Hestia contract is extended at the current annual contract rate as set out in Table 1; a 10% reduction in the annual contract value has been achieved since 2012 but a recent analysis of the contract costs has indicated it will be difficult to achieve any further savings without significant remodelling. Officers do not consider this is viable in the last 12 months of the contract. New service model options are being considered to improve value for money for future refuge services when they are re-procured. Significant savings were delivered from the SBHG contract in October 2014 following a remodel of the service and these savings will be ongoing during the extension period, however officers do not consider that it is viable to achieve any additional savings from the SBHG contract during the extension period.

- 6.5 Extending the contracts will enable the council to ensure a continuity of service to vulnerable residents. For these reasons this option is recommended.

7. PROCUREMENT CODE IMPLICATIONS

- 7.1 The LBHF Contract Standing Orders states that providing that the original award report contains provision relating to exercising and optional extension provision these may be authorised by the Cabinet where the total value of the extension or extensions is £100,000 or greater.
- 7.2 Although the cost of the proposals exceed £100,000, a Cabinet decision is not required because on 13 May 2013, Cabinet delegated the authority to extend and or vary the contractual terms of Supporting People contracts, including the Hestia Housing & Care and SBHG contracts to the Cabinet Member for Health & Social Care
- 7.3 The total values of the extensions in this report are £141,225 and £30,207 and therefore approval is being sought from the Cabinet Member for Health and Social Care.

Procurement Implications completed by Rita Emesim: Procurement & Contracting Officer (ASC) (020) 8753 5153 and verified by Joanna Angelides Procurement Consultant 020 8753 2586

8 CONSULTATION

- 8.1 No consultation has been carried out in connection with the recommendations contained in this report.

9 EQUALITY IMPLICATIONS

- 9.1 It is anticipated that there will be positive impact on women, young people and race and religion/belief associated with the proposal to commission a future domestic violence floating support service within the proposed shared VAWG Integrated Support Service.

10. RISKS

- 10.1 There is a reputational risk to the council if the current services end before the council has determined its future requirements and before an exit plan or new services are in place.
- 10.2 There will be some risks associated with the complex procurement of the proposed shared VAWG services and if there are delays to the procurement timetable it will be necessary to further extend the SBHG floating support contract.
- 10.3 If the procurement of the proposed shared VAWG Integrated Support Service does not proceed, the Council will need to review the options for the future

provision of floating support for women and their children experiencing domestic violence.

- 10.4 Commissioning a larger VAWG contract across Hammersmith & Fulham, RB Kensington and Chelsea and Westminster City Council could potentially carry additional reputational risks to Hammersmith and Fulham Council if the service does not perform well. Robust contract management arrangements will need to be in place from the start of any new contract. A break clause will be included in the contract should it need to be terminated early.

11. LEGAL IMPLICATIONS

- 11.1 It is understood that the proposed extension is permitted within the terms of the contract between LBHF and Hestia Housing & Support for the provision of domestic violence refuge accommodation.
- 11.2 In relation to the contract between LBHF and Shepherd's Bush Housing Group for the provision of domestic violence floating support, it is understood that there is no provision within the contract to extend the contract period. As such, the contract should be procured in accordance with the Council's Contract Standing Orders. However, in mitigation it is noted that LBHF will be carrying out a service review during the extension period to allow for a proposed joint procurement exercise between the Tri-borough Councils to be undertaken.

Legal Implications completed by: Kar-Yee Chan, Solicitor (Contracts), Bi-borough Legal Services, 020 8753 2772

12. FINANCIAL AND RESOURCES IMPLICATIONS

- 12.1 The recommendation in paragraph 2.1 above to extend the Hestia Housing & Care Domestic Violence Refuge contract will cost £141,225 full year in 2015-16.
- 12.2 The recommendation in paragraph 2.2 above to extend the Shepherd Bush Housing Group Floating Support Service for 6 months with effect from 1st April 2015 to 30th September 2015 will cost £30,207. These costs can be met from the Supporting People general fund revenue budget in 2015-16.

	2014/15		2015/16		2016/17		Full year effect of proposals i.e. on-going effect
Revenue Implications	Confirmed budget £	Costs of proposal £	Confirmed budget £	Costs of proposal £	Confirmed budget £	Costs of proposal £	£n/a
Current Budgets							
Council Revenue budget			171,432	171,432			
External funding sources, e.g. TfL, NHS etc.			0	0			
SUB TOTAL REVENUE BUDGET			171,432	171,432			
Start-up Costs			0	0			
Lifetime Costs			171,432	171,432			
Close-down Costs			0				
TOTAL REVENUE COST			171,432	171,432			
SAVINGS				0			

Financial implications completed by Cheryl Anglin-Thompson – Principal Accountant
020 875 4022.

Local Government Act 1972 (as amended) – Background papers used in the preparation of this report

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	13/5/13 – Cabinet Report – Delegated Authority to extend and vary SP contracts (PUBLISHED)	Julia Copeland	Tri-B ASC

Contact officer(s): Julia Copeland Commissioning Manager for Supported Housing
Julia.Copeland@lbhf.gov.uk
020 8753 1203



London Borough of Hammersmith & Fulham

CABINET MEMBER'S DECISION

DECEMBER 2014

REVERSAL OF PREVIOUS DECISION TO DISPOSE UNDER THE ASSET BASED LIMITED VOIDS DISPOSAL POLICY OF 5 HOUSING PROPERTIES

Report of the Cabinet Member for Housing - Councillor Lisa Homan

Open Report

Classification - For Decision

Key Decision: No

Wards Affected: Avonmore and Brook Green; Ravenscourt Park; Shepherds Bush Green; Town;

Accountable Executive Director: Melbourne Barrett, Executive Director of Housing and Regeneration

Report Author: Kathleen Corbett, Director of Finance and Resources (Housing and Regeneration)

Contact Details:

Tel: 020 8753 3031

E-mail:

kathleen.corbett@lbhf.gov.uk

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 2 December 2014

1. EXECUTIVE SUMMARY

- 1.1. These five properties had previously been identified for disposal under the Limited Asset Based Voids Disposal Policy. The new Administration wants to ensure that it stops the sale of Council homes to outside property investors. This report therefore reverses the previous decision to sell these Council Homes which will enable the required work to be undertaken on the properties and enable them to be re-let.

2. RECOMMENDATIONS

2.1. That the following housing properties should be retained and relet, reversing the previous decisions to dispose of these under the Asset Based Limited Voids Disposal Policy:

- a) Maisonette A First and Second Floors, 46 Frithville Gardens, London, W12, 7JN
- b) 3 The Grange, Lisgar Terrace, London, W14 8SL
- c) Flat A Second Floor, 18 Hazlitt Road, London, W14 0JY
- d) 29 Flora Gardens, London, W6 0HP
- e) Flat E, 14 - 18 Dancer Road, London, SW6 4DX

2.2 That members note that there are structural issues in relation to the property known as Maisonette A First and Second Floors, 46 Frithville Gardens, London, W12, 7JN, which will require significant capital expenditure.

3. REASONS FOR DECISION

3.1 The new Administration wants to ensure that it stops the sale of Council homes to outside property investors.

4. INTRODUCTION AND BACKGROUND

4.1. The Disposal Policy adopted by Cabinet on the 18 April 2011 delegated the necessary authority to sell a property under this Policy to the Cabinet Member for Housing in consultation with the Executive Director of Housing and Regeneration, the Executive Director of Finance and Corporate Governance, and the Director (Legal and Democratic Services).

4.2. The following 5 properties were approved for disposal under this policy:

Address
Maisonette A First And Second Floors, 46 Frithville Gardens, London, W12 7JN
3 The Grange, Lisgar Terrace, London, W14 8SL
Flat A Second Floor, 18 Hazlitt Road, London, W14 0JY
29 Flora Gardens, London, W6 0HP
Flat E, 14 - 18 Dancer Road, London, SW6 4DX

4.3. The Asset Based Limited Void Disposal Policy is currently under review.

5. PROPOSAL AND ISSUES

5.1 The new Administration wants to ensure that it stops the sale of Council homes to outside property investors and is working on a Financial Plan for Council Homes which will not be reliant on the income from such sales.

Therefore in order to enable the properties to be re-let the previous decision to dispose of these properties needs to be reversed.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. Not disposing of these properties will mean that other funds will have to be identified to replace the contribution the sale of these properties would have made to repairs to existing Council Homes. This will be dealt with as part of the Financial Plan for Council Homes.

7. EQUALITY IMPLICATIONS

- 7.1 The Disposal Policy was proposed to Cabinet on 18 April 2011 for adoption and an EIA was carried out at that time. Since then, the policy has not changed and is being implemented. Therefore, no new EIA is attached to this report.
- 7.1. I have read through this report and the Equalities Impact Assessment that was submitted with the original Disposal Policy proposal. This report is recommending that five of the named properties from the earlier disposal plan should not now be disposed of. As this effectively results overall in no change of ownership status for the named properties there unlikely to be negative impacts on any protected group in this regard.
- 7.2. *Implications verified/completed by: (David Bennett, Head of Change Delivery. Innovation and Change Management. 0208 753 1628*

8. LEGAL IMPLICATIONS

- 8.1. There are no specific legal implications
- 8.2. *Implications verified/completed by: (David Walker Principal Solicitor (Property) 020 7361 2211)*

9. FINANCIAL AND RESOURCES IMPLICATIONS


- 9.1. Not disposing of these properties will mean that other funds will have to be identified to replace the contribution the sale of these properties would have made to repairs to existing Council Homes and the Housing Development Programme. There are sufficient funds already in the Decent Neighbourhoods Fund to finance the 2014/15 Programmes. A review of the Financial Plan for Council Homes is underway which will consider the funding of future years programmes.
- 9.2. *Implications verified/completed by: Kathleen Corbett, Director of Finance and Resources (Housing and Regeneration), 020 8753 3031*

10. RISK MANAGEMENT

- 10.1. The report proposals contribute positively to the management of Customer / Citizen risk (public needs and expectations) as noted on the Strategic Risk Register. There are yet unquantified expenditure implications to manage the structural issues mentioned in 2.2 of the report. Management of this risk will be the responsibility of the Housing and Regeneration Department.
- 10.2. Implications completed by: Michael Sloniowski Bi-borough Risk Manager ext 2587.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	None		

	<p>London Borough of Hammersmith & Fulham</p> <p>CABINET MEMBER DECISION</p> <p>DECEMBER 2014</p>
<p>STRENGTHENING/REFURBISHMENT OF HAMMERSMITH BRIDGE</p>	
<p>Report of the Cabinet Member for Environment, Transport & Residents Services</p>	
<p>Open Report</p>	
<p>Classification - For Decision</p>	
<p>Key Decision:</p>	
<p>Wards Affected: Hammersmith Broadway</p>	
<p>Accountable Executive Director: Nigel Pallace - Executive Director Transport & Technical Services</p>	
<p>Report Author: Anvar Alizadeh – Capital Projects Manager</p>	<p>Contact Details: Tel: 020 (8753 3033) E-mail: (anvar.alizadeh@lbhf.gov.uk)</p>

AUTHORISED BY:

The Cabinet Member has signed this report....

DATE: 15 December 2014.....

1. EXECUTIVE SUMMARY

- 1.1 This report seeks authority to go out to tender for design and build of the strengthening/refurbishment of Hammersmith Bridge. The outcome of the tendering exercise and recommendations will be part of Key Decision Report to Cabinet.
- 1.2 This report provides a summary of the issues concerning the condition of the bridge and outlines a programme for the improvement works necessary to undertake on the bridge to ensure its preservation. Including carriageway and footway deck, painting and decorative lighting and strengthening.
- 1.3 TfL have requested that the bridge is strengthened to allow double decker buses to use the bridge. To facilitate this work they have agreed to fund a

major refurbishment and strengthening project which in total is likely to cost £25 million with £23.5 million funded by TfL/LoBEG whilst they have agreed to under write the remain £1.5 contribution from the council for two years . They have also confirmed that the bus services will be maintained with the change to Double deckers.

2. RECOMMENDATIONS

- 2.1. To tender for the design and build of the refurbishment/strengthening works on Hammersmith Bridge which will incorporate the request from TFL buses to strengthen the grade 2 listed structure to 18T to allow double decker buses use the bridge.
- 2.2. To note that the tendering process is to be fully funded by London Bridge Engineering Group (LoBEG) at a total cost of £200k.

3. REASONS FOR DECISION

- 3.1. To note that TFL has indicated availability of £23.5M for this work and that TFL will underwrite the £1.5M shortfall required from LBHF as contribution to the scheme.
- 3.2. The last repainting of the bridge took place in 1994 and in 2000 the bridge was strengthened to the current loading capacity. The condition of the bridge is very poor due to wear and tear and the life expectancy of the paintwork, lighting and the timber deck has long expired. A complete refurbishment of the bridge is urgently required and given the aspirations of London Buses to increase the loading capacity of the bridge and their offer to fund such strengthening works, it is recommended to use this opportunity to overhaul the bridge.
- 3.3. To note the tight programme indicating commencement of the implementation in summer 2015, and note that to achieve such timescales a design and build procurement strategy needs to be pursued.

4. INTRODUCTION AND BACKGROUND

- 4.1. Hammersmith Bridge is a grade II listed structure and any significant changes to the appearance of the bridge will require English Heritage Consent and planning permission. It needs to be noted that the bridge is a listed structure and there are restrictions on refurbishment works and that English Heritage have been consulted and in principal approve the scheme proposals.
- 4.2. The Bridge deck is in a poor condition and as such the main focus of the refurbishment works is the strengthening/replacement of the deck. During the deck refurbishment works, bridge lighting and painting will also be attended.
- 4.3. In October 2013, a feasibility study on Hammersmith Bridge was completed which identified options for refurbishment of the bridge.

- 4.4. Whilst consulting with London Buses on the feasibility study, the Council was requested to investigate the possibility of allowing double decker buses over the bridge. A Load assessment of the bridge was then commissioned (funded by TFL) which shows significant amount of strengthening works need to undertake on the bridge to enable double decker buses using the bridge. London Buses/TFL have indicated that TFL will contribute £23.5M of funding to the strengthening works, should it be possible to allow for double decker buses over the bridge.
- 4.5. Undertaking works on Hammersmith Bridge is difficult. The police and emergency services along with the motoring and pedestrian traffic wish to have the bridge operational at all times. This is supported by both our own network management team who have a statutory duty to co-ordinate street works as well as Transport for London who have similar concerns over the utilisation of the cross Thames bridges on the strategic road network. In addition Port of London requirement to maintain unrestricted access to navigational channels poses further challenges that need to be managed during the works planning.
- 4.6. In order to carry out the strengthening/refurbishment works, highway and navigational traffic management would be needed. Although every measure will be taken to keep disruption to minimum, full or partial closure of the bridge for long duration would be required to facilitate refurbishment/replacement of the carriageway deck units.
- 4.7. To minimise the impact of possible closure of Hammersmith Bridge, it would be necessary for the adjacent bridges to be available for diverted traffic. Wandsworth Council had initially indicated that Putney Bridge needed to close for repair works for 12 months. With this in mind the Hammersmith Bridge refurbishment works that were planned for summer 2014 was postponed to start in summer 2015. Although Wandsworth Council have now indicated the Putney Bridge closure will only take 3 months as of July 2014, the programme for Hammersmith Bridge works still remains as before with an implementation in summer 2015. Please see the timetable in section 10 below.
- 4.8. Due to the original 6-12 month programme given by Wandsworth Council for Putney Bridge, and in view of the poor condition of the carriageway deck, measures were put in place to repair the deck in the interim as a holding measure until the Putney Bridge works are complete.

5. WORK REQUIREMENTS

- 5.1. The following is a list of the items that need to be refurbished on the bridge:
 1. the entire timber road deck is worn out and need to be replaced
 2. the footway surfacing panels are worn out and need to be replaced
 3. a more detailed inspection and analysis of all the cast iron embellishments needs to be carried out
 4. the decorative lighting and the wiring is beyond economic repair and needs to be replaced

5. the bridge was last painted in 1993/94 and its life is now expired and needs to be re-painted
 6. Subject to the outcome of the load assessment, strengthening works need to be undertaken to allow use by double decker buses (provided members wish to allow this to take place)
 7. the performance of the road barriers, controlling vehicular use of the bridge, needs to be improved
- 5.2. Consultation with English Heritage started on the refurbishment works and is currently in progress. Although English Heritage have given approval in principle to the proposed changes as part of the strengthening works, further discussions are currently in progress to finalise their consent.

6. SUMMARY OF THE FEASIBILITY STUDY AND THE LOAD ASSESSMENT

6.1. The feasibility study investigated the following areas:

- a. Refurbishment/replacement of Carriageway deck
- b. Refurbishment/replacement of footway panels
- c. Refurbishment/replacement of Decorative and street lighting
- d. Repainting of the bridge
- e. Options for procurement of the works

6.2. The Load Assessment looked into the following options

- a. The current loading arrangements
- b. Load capacity upto 18T GVW weight limit
- c. Load capacity upto 7.5T GVW weight limit and unrestricted flow of double decker buses (at 18T GVW)
- d. Load capacity upto 7.5T GVW weight limit and restricted flow of double decker buses (at 18T GVW). The optimum frequency of restricted bus use over the bridge to be established as part of the assessment

6.3. The Feasibility study identified eight options for the refurbishment of the deck, six options for replacement of the footway surfacing panels, five options for improvements to the decorative and street lighting. The Load Assessment investigated five loading options as set out in 3.2 above.

Carriageway deck – Eight options for deck were reviewed and the Consultant's recommendation is a modern orthotropic steel deck which would have an estimated 100 year life expectancy. Half depth Baulk Timbers may need to be retained for aesthetic reasons to satisfy the heritage requirements. The consultant's recommendation has been discussed with English Heritage who is considering the proposals.

6.4. Footway – The footway plywood surfacing panels need to be replaced and proposal is to use anti-skid coated composite panels. The Consultant's recommendation is that the plywood panels are replaced with Glass Reinforced Plastic (GRP) panels coated with anti-skid surfacing.

- 6.5. Bridge and decorative lighting – various options have been studied taking into account use of LED fittings for longer durability and low power consumption properties of these. English Heritage has been consulted and agreement has been reached that at detail design stage, samples of the proposed fitting would be trialled on site to assist in selection of the options.
- 6.6. Bridge painting – The proposal is to repaint the bridge in its current colour schemes which is acceptable to English Heritage as the Bridge aesthetics is not changing. As part of the bridge repainting works all the decorative embellishments will be dismantled refurbished and refitted.
- 6.7. Bridge strengthening – stiffening of the longitudinal and cross girders, replacement of some of the hangers, stiffening the tower bracings and bearings are the main element of the strengthening works.

7. ESTIMATED COST OF OPTIONS

- 7.1. The table below summarises the cost estimates provided by the consultant for each of the schemes. These values may change following the completion of the load assessment and provision of any strengthening works.

Hammersmith Bridge Refurbishment feasibility	Design cost estimate (8%)	Implementation cost Estimate	Project Mgmt/ site supervision (10% of design & Build)	Subtotal
Strengthening to 18T	£1,040,000	£13,000,000	£1,404,000	£15,444,000
New Steel Deck	£343,000	£4,288,000	£463,000	£5,094,000
Footway GRP panels	£56,000	£700,000	£75,600	£831,600
Lighting Rewire and refit	£56,000	£700,000	£75,600	£831,600
Painting (Prepare and repaint)	£40,000	£500,000	£54,000	£594,000
subtotal	£1,535,000	£19,188,000	£2,072,200	£22,795,200
			Add Contingency (10%)	£2,279,520
			Total estimate	£25,074,720

8. FUNDING & BUDGET

- 8.1. London Bridge Engineering Group (LoBEG) has already made £200k funding available to use in 2014/15 for contract document preparation, tendering, tender appraisal. This funding will cover the cost of the tendering that is being recommended in this report.
- 8.2. The budget for the refurbishment/strengthening works is to be obtained from various funding sources ranging from LoBEG, TFL buses, and S106 funds.
- 8.3. The following are the bids place in various budget streams for the procurement of design and build:

- a. S106 – A bid for £1.5M has been made from S106 budget to be approved but no funding is available through the s106 stream. TFL has agreed to underwrite and fund the £1.5M shortfall for 2 years.
- b. LoBEG – A bid for £8.0M has been made from LoBEG budget which has been indicatively approved.
- c. TFL Buses – A bid for £15.5M has been made to TFL/London buses which has been indicatively approved.

8.4. The total bid for funding is £25M which is the estimated cost of design and build for the proposed works on Hammersmith Bridge. .

9. THE WAY FORWARD

- 9.1. To commence implementation in summer 2015, the design and build procurement option need to be pursued which combines the detail design and implementation activities together. This would mean that one contractor/consultant will be responsible for design and construction so most of the client risks will be transferred to the contractor. Whoever as at tendering stage the details of the works are not known, the contractors often build-in large contingencies in their rates to offset against the unknown risks.
- 9.2. Given the poor condition of the deck and procurement process to be followed, the timescales are quite tight and therefore the option to be considered must be the one that attracts the English Heritage's consent. The Council has presented the options to the English Heritage and is awaiting their response.
- 9.3. In view of the high estimated value of the scheme , it is essential that the tendering process is put in place as soon as possible to appoint a contractor to undertake the design and build exercise. Furthermore given the short timescales, the procurement strategy needs to be in an open tender format whilst setting performance and quality criteria to limit the contractors to select few specialists. LoBEG has allocated funding for preparation of the contract documentation to tender for the detail design of selected options which currently in progress.
- 9.4. The programme given below in item 10 indicates how tight the timescales are and it is vital to commence the detail design immediately if the July 2015 implementation date is to be met.

10. PROGRAMME

10.1. The draft programme is as follows:

	Work	Timeframe	Estimate
1.	To finalise the procurement tender brief/contract documentation for design and build contract	Dec 2014	£15K
2.	Tender – Including OJUE, PQQ	Jan-Feb 2015	£3k
3.	Tender appraisal, recommendation and award	March 2015	£5k

4.	Detail Design	April-June 2015	£1.53M
5.	Implementation	July 2015 to July 2016	£19.18M

10.2. Officers have lobbied Transport for London (TFL) through the London Bridges Engineering Group (LoBEG), Cycling and London Buses for funding these proposed works on Hammersmith Bridge in 2015/16. TFL has confirmed that the funding is available but TFL's formal process for bidding by means of business case needs to be followed with a view to obtain the funding approval in February 2015. TFL has agreed that tendering will take place and that the award of the design and build contract will be subject to availability of funding and approval by Hammersmith and Fulham's Cabinet.

11. CONSULTATION

11.1 TFL buses, TFL Network Management and English Heritage have been consulted. The consultation is ongoing and as the detail design progresses more stakeholders will be consulted. So far the feedback from the consulted group is positive. Neighbouring boroughs such as Richmond and Wandsworth will be key consultees.

12 EQUALITY IMPLICATIONS

12.1 A completed Equality Impact Assessment will form part of the tendering process.

13 LEGAL IMPLICATIONS

13.1 There are no immediate legal implications other than those indicated in the report.

13.2 Implications verified/completed by: Andre Jaskowiak, Bi-Borough Legal Services, 0207 361 2756

14 FINANCIAL AND RESOURCES IMPLICATIONS

14.1 This report seeks authority to proceed with a tender process at a cost of £200,000 which is to be funded by LoBeg. Any costs in excess of this amount cannot be assumed to be funded by LoBeg unless this is approved in advance.

14.2 The decision whether or not to award the contract and proceed with the works will be the subject of a future report.

14.3 Implications verified/completed by: (Gary Hannaway, Head of Finance, Ex. 6071)

15 RISK MANAGEMENT

15.1 As part of the tendering process risks related to the design and construction will be scrutinised. A separate report will be presented to the members to summarise the outcome of the tenders with recommendations for members key decision before award subject to availability of the funding.

16 PROCUREMENT AND IT STRATEGY IMPLICATIONS

16.1 This will be a regulated procurement process undertaken in accordance with the Public Contracts Regulations 2006 (as amended) or the Public Contracts Regulations 2015 (depending on when the opportunity is advertised).

16.2 The procurement will also be undertaken in accordance with the Council's Contract Standing Orders. The timetable for the implementation of the project is tight and preliminary discussions with the Client Department suggest that the use of the Open Procedure (no pre-qualification) may be appropriate in this instance given the specialist nature of works to a Grade II Listed Building.

16.3 Implications verified/completed by: Alan Parry, Principle Procurement Consultant. Telephone (020) 8753 2581

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.		Anvar Alizadeh / 3033	TTS / 5 th Floor HTHX



London Borough of Hammersmith & Fulham

CABINET MEMBER DECISION

8 DECEMBER 2014

PROCUREMENT OF A TERM CONTRACT TO CARRY OUT TESTING AND INSPECTION OF EXISTING FIRE ALARMS & EMERGENCY LIGHTING SYSTEMS WITHIN HOUSING PROPERTIES - BOROUGH-WIDE

Report of the Cabinet Member for Housing – Councillor Lisa Homan

Open Report

For Decision: Yes
Key Decision: No

Wards Affected: All

Accountable Executive Director: Melbourne Barrett – Housing & Regeneration

Report Author: Henrietta Jacobs
Procurement Manager

Contact Details:
Tel: 020 8753 3729:Email:
henrietta.jacobs@lbhf.gov.uk

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 8 December 2014.

1. EXECUTIVE SUMMARY

- 1.1. This report establishes the need for the procurement of a Term Contract to undertake testing and inspection of fire alarms, and emergency lighting systems within sheltered Accommodation, high rise blocks of flats with communal areas, hostels and HRA – funded community centres across the Council’s housing portfolio. In addition the report identifies the various procurement options considered, together with (financial & non-financial) benefits/disbenefits of adopting each option.
- 1.2. On the basis of the options considered and the evidence gathered, the recommendation is to procure a 5 year Term Contract with an option of annual extension for a maximum period of 3 years, making a total contract period of up to 8 years. The contract would be procured in compliance with the Public Procurement Regulations.

- 1.3 The Council has a responsibility under the Regulatory Reform (Fire Safety) Order 2005 to maintain the fire alarm and emergency lighting installations within its premises. The works to be carried out under this contract will discharge the Council's duties under this aspect of the regulations.
- 1.4 The works will be carried out in accordance with the requirements of BS 5839-1:2002 with respect to fire alarm systems and BS 5266-1:1999 with respect to emergency lighting installations. The works include quarterly testing and inspection of each fire alarm system and the testing of emergency lighting systems on a monthly basis. The fire alarm systems installed within the properties are all Gent Vigilon systems, and the works are to be undertaken by a contractor who is a suitable Gent System Integrator.
- 1.5 The contract also includes for attending to reactive breakdown repairs to fire alarm systems. In respect of the emergency lighting installations, reactive breakdown repairs will be carried out under the existing TPC (Term Partnering Contract) Repairs Contract with MITIE.
- 1.6 The contract management and pricing mechanism will be designed to align with the property services new lean staffing structure, ensuring that adequate Contract management controls are put in place by the Council, and that contractual remedies are robust

2. RECOMMENDATIONS

- 2.1. That approval be given to procure a 5 year Term Contract with an option to extend annually for a further 3 years in accordance with procurement legislation via the restricted procedure, any such further extension being subject to satisfactory performance by the successful contractor, during the original contract term of 5 years, at an anticipated annual cost of £300k and a total contract value of up to £2,400,000.
- 2.2. To note that funding for the proposed works is contained within the Housing Revenue Account.

3. REASONS FOR DECISION

- 3.1. The Council has a responsibility under the Regulatory Reform (Fire Safety) Order 2005 to maintain the fire alarm and emergency lighting installations within its premises. The works to be carried out under this contract will discharge the Council's duties under this aspect of the regulations. The existing contract for the testing and inspection of fire alarm and emergency lighting installations expires on 14th August 2015, and the proposed new contract is required in order that the Council continues to discharge its statutory obligations.

4. INTRODUCTION AND BACKGROUND

- 4.1 The Council has a responsibility under the Regulatory Reform (Fire Safety) Order 2005 to maintain the fire alarm and emergency lighting installations within its properties. The works to be carried out under this contract will discharge the Council's duties under this aspect of the regulations. Testing of fire alarms and

emergency lighting systems also forms part of the Housing Revenue Account for which the Cabinet Member for Housing has responsibility.

- 4.2 On 21st July 2014 the Cabinet Member for Housing approved the award of a one year contract of notional value £131,394 to carry out testing and inspection of fire alarm and emergency lighting systems within sheltered Accommodation, High rise blocks of flats with internal corridors, Hostels and HRA –funded community centres as an interim measure while a new Term contract is procured to include all Housing properties.
- 4.3 The interim contract commenced on 4th August 2014 and expires on 3rd August 2015. It is therefore essential that the new contract is operational before expiration of the existing contract in order to enable the Council to continue to discharge its statutory obligations.
- 4.4 This work has not been included in the housing 10 year major repairs and maintenance contract, and therefore the works must be procured separately. This is because the work is of an extremely specialist nature, with the risk of major health and safety consequences in the event of non-compliance. Therefore officers determined that it would be prudent to directly manage the contract, rather than the works being provided via a sub-contract arrangement under the major repairs and maintenance contract.
- 4.5 The procurement of a new Term Contract will enable testing and inspection of existing fire alarm and emergency lighting systems within all housing properties across the borough. Owing to its estimated value, this contract will be above the OJEU threshold for services and as such the contract will be procured via the Restricted Procedure as provided for under The Public Contract Regulations 2006 (as amended). The anticipated commencement date for this contract will 4th August 2015.

5. PROPOSAL AND ISSUES

- 5.1 The works consist of the testing and inspection of fire alarm and emergency lighting systems within buildings in compliance with the requirements of BS 5839 and BS 5266 respectively. This includes quarterly testing and inspection of each fire alarm system whilst for emergency lighting systems testing and inspection is carried out on a monthly basis.
- 5.2 The contract also includes attending to day to day reactive breakdown repairs to existing fire alarm systems as and when required. The buildings included within the proposed contract are those fitted with fire alarm system and emergency lighting systems namely sheltered housing schemes, high-rise blocks with internal corridors, and buildings with enclosed stairwells, hostels and HRA-funded community centres but excludes converted street based properties generally.
- 5.3 In respect of the emergency lighting installations, reactive breakdown repairs will be carried out under the existing TPC (Term Partnering Contract) Repairs Contract with MITIE.

6. OPTIONS AND ANALYSIS OF OPTIONS

6.1 Officers considered the following options:

6.1.1 Option 1 – Do Nothing

This option will mean the Council will be out of contract and considering the significance of these services, the option to do nothing is detrimental to the Council's business and would cost a lot to remedy any issue or outcome, as a direct result or consequence of not having a contract in place for the provision of these services. This is not an option to consider, as it is absolutely essential for the Council to provide Fire Alarms and Emergency Lighting & Testing within the borough.

6.1.2 Option 2 – Use an Existing/ National Framework to deliver the contract

We explored this option and no suitable framework was found, which provided contractors with the levels of expertise, knowledge and certification required for this field of work. For the purpose of this procurement, we explored the possibility of using a Framework (Northern Housing Consortium), but this was deemed not to be suitable, because only one of the 12 suppliers on the Framework had the skill set to deliver the specific service. If we had decided to go with that one supplier on the Framework, there would not have been a good justification to do that as there would not have been enough competition to justify value for money. Also since Framework agreements are usually set up for a period of not more than 4 years, it makes this option difficult to consider.

6.1.3 Option 3 – Recommended Option –Go out to full OJEU Tender

This is the preferred option, as the contract would be procured using the terms and conditions specific to London Borough of Hammersmith & Fulham in line with the EU procurement regulations, which has served well in the past. With this option, the Council can enter into a contract with a single contractor working to achieve a pre-determined service that meet the Council's standard of work. This option also give the Council the opportunity to enter into a long term contract with the successful contractor, which in this case is anticipated to be a 5 years contract with option to extend for a further 3 years, making a total of 8 years. (5+1+1+1)

As a specification already exists, tendering should be relatively simple with the advantage of providing transparency throughout the process and value for money would be achieved from competitive tendering.

7. CONSULTATION

7.1 The works consist of the testing and inspection of fire alarm and emergency lighting installations within buildings the majority of which are sheltered accommodation and communal areas within buildings and there is no intention to carry out any formal consultation directly with residents. There will, however be liaison with building managers to ensure that the needs of the residents are accounted for when programming and undertaking the work. For those buildings where the service is a new provision (for example where emergency lighting has only recently been installed) it is the Council's intention to write to each of those tenants and leaseholders, informing them of the proposals. In addition, after the

full procurement exercise, each respective resident will be informed of the successful contractor to whom the contract has been awarded.

- 7.2 The estimated annual cost of the works is below the £250 threshold above which statutory consultation with Leaseholders is necessary, and therefore, there is no requirement to issue Notices under the legislation.

8. EQUALITY IMPLICATIONS

- 8.1. There are no significant equalities issues highlighted, however, should the liaison with building managers highlight any specific needs of protected groups when undertaken the works officers will ensure that these needs are taken into account.
- 8.2. Implications verified/completed by Danny Reynolds – Group Leader, Engineering Services, 020 8753 4780.

9. LEGAL IMPLICATIONS

- 9.1 Legal Services will be available to provide ongoing legal advice throughout the procurement process.
- 9.2 Implications verified/completed by: Kar-Yee Chan, Solicitor (Contracts) Bi-borough Legal Services, 020 8753 2772

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1 The proposal to go out to tender is reliant on members giving approval to the recommendation in this report. When approval has been given, the companies that would express an interest to tender will be financially evaluated according to the practices that are undertaken in the Council.
- 10.2 Implications verified/completed by: (Isaac Egberedu, Principal Accountant and 0208 753 2503)
- 10.3 The recommendation in paragraph 2.2 states that the funding for the proposed works is contained within the Housing Revenue Account. On the basis that the proposed contract will commence on 15 August 2015, the value of this contract in 2015/16 is estimated at £200k for the 8 months period to 31st March 2016. Provision for expenditure for this section will be sought in future years' HRA Revenue Budgets.
- 10.4 A more detailed profiling of the costs of the works will be provided once approval to the recommendations in this report has been given and a further report circulated.
- 10.5 Paragraph 7.2 states that the estimated annual cost of the works is below the £250 threshold above which statutory consultation with Leaseholders is necessary, and therefore, there is no requirement to issue Notices under the legislation.

11. RISK MANAGEMENT

- 11.1 A tender appraisal panel consisting of officers within HRD, Procurement and IT Strategy, FD will oversee the procurement process in ensuring compliance with EU regulations.
- 11.2 Implications verified/completed by Danny Reynolds – Group Leader, Engineering Services, 020 8753 4780.

12. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 12.1 The estimated value of the procurement exceeds the value threshold (£172,514) above which EU Procurement Directives are required to be applied.
- 12.2 A schedule of meetings of the tender appraisal panel comprising officers from HRD, Legal, Procurement and IT Strategy and Finance will need to be convened to ensure that the procurement is conducted in accordance with the council's Contract Standing Orders and EU regulations.
- 12.3 Implications verified/completed by: (Robert Hillman, Procurement Consultant, x1538)

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**


No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	None		

LIST OF APPENDICES:

Appendix 1: Proposed time table for the procurement process.

Appendix 1: Proposed time table for the procurement process.

Target Date	Activity
1 st December 2014	OJEU Notice Published
3 rd December 2014	PQQ Published to all potential providers
13 th January 2015	Deadline for clarification questions to be submitted by potential suppliers via the CapitalEsourcing Portal
20 th January 2015	PQQ return date
27 th January 2015	Evaluation of PQQ to be completed by
29 th January 2015	Outcome letters sent to all bidders
16 th February 2015	Invitation to tender (ITT) issued to qualifying bidders
27 th March 2015	Tender Clarification Deadline
3 rd April 2015	ITT Tender Return Deadline
3 rd April – 17 th April 2015	Evaluation of Tenders
April –May 2015	Award recommendation Approval (Cabinet) Subject to LBHF cut off time
June 2015	Outcome Letters/Alcatel
June –August 2015	Contract Award

	<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">CABINET MEMBER DECISION</p> <p align="center">DECEMBER 2014</p>
<p>BRIDGE AVENUE – CYCLE CONTRA FLOW PROPOSAL</p>	
<p>Report of the Cabinet Member for Environment, Transport and Resident Services – Councillor Wesley Harcourt</p>	
<p>Open Report</p>	
<p>Classification - For Decision</p> <p>Key Decision: No</p>	
<p>Wards Affected: Hammersmith Broadway</p>	
<p>Accountable Executive Director: Nigel Pallace</p>	
<p>Report Author: Slobodan Vuckovic, Projects Engineer</p>	<p>Contact Details: Tel: 020 8753 3360 E-mail: slobodan.vuckovic@lbhf.gov.uk</p>

AUTHORISED BY:

The Cabinet Member has signed this report...

DATE: 15 December 2014

1. EXECUTIVE SUMMARY

- 1.1 This report details proposed cycle and highway improvements within the residential area of Bridge Avenue. Other local roads adjacent to this location are King Street, Down Place and A4. Please see plan in Appendix 1 which shows the existing layout.
- 1.2 The Council is considering allowing contra flow cycling along the eastern part of Bridge Avenue, as shown in the plan (overleaf). This is to assist cyclists seeking a direct route between the crossing at the Great West Road (A4) and King Street.

- 1.3 This project has an estimated cost of £7,000 and is part of the TFL funded Hammersmith Town Centre neighbourhood programme. The funding allocated to this programme by TFL is £61,000. The remaining amount will be spent on minor highways improvements within Hammersmith Town Centre, e.g. de-cluttering, re-paving, parking provision, tree planting etc.

2. RECOMMENDATIONS

- 2.1. Approval be given to proceed with the introduction of a cycle contra flow system that would assist cyclists seeking a direct route between the crossing at the Great West Road (A4) and King Street, see Appendix 2, on an experimental basis.

3. REASONS FOR DECISION

- 3.1. The proposal is intended to:
- Create an improved cycling facility by creating a direct and convenient route for ever growing cycle road user group.
 - Protecting cyclists' movements by legalising the movements that are already taking the place.

4. INTRODUCTION AND BACKGROUND

- 4.1. It has been noted and also brought to our attention that cyclists leaving A4 and intending to cycle northbound towards King Street often do not follow the one way route around Bridge Avenue but proceed straight against the current traffic flow.
- 4.2. Traffic flow along Bridge Avenue is low to moderate and mainly consist of residents and visitors to Hammersmith Town Centre. The speed along the route is low.
- 4.3. One traffic collision occurred along Bridge Avenue in the last 5 years, involving cyclists going southbound, from King Street towards A4. In this instance a driver of the parked car opened the door in front of the cyclist.

5. PROPOSAL AND ISSUES

- 5.1 The Council is considering allowing contra flow cycling along the eastern part of Bridge Avenue, as shown in the plan (overleaf). This is to assist cyclists seeking a direct route between the crossing at the Great West Road (A4) and King Street.

- 5.2 The current traffic arrangement along Bridge Avenue, from no 5 Bridge Avenue is one way southbound on the eastern side of Bridge Avenue, and one way northbound on the western side.
- 5.3 The proposal shown in the attached plan would maintain the one way working in Bridge Avenue with an exemption for cyclists travelling northbound on the eastern side of Bridge Avenue. It is observed that this direct and convenient route is already used by some cyclists contrary to the existing signage. The proposal would provide appropriate signage (signs and cycle logos) to advise all road users of this contra flow for cyclists.
- 5.4 No traffic disruption is expected during the scheme implementation. There are no major constraints to the implementation of the scheme.
- 5.5 The scheme will be introduced as an experimental scheme under section 9 of the Road Traffic Regulation Act 1984. This allows the Council to amend or remove the scheme during the eighteen month period of the experiment. If the scheme proves successful a decision would need to be made to make it permanent under section 6 of the Road Traffic Regulation Act, 1984.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. Taking into the consideration the existing layout and road users, we propose that contra flow cycle route is introduced with existing one-way route still remain as an alternative route.
- 6.2. It is believed that introduction of a contra flow cycle lane along Bridge Avenue will not adversely affect road safety in the area compared to a “do nothing” option. It is noted that cyclists already take this route as a primary route.
- 6.3. An independent road safety audit has been carried out on the detailed design. This raised comments on minor signage matters which have now been addressed, and raised no fundamental safety concerns.

7. CONSULTATION

- 7.1. Residents of Bridge Avenue and members of the Hammersmith and Fulham Cycle User Group were consulted on the proposal. The H&F Cycle User Group is supportive of the proposal. We have distributed 100 consultation letters to the households and received three responses in total.
- 7.2. Five responses were received from residents and one written response was received from the Hammersmith and Fulham Cycle User Group. Residents' comments were:
 1. a) 'whilst, in principle, we are in favor of this proposal, it is unclear how this would affect the current parking arrangements which comprise parking bays on both sides of the Avenue'

- b) ' may we suggest that you use this opportunity to greatly improve and vastly increase the one-way signage around Bridge Avenue';
- c) 'drivers frequently ignore the "No Entry" signs by the "Boris Bike" dock in order to take a short cut into Down Place'.

Officer's comment:

a) *there will be no changes to the existing parking arrangement.*

b) *It is our intention to improve/upgrade the signs in the area but not necessarily to increase the number of signs in the area as this would be contrary to the Council's Streetsmart principles.*

c) *'no entry' signs at the location in question are clear and visible; it is pure drivers ignorance to disobey them. There is no engineering solution for this problem but undertaking enforcement action only.*

- 2. a) 'drivers entering Bridge Avenue, from Down Road, and driving northbound towards King Street will not realise there will be cyclists coming from the right, if the cycle contra flow is introduced'.

Officer's response: The number of vehicles and the speed around Bridge Avenue, warrant that drivers and cyclists will be able to negotiate each other, should they meet at the that point.

b) drivers entering Bridge Avenue from Down Road, looking for parking spaces, occasionally turn right into Bridge Avenue, and drive southbound, against the one way system.

Officer's response: The current signage will be reviewed and if necessary, additional or missing signage will be erected.

- 3. ' proposed cycle contra flow system is dangerous as cyclists cannot be seen coming by drivers leaving parking spaces adjacent to the proposed contra flow route. If contra flow lane is installed, it should be distanced for additional 1m from the parking spaces.'

Officer's response: there is no plan to install a dedicated cycle lane as such, only an advisory cycle route marked with cycle logo. As such cyclists will have a freedom of adjusting its position according to the traffic movement ahead.

- 4. A resident of Bridge Avenue Mansions claims that existing route that direct cyclists around the Bridge 'is straightforward and direct as it is'. She further explains that cyclists have been cycling against the traffic flow for many years, and that this is 'very inconvenient and dangerous for pedestrians and motorists, and for cyclists safety too. It will remain dangerous if you install that new system.' The solution to the problem, according to the resident would be 'clear signage /guidance/ barrier (?)

to direct the flow of cyclists towards the Western side of Bridge Avenue’.

Officer’s response: we are aware that cyclists have been using the more direct route for years, and if this is something that it has been going for a long time, with no incidents recorded, it is probably the right decision to make it formal and legal. After talking to the resident in question, we agreed that erecting barriers for any road user is not a way to go.

5. ‘legitimising this A4 to King Street route will mean that cyclists take even less care of pedestrians, as they will feel confident to ride faster and expect that everyone else will be looking out for them.....I don’t think that a contraflow on Bridge Avenue would encourage responsible cycling’

Officer’s response: Making the route legal does not mean cyclists will take less care of other road users, in contrary, it should encourage space sharing and appreciating each other.

Hammersmith and Fulham Cycle User Group’s comments were:

1. ‘With the cycle flow cutting across the traffic flow, there should be some kind of yield notice for one of the modes. The cyclists are not likely to see any yield sign amongst all the clutter and signs at that point, and the other bikes and people they have to get through. So there should be yield markings on the road to indicate to motorists that they are crossing.’

Officer’s comment: All the proposed markings are deemed to be sufficient, and in accordance with Transport for London’s Cycle Guidance.

2. ‘I am not sure about the cycle logo at the north end on the approach to king street. If it is to encourage cyclists to go on the inside, turning vehicles may not see them. Turning vehicles will have their drivers looking right and they will not be looking at their left hand mirror. If the driver makes a tight turn close to the kerb there may be a problem’.

Officer’s comments. This logo has now been removed as part of the proposal.

- 7.3 The scheme is intended to commence construction in early 2015, with completion by the end of March, 2015. Residents and local businesses will be notified of any works before implementation begins

8 EQUALITY IMPLICATIONS

- 8.1 There are no equality implications.

9 LEGAL IMPLICATIONS

- 9.1 The proposed changes to the existing or the making of new traffic management orders including restricting the use of vehicles and limiting users to pedestrian and cycle use will require the council to follow the statutory process set out in the Road Traffic Regulation Act 1984 and secondary legislation. This may lead to a public inquiry should objections be made and a delay in the implementation of this proposal if an inquiry is required.
- 9.2 As road traffic authority, the council must exercise its functions as far as practicable to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities.

Implications verified/completed by Adesuwa Omoregie, Assistant Environmental Services Lawyer, (0208) 7532297.

10 FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1 The proposed works are estimated at £7,000. Transport for London (TfL) have approved funding of £61,000 from the LIP programme for 2014-15. There are therefore no financial implications for the Council.
- 10.2 At present the costs are based on an estimate. Officers may need to manage the workload to ensure that expenditure is contained within the approved provision.
- 10.3 Implications verified/completed by: Gary Hannaway, TTS Head of Finance, Ex. 6071.

11 RISK MANAGEMENT

- 11.1 The works are subject to an internal road safety audit being undertaken.

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

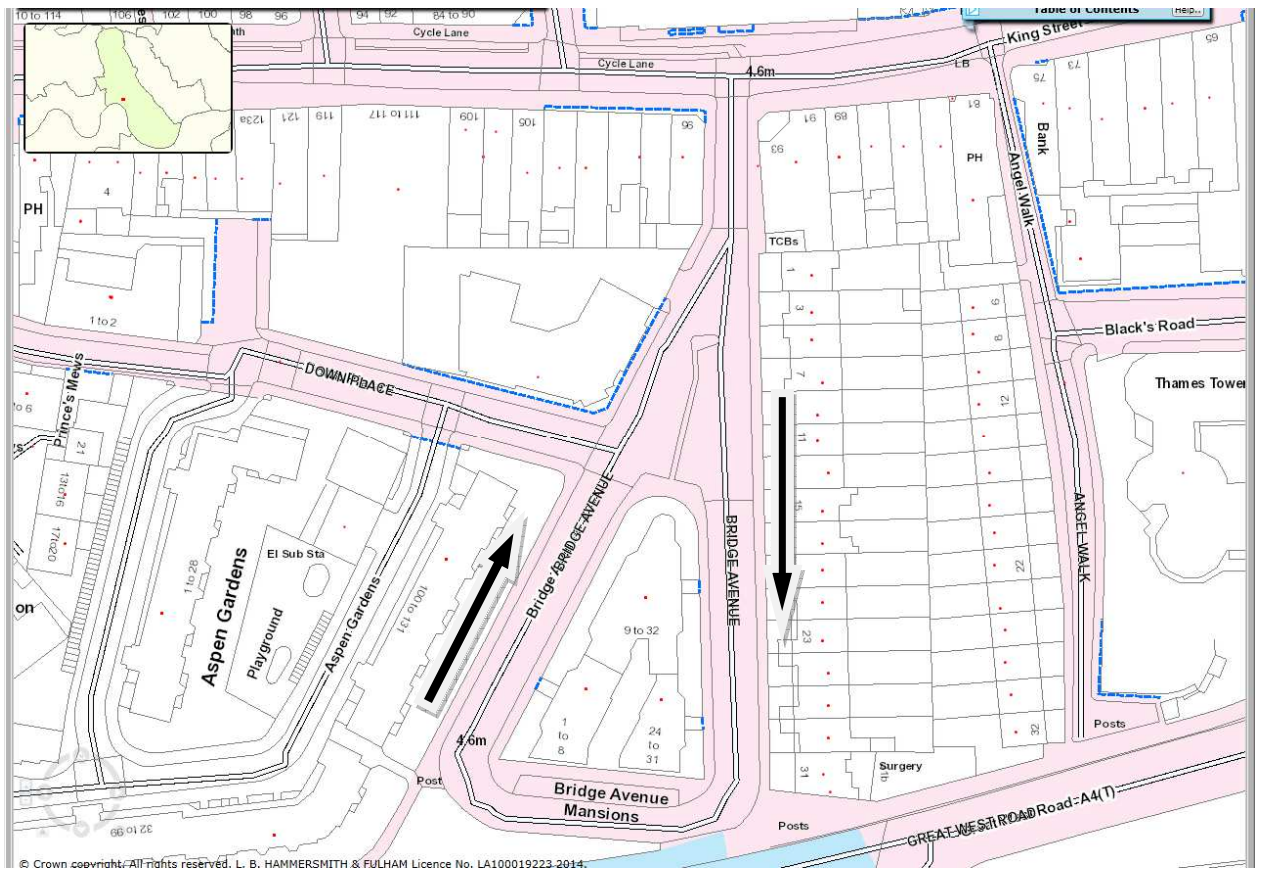
No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location

LIST OF APPENDICES:

Existing layout of the area

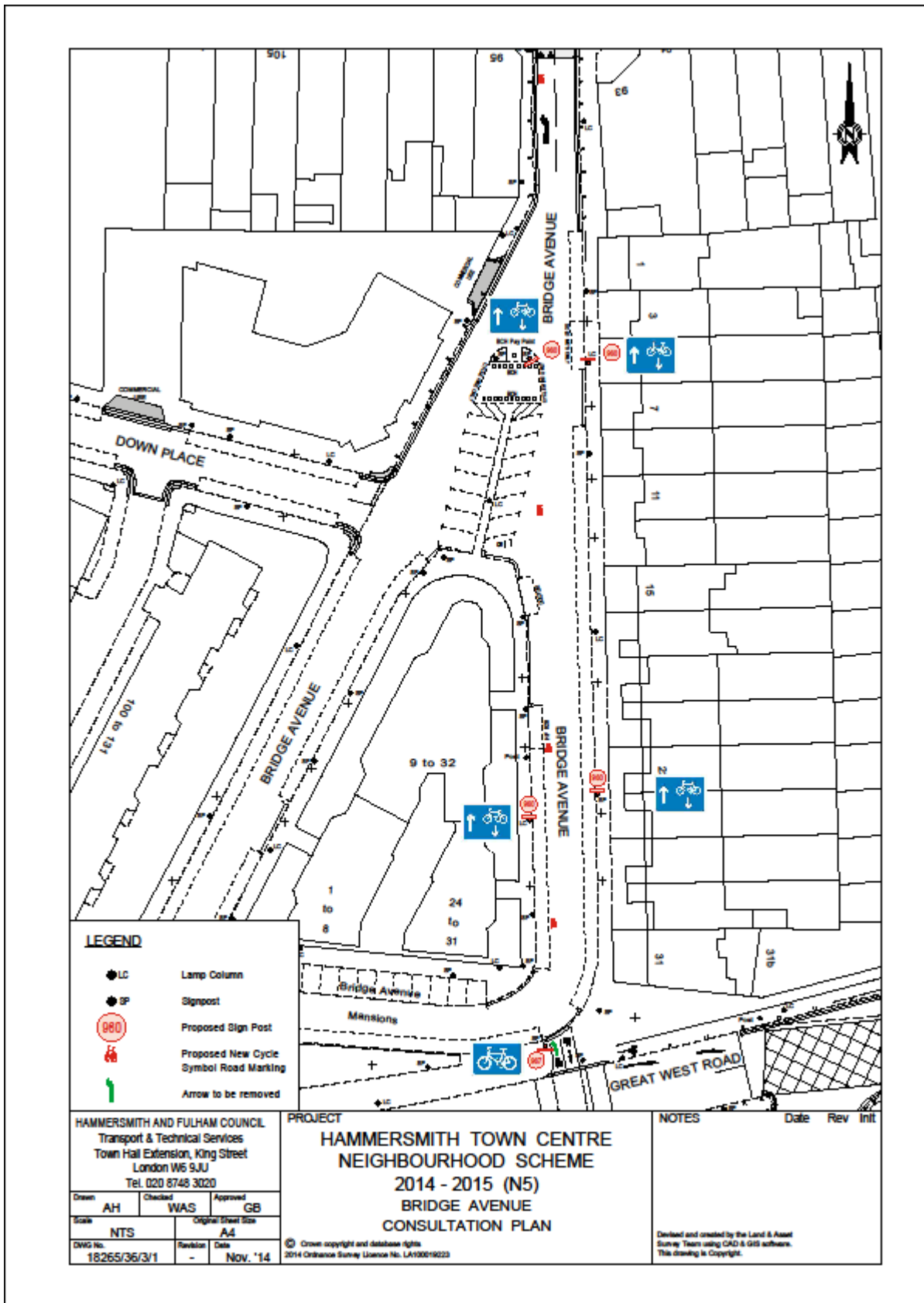
Proposed layout

Appendix 1



Existing layout

Appendix 2



Proposed layout