



London Borough of Hammersmith & Fulham

Cabinet

Agenda

MONDAY
1 JUNE 2015
7.00 pm

COURTYARD ROOM
HAMMERSMITH
TOWN HALL
KING STREET
LONDON W6 9JU

Membership

Councillor Stephen Cowan, Leader of the Council
Councillor Michael Cartwright, Deputy Leader
Councillor Ben Coleman, Cabinet Member for Commercial Revenue and Resident Satisfaction
Councillor Sue Fennimore, Cabinet Member for Social Inclusion
Councillor Wesley Harcourt, Cabinet Member for Environment, Transport & Residents Services
Councillor Lisa Homan, Cabinet Member for Housing
Councillor Andrew Jones, Cabinet Member for Economic Development and Regeneration
Councillor Vivienne Lukey, Cabinet Member for Health and Adult Social Care
Councillor Sue Macmillan, Cabinet Member for Children and Education
Councillor Max Schmid, Cabinet Member for Finance

Date Issued
21 May 2015

If you require further information relating to this agenda please contact: Kayode Adewumi, Head of Governance and Scrutiny, tel: 020 8753 2499 or email: kayode.adewumi@lbhf.gov.uk

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PUBLIC NOTICE

The Cabinet hereby gives notice of its intention to hold part of this meeting in private to consider items (11 to 13) which are exempt under paragraph 3 of Schedule 12A to the Local Government Act 1972, in that they relate to the financial or business affairs of any particular person, including the authority holding the information.

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

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

DEPUTATIONS

Members of the public may submit a request for a deputation to the Cabinet on non-exempt item numbers **4-7** on this agenda using the Council's Deputation Request Form. The completed Form, to be sent to David Viles at the above address, must be signed by at least ten registered electors of the Borough and will be subject to the Council's procedures on the receipt of deputations. **Deadline for receipt of deputation requests: Wednesday 27 May 2015.**

COUNCILLORS' CALL-IN TO SCRUTINY COMMITTEES

A decision list regarding items on this agenda will be published by **Wednesday 3 June 2015**. Items on the agenda may be called in to the relevant Accountability Committee.

The deadline for receipt of call-in requests is: **Monday 8 June 2015 at 3.00pm**. Decisions not called in by this date will then be deemed approved and may be implemented.

A confirmed decision list will be published after 3:00pm on **Monday 8 June 2015**.

Cabinet Agenda

1 June 2015

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1.	MINUTES OF THE CABINET MEETING HELD ON 11 MAY 2015	1 - 4
2.	APOLOGIES FOR ABSENCE	
3.	DECLARATION OF INTERESTS	
	<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.</p>	
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PEOPLE WITH DEMENTIA

8. FORWARD PLAN OF KEY DECISIONS

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9. EXCLUSION OF PRESS AND PUBLIC

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

10. EXEMPT MINUTES OF THE CABINET MEETING HELD ON 11 MAY 2015 (E)

11. TRAVEL CARE AND SUPPORT SERVICE ARRANGEMENTS : EXEMPT ASPECTS (E)

12. AGREEMENT FOR THE DIRECT AWARD OF DAY SERVICES FOR PEOPLE WITH DEMENTIA : EXEMPT ASPECTS (E)

13. PROPERTY ASSET DATA MANAGEMENT - PROPOSED CALL-OFF : EXEMPT ASPECTS (E)

London Borough of Hammersmith & Fulham



Cabinet

Minutes

Monday 11 May 2015

PRESENT

Councillor Stephen Cowan, Leader of the Council
 Councillor Michael Cartwright, Deputy Leader
 Councillor Andrew Jones, Cabinet Member for Economic Development and Regeneration
 Councillor Max Schmid, Cabinet Member for Finance
 Councillor Vivienne Lukey, Cabinet Member for Health and Adult Social Care
 Councillor Lisa Homan, Cabinet Member for Housing
 Councillor Sue Fennimore, Cabinet Member for Social Inclusion
 Councillor Wesley Harcourt, Cabinet Member for Environment, Transport & Residents Services

207. MINUTES OF THE CABINET MEETING HELD ON 27 APRIL 2015

RESOLVED:

That the minutes of the meeting of the Cabinet held on 27 April 2015 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

208. APOLOGIES FOR ABSENCE

Apologies for Absence were received from Councillor Sue Macmillan.

209. DECLARATION OF INTERESTS

There were no declarations of interest.

210. SHARED ICT SERVICES - PROCUREMENT OF SOFTWARE LICENSES FOR CLOUD-BASED COLLABORATION TOOLS (PHASE 2 OF CLOUD-BASED COLLABORATION)

RESOLVED:

1.1 That approval be given to award the contract to supply Microsoft licences at a cost listed below:

Total (3 years) £'s	Year 1 £'s	Year 2 £'s	Year 3 £'s
3,190,674	1,063,558	1,063,558	1,063,558

Minutes are subject to confirmation at the next meeting as a correct record of the proceedings and any amendments arising will be recorded in the minutes of that subsequent meeting.

1.2 That each Council provide annual funding¹ as noted below:

	Westminster £'s	RBKC £'s	H&F £'s	Total £'s
Annual cost	397,056	335,286	331,216	1,063,558
Total over 3 years	1,191,168	1,005,858	993,648	3,190,674

- Hammersmith and Fulham's contribution to be funded from the existing Microsoft Licence budget;
- The Royal Borough of Kensington and Chelsea's contribution to be funded by existing revenue budgets and a permanent virement of £132,000 from the Corporate IS Initiatives Reserve; and,
- Westminster City Council's contribution to be funded from existing revenue £2m budget in Lot 1 of Information services from legacy element to transition from Cap Gemini to BT.

1.3 That approval be given for the three councils to enter into an inter-authority agreement apportioning costs based on each council's licensing requirement and usage.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

211. HOUSING STRATEGY - DELIVERING THE CHANGE WE NEED IN HOUSING

RESOLVED:

- 1.1 That the Housing Strategy annexed to the report as Annex A, be adopted.
- 1.2 That the summary and analysis of responses to the Housing Strategy consultation process (Annex B), be noted.
- 1.3 That further consultation on detailed documents to revise the Council's Housing Allocation Scheme; Tenancy Strategy; Home Buy Allocation

Minutes are subject to confirmation at the next meeting as a correct record of the proceedings and any amendments arising will be recorded in the minutes of that subsequent meeting.

Scheme; and associated changes to the Council Tenancy Agreement (if required), be agreed.

1.4 That the initiation of a project which will lead to the adoption of a Homelessness Prevention Strategy, be approved.

1.5 That the Equalities Impact Assessment (Annex C), be noted.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

212. FORWARD PLAN OF KEY DECISIONS

The Key Decision List was noted.

213. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

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

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

214. SHARED ICT SERVICES - PROCUREMENT OF SOFTWARE LICENSES FOR CLOUD-BASED COLLABORATION TOOLS (PHASE 2 OF CLOUD-BASED COLLABORATION) : EXEMPT ASPECTS (E)

RESOLVED:

That the recommendation in the exempt report, be agreed.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.


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

None.

Meeting started: 7.03 pm

Meeting ended: 7.05 pm

Chair

	<p>London Borough of Hammersmith & Fulham</p> <p>CABINET</p> <p>1 JUNE 2015</p>
<p>TRAVEL CARE AND SUPPORT SERVICE ARRANGEMENTS</p>	
<p>Report of the Cabinet Member for Children and Education: Councillor Sue Macmillan and Cabinet Member for Health and Adult Social Care: Councillor Vivienne Lukey</p>	
<p>OPEN REPORT</p> <p>A separate report on the exempt part of the Cabinet agenda provides exempt information.</p>	
<p>Classification: For Decision</p> <p>Key Decision: Yes</p>	
<p>Wards Affected: All</p>	
<p>Accountable Executive Director: Andrew Christie, Executive Director of Children's Services and Liz Bruce, Executive Director of Adults Social Care and Health</p>	
<p>Report Author: Rachael Wright-Turner, Tri-borough Director of Commissioning, Children's Services</p>	<p>Contact Details: Tel: 020 7745 6399 E-mail: Rachael.Wright-Turner@rbkc.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1. The purpose of this report is threefold in providing Cabinet Members with:
- A full account of the failings of the passenger transport service for children who have special educational needs (SEN), looked after children and vulnerable adults commissioned in April 2014 by the previous Administration.
 - A detailed and rigorous review in order to establish robust options regarding future arrangements for the delivery of Travel Care and Support services for vulnerable Hammersmith and Fulham residents.
 - Assurances that quality and performance standards can be optimised under a new regime which puts caring for, and understanding the travel and mobility needs of vulnerable adults and children uppermost in line with the new Administration's stated priorities.

- 1.2. A new external service providing transport for children who have special educational needs, looked after children and vulnerable adults became operational for residents of Hammersmith and Fulham on 22 April 2014. The bus contracts for providing this service are for an initial term of three [3] years, ending in April 2017, with an option to extend by a further two [2] years. The taxi contracts are for two [2] years, ending in April 2016.
- 1.3. There were immediate operational challenges with this new service model, particularly during the initial weeks of operation. Difficulties included health and safety concerns, safeguarding concerns, delays in picking up and dropping off, unduly lengthy journeys, serious communication issues, lack of correct equipment, turnover of staff and general issues of performance.
- 1.4. There were also similar operational challenges in relation to transport services for adults. The majority of these were centred around three main categories: concerns that the collection / drop off times were too late or too early, vehicle suitability in line with service users requirements, poor contact with the new provider when problems occur.
- 1.5. At the Children and Education Policy and Accountability Committee in July 2014, when a number of parents outlined their concerns about the new service, the newly elected Administration confirmed that the Council was determined to take whatever steps are necessary to resolve the identified problems and this was in line with its commitment to doing things 'with' rather than 'to' residents and its legal duty of care responsibilities.
- 1.6. A Passenger Transport Working Party for Children's Services was established to advise the Council as to how to secure the best quality of transport provision, which meets the needs of children concerned, within a budget which the Council deems affordable.
- 1.7. Consultation took place with service users, parents and carers, to gather views on the Passenger Transport Working Party's recommendation that there needed to be changes to the delivery of the Travel Care and Support services.
- 1.8. This report outlines two options to improve service delivery arrangements for Travel Care and Support services, namely:
- 1.9. **Option A** - A change in the delivery model of the Travel Care and Support service to return both transport and escort services to the management of the Council.
- 1.10. **Option B** - A change to the existing delivery arrangements to improve service standards and sovereign accountability, including:
 - Revised vision for the service – emphasis on caring for and understanding travel and mobility needs.
 - Seeking to vary the Inter-Authority Agreement (IAA) between the Council, Westminster City Council (WCC) and the Royal Borough of

Kensington and Chelsea (RBKC) (collectively the “three Boroughs”), or associated contract arrangements for the Council, to improve quality and performance standards

- Travel Care and Support Commissioning Managers on-site with providers to oversee operational delivery and performance.
- School and parents to play an increasing role in commissioning arrangements.
- Robust assurance management and contract management framework.

1.11 This report recommends that improvements in the service delivery arrangements for the Travel Care and Support service can be achieved through **Option B**. However, if after an agreed time, these measures do not prove successful in improving the service, further consideration should be given to **Option A**.

1.12 This recommendation is made on the basis that a high proportion of those who responded to the consultation are satisfied or very satisfied with the current service, and that changeover to an in-house service would bring further upheaval and change for vulnerable children and adults.

1.13 Our vision and aspiration for the Travel Care and Support service is that the service is first and foremost about caring for, and understanding the travel and mobility needs of vulnerable adults and children, rather than just about providing transport. Whenever possible, the service will be co-designed and continually improved in partnership with service users and stakeholders.

2 RECOMMENDATIONS

2.1 That improvements in the service delivery arrangements for the Travel Care and Support service can be achieved through **Option B**, including:

- Revised vision for the service – emphasis on caring for and understanding travel and mobility needs.
- Seeking to vary the Inter-Authority Agreement (IAA) between the Council, Westminster City Council (WCC) and the Royal Borough of Kensington and Chelsea (RBKC) (collectively the “three Boroughs”), or associated contract arrangements for the Council, to improve quality and performance standards
- Travel Care and Support Commissioning Managers on-site with providers to oversee operational delivery and performance.
- School and parents to play an increasing role in commissioning arrangements.
- Robust assurance management and contract management framework.

2.2 That the following costs be approved:

- One-off implementation costs - £180,000
- Establishing new commissioning and management arrangements - £442,127 [for the first year] and thereafter £375,460 per annum.

- 2.3 That the recommendations in the exempt report be agreed.
- 2.4 That authority be delegated to the Cabinet Member for Children and Education and the Cabinet Member for Health and Adult Social Care to make ancillary decisions necessary to give effect to the above recommendations.

3 REASONS FOR DECISION

- 3.1 The recommendations and decision are a key decision. Therefore Cabinet decision is required.

4 INTRODUCTION AND BACKGROUND

- 4.1 A new external service providing transport for children who have special educational needs, looked after children and vulnerable adults became operational for residents of Hammersmith and Fulham on 22 April 2014. The bus contracts for providing this service are for an initial term three [3] years, ending in April 2017, with an option to extend by a further two [2] years. The taxi contracts are for two [2] years, ending in April 2016.
- 4.2 Services for home to school bus transport are provided by three operators - HATS, Star Bus and IHS. Adult social care transport was provided by Impact, who have recently been taken over by Tower Transit. Taxi services are provided by Radio Taxis, Star Bus, HATS and Prestige. Some specialist ambulance transport is provided by Exoramedical.

Performance of passenger transport services for vulnerable children

- 4.3 In relation to providing transport for children who have special educational needs and looked after children there were immediate operational challenges with this new service model, particularly during the initial weeks of operation. Difficulties included:
- Health and safety concerns e.g. children being let out of the bus to go to their house by themselves.
 - Safeguarding concerns e.g. children being taken to the wrong address.
 - Children being picked up late from home and arriving late for school or back home.
 - Inappropriate behaviour by drivers and escorts to service users and other key stakeholders e.g. a child being told by a member of staff that he was not wanted on the bus.
 - Drivers and escorts not speaking adequate English.
 - Concern that some service users were travelling on the bus for two hours.
 - The correct equipment not being available for a number of children, and concerns about the use of equipment e.g. seatbelts not fastened appropriately.
 - Concerns from some parents regarding the type of transport allocated for their child, including the poor state of some of the buses.

- The turnover of escorts and drivers, often at short notice, which was a particular problem when the escorts and drivers had developed a good relationship with the service user, and had often known them for 2 – 3 years.
- General concerns about staff quality, performance and training.
- Poor communications from the new providers when problems occurred.

Further details of the concerns are provided in sections 4.7 and 4.10 of this report.

- 4.4 A number of remedial actions were subsequently taken by the local authority Transport Commissioning Team (TCT) during the summer and autumn term 2014. These included reviews of planned routes and transport arrangements in response to service user needs or representations; unannounced spot checks at schools, day centres and on routes; meetings with schools regarding transport performance; attendance at Parent Forums and a series of meetings with operators to monitor performance and improvement plans.
- 4.5 By the end of the summer term, a further number of complaints were received regarding the service performance of the children's Passenger Transport service. See sections 4.22 to 4.26 of this report for further details.
- 4.6 The complaints were a combination of general complaints to the TCT and some formal complaints. Areas that were problematic for some parents and children included: children being picked up late, journeys being longer than they should be and then arriving late at school; the correct equipment not being available for a number of children e.g. harnesses; concerns from individual parents at the point of pick up regarding the type of transport allocated to their child; change in escort and quality of escorts, particularly in relation to children's medical needs; parents' concern that they were unable to contact operators when there were difficulties.
- 4.7 Concerns expressed at the Children and Education Policy and Accountability Committee on the 8th July 2014 by parents, carers and parent representatives included:
- A parent whose daughter had severe cerebral palsy, reported that they had three escorts so far, and that the current escort's English was not up to standard, so that the teacher had to bring her home when she was not well, as this could not be communicated to the escort. She also highlighted that a 15 minute bus journey took an hour, as her daughter was dropped off last despite going past her home on the way.
 - Another parent expressed concern about the different drivers her son had; he was used to the same driver and when he didn't turn up her son was anxious. In addition, she had to take her son out of the after school club as she was not confident for her son to go with the other driver. The two hours her son was at the after school club meant that normally her daughter was able to have a friend to visit, as her son did

not like other people around, however on this occasion this could not happen. Consequently this had now impacted on her daughter as well.

- A parent who expressed concern about their son when the Contractor attempted to drop him off at the wrong home address. This had happened on two occasions. On the second occasion the driver knocked on the door of a different address and when he realised that they had the incorrect address they contacted the Contractors office and clarified the correct address, at which point her son was taken from the transport to their home. After bringing her son into their home, he suffered a seizure and an ambulance had to be called.

4.8 Concerns expressed at the Children and Education Policy and Accountability Committee on the 8th July 2014 by headteachers / school representatives included:

- A headteacher expressing concern about a child who liked to climb, who was let out of the bus to go to his house by himself and got so upset by this that he hurt himself.
- Another child had been told by a member of staff on the bus that he was not wanted on the bus because he behaved badly, but the child only wanted to sit by the window.
- Concern about the levels of English spoken by some drivers and the ability to deal with an emergency which involved children with life limiting conditions.
- Concern about a child who had to travel 2 hours there and back to school.

4.9 There were two incidents including potential safeguarding issues during this period, the first of which included the incident in 4.7 [third bullet point] of this report, in relation to the child where it was alleged that an attempt had been made to drop him off at the wrong address. This incident led to the Executive Director commissioning a safeguarding review leading to a full report and follow-up actions with the operators as well as wider learning incorporated into the improvement plan. The investigation concluded that, following contact with two additional witnesses, there was no evidence to support the specific safeguarding allegation, and that the child had not left the vehicle, although it was acknowledged that the impact of the incident caused great distress to the child involved. The second incident involved a service user who is known to spit when she gets upset, and when she did it was alleged that the passenger assistant used a derogatory word to ask her to desist from such an action. The allegation led to two Strategy Meetings chaired by the Local Authority Designated Officer (LADO). The meetings concluded that the allegations made were unsubstantiated (this term does not imply guilt or innocence). Subsequent actions were allocated to the TCT (carrying out an Occupational Therapist transport risk assessment in relation to the child concerned) and the operator (in relation to following up the concerns raised with the staff involved and addressing any training needs). It should be noted that a critical performance default notice was served on the operator in relation to the first of these incidents.

- 4.10 Examples of other issues raised by parents at a meeting called by Parentsactive on the 10 June 2014 included:
- Poor state of buses.
 - Parents not contacted when buses are delayed.
 - Escorts being changed when they have known the child for 2-3 years. This is especially unsettling for autistic children.
 - Longer journeys because smaller vehicles are being used, which can't go in bus lanes.
 - Drivers and escorts whose behaviour was inappropriate to users and carers.
- 4.11 Over the school summer holidays, a plan was made and implemented by the TCT for further service improvement actions relating to route planning; facilitating contact between parents and transport crews; providing specialist assessments and advice on individual children's travel needs; a training programme for crews; performance and contract monitoring; a telephone survey of parents and developing the capacity of the TCT.
- 4.12 Ongoing performance monitoring throughout the autumn term identified that the service had been providing transport for between 201-214 children each week. There were between 603 (in the first week of term) and 2211 individual journeys made by the children concerned in every full week. This included some journeys made by Looked After Children. The highest number of delay notifications in one week was 7 affecting 36 children. A total of 234 Hammersmith and Fulham children have been on buses affected by notified delays over the term, although this total will include children who were affected on more than one occasion. During the autumn term 70 complaints were received in relation to children. See sections 4.22 to 4.26 of this report for further details. The majority of the complaints were regarding lateness and delays. The second highest number of complaints was in relation to driver or escort performance.
- 4.13 Approximately 50 looked after children travel by taxi under a wide range of different circumstances. They do not tend to travel every day so transport is requested based on requirements. There have been no particular issues noted in relation to the taxi transport provided for this group.

Performance of passenger transport services for vulnerable adults

- 4.14 In respect of transport services for vulnerable adults, 156 people are transported each week to day services using mini-buses and 9 are transported by taxis. Some service users will use the transport once a week; others will use it 3-5 times a week. Unlike the services for children, the services provided by three operators (one bus operator and 2 taxi providers), are solely for use by adults who are residents of Hammersmith and Fulham. There are no shared arrangements with either RBKC or WCC.
- 4.15 There have been similar operational challenges in relation to transport services for adults to those experienced by children since the transfer of

the contract. The majority of these were centred around three main categories:

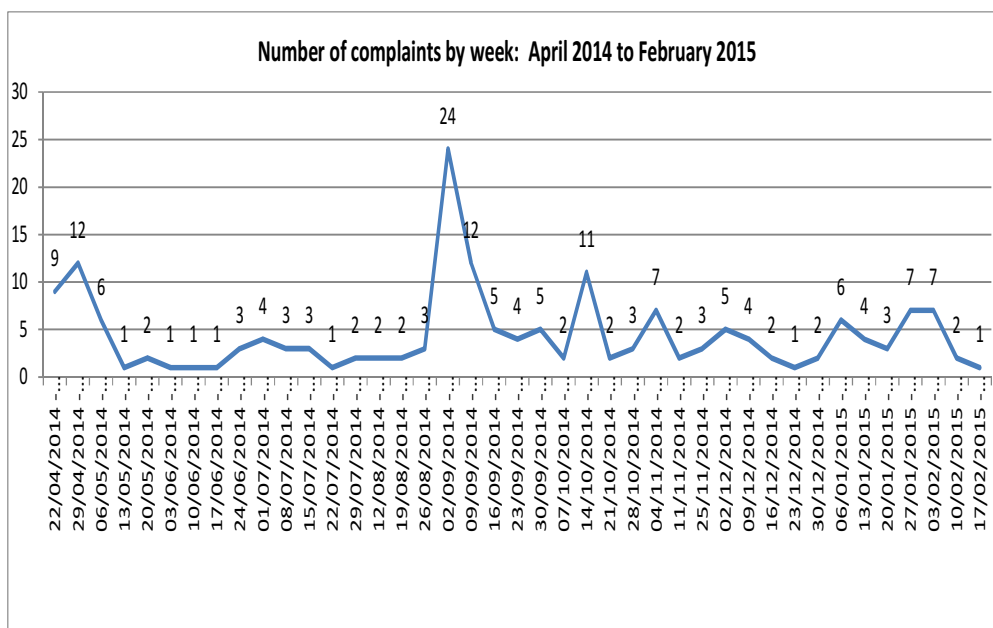
- Concerns that the collection / drop off times were too late or too early.
- Vehicle suitability in line with service users requirements.
- Poor contact with the new provider when problems occur.

- 4.16 It was recognised during the early stages of the start of the new contracts that in the past, day centres had benefited from having vehicles and drivers on site during the whole day which would be used to provide a “shuttle” type service throughout the day, as and when service users needed picking up or dropping off. The new contracts which had been commissioned were based upon a single collection (AM) and drop off (PM) programme that failed to meet the full needs of service user care packages and that of the expectations of the day centres. Changes to arrangements have been discussed with the operators to provide a change in the contract provision to include more flexibility and a greater number of vehicles to meet the demand.
- 4.17 The issues regarding the type of vehicles being used by the operators was a concern in the early stages of the contract. On-site meetings took place with the operators to ensure that necessary changes / adjustments were made to vehicles where this was identified as a problem. Individual risk assessments were undertaken to ensure specific issues were then addressed.
- 4.18 In relation to carers concerns about their inability to get hold of operators by phone, following discussion with the TCT management and day centre staff, the operators increased the number of people taking calls from carers until the volume reduced.
- 4.19 By the week commencing the 17th February 2015 there were 46 complaints from service users, carers or day centre staff in relation to vulnerable adults [see sections 4.22 to 4.26 of this report for further details] and one safeguarding incident since the start of the new contract. The safeguarding incident occurred whilst moving the service user from the bus seat to her wheelchair. It was alleged that the manner that the passenger assistant handled the service user caused some bruises. This incident was fully investigated, the allegation was substantiated, and appropriate action taken.
- 4.20 The TCT and Adult Social Care Commissioning have been meeting with the transport operators and day centre managers to address all issues. Action plans were put in place leading to the borough’s day services now having a dedicated account manager with the transport operator. Although there have been some improvements, day centres continue to report on-going issues with some timings, routings and vehicle quality.
- 4.21 Taxi services support approximately 9 young people per year with learning and physical disabilities usually aged 18 to 25 years, to attend colleges or specialist day service placements in other boroughs. Again, there were

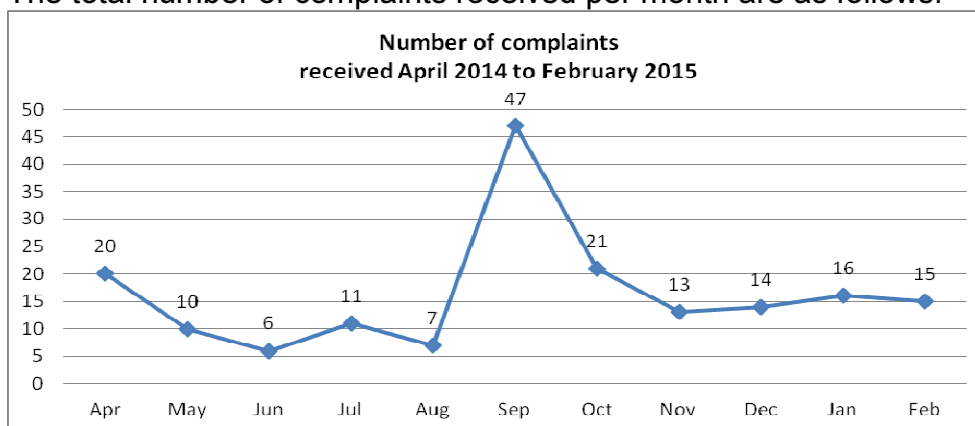
challenges with the initial transfer of services largely due to the operator not providing consistent drivers and escorts each day. This led to a number of complaints which were addressed through negotiation with the contractor leading to more regular staff allocated to this work or in some cases transferring the work to another taxi operator.

Overview of complaints about the Passenger Transport service

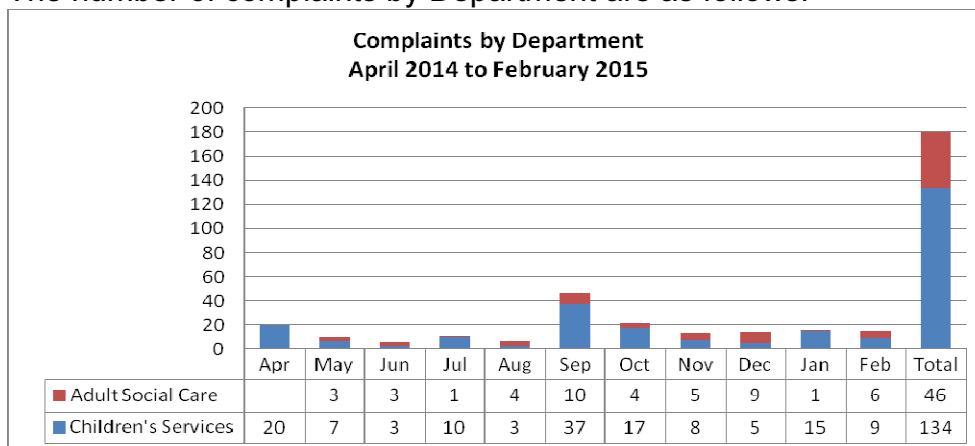
- 4.22 Further information in relation to an overview of all complaints about the Passenger Transport service from 22nd April 2014 to week commencing the 17th February 2015 is detailed below.
- 4.23 The total number of complaints during this period was 180. The number of complaints received per week are as follows:



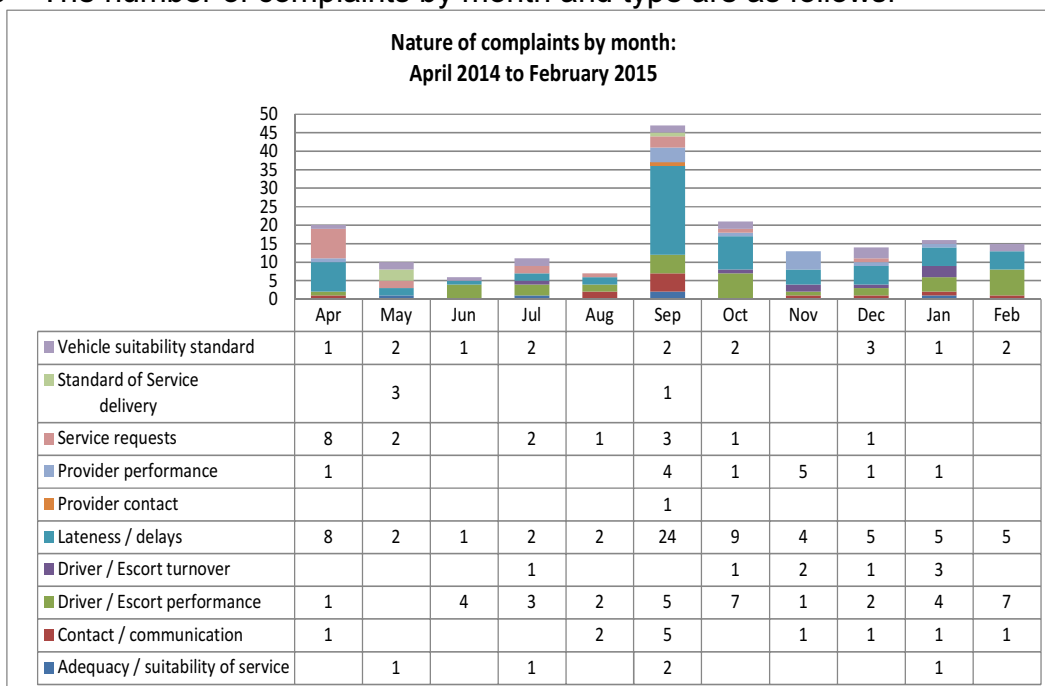
- 4.24 The total number of complaints received per month are as follows:



4.25 The number of complaints by Department are as follows:



4.26 The number of complaints by month and type are as follows:



The role of local working parties and project boards

- 4.27 A Passenger Transport Working Party for Children's Services was set up to advise the Council as to how to secure the best quality of transport provision, which meets the needs of the children concerned, within a budget which the Council deems affordable.
- 4.28 The initial emphasis of the work of the group was on transport provided for children with special educational needs.
- 4.29 To date it has met on four occasions. It is chaired by a Parent Governor for Queensmill School and has 14 members including two head teachers, three elected members, representatives of parents and the voluntary sector, along with the Executive Director of Children's Services, the

Director of Commissioning in Children's Services and the Assistant Director for Special Educational Needs.

- 4.30 In October 2014, the Working Party identified key elements of what they felt defined a quality service for children. The main themes of this were the need for high quality staff who are well trained; and good communication and engagement between schools and parents on one hand; and the TCT and operators on the other.
- 4.31 Meanwhile an officer Project Board was formed, comprising of a small number of senior officers including the Executive Director of Children's Services, the Director of Finance and Resources, the Director of Adult Social Care Commissioning, and the Director of Commissioning for Children's Services, who is the project sponsor. The Board was set up to manage the development of alternative proposals being put forward, ensure appropriate resources are committed to the project, and that any recommendations are delivered in a timely fashion.
- 4.32 The Board engaged the services of specialist advisors to prepare an implementation plan to 'in source' the delivery of the transport service, should there be a decision to proceed with a new service model. This led to the appointment of the organisation PeopleToo who were tasked to:
- Establish and test out the scope and basic assumptions of in-sourcing [i.e. should it include adults and children, should it include bus or coach transport only, and/or the inclusion of taxi (Car/MPV) transport].
 - Produce detailed "baseline" information with regard to the agreed scope which includes (but not exclusively) the number of vehicles; the number of drivers and passenger assistants; the destinations involved; the number of children; the locations involved; mileages; timings; frequency; and costs.
 - In conjunction with Hammersmith and Fulham Finance Department, carry out financial modelling and cost analysis, establishing a detailed breakdown of the costs of bringing the agreed scope of the passenger transport service back in-house.
 - Produce a project plan for the implementation of an in-house service, offering options where possible for phasing the implementation to minimise disruption.
- 4.33 The outcome of the work of PeopleToo has supported the Passenger Transport Working Party, the Passenger Transport Project Board and briefings with Cabinet members.

Consultation results

- 4.34 In December 2014/January 2015 a consultation exercise was carried out by the independent research organisation *Campaign Company*. The consultation exercise involved conducting a survey to gather views on the Children's Passenger Transport Working Party's recommendation that there needed to be changes to the delivery of Travel Care and Support

services. These changes included an option that the service be brought back in-house to be run directly by the Council again. Further details of the survey can be found in section 7 of this report. The analysis of the findings is detailed in **Appendix 1**.

- 4.35 In relation to vulnerable children, copies of the survey were sent out to 214 parents of children and young people who use the transport. Overall 79 responses were received. This represents a response rate of 37%.
- 4.36 In relation to vulnerable adults, copies of the survey were sent out to 160 service users and carers. Overall 44 responses were received. This represents a 28% response rate.
- 4.37 The *Campaign Company* report highlights that in relation to vulnerable children, nearly three quarters [71%] of those who responded to the consultation are satisfied or very satisfied with the current transport service. 20% disclosed feeling dissatisfied with the current service.
- 4.38 In addition, in relation to vulnerable children, 43% of respondents considered the service would improve if it was run directly with Council staff and vehicles. 20% of respondents considered that it would result in a worse service if the Council ran the service directly. 21% indicated that they 'did not know' if it would improve or worsen the service.
- 4.39 The 43% of respondents who supported the option that some or all services run directly with Council staff and vehicles would result in a better service is a much higher proportion than those who actively disclosed dissatisfaction with the service [20%]. Therefore, the independent report by the *Campaign Company* highlights that:
- 'whilst the majority are satisfied with the service, there is a proportion of those satisfied who feel that it could be improved'.*
- 4.40 The *Campaign Company* report highlights that in relation to vulnerable adults, 63% of those who responded to the consultation are satisfied or very satisfied with the current transport service. Almost a quarter of respondents [23%] reported feeling neither satisfied nor dissatisfied with the service, and 14% expressed dissatisfaction with the service.
- 4.41 In addition, in relation to vulnerable adults, 53% of respondents considered that the service would improve if it was run directly with Council staff and vehicles. 8% of respondents considered that it would result in a worse service if the Council ran the service directly. 25% felt that it would make little difference either way.
- 4.42 The 53% of respondents who supported the option that some or all services run directly with Council staff and vehicles would result in a better service is a much higher proportion than those who actively disclosed dissatisfaction with the service [14%]. The independent report by the *Campaign Company* states that:

'whilst the majority are satisfied with the service, there is a proportion of those satisfied who feel that it could be improved'.

5 PROPOSAL AND ISSUES

- 5.1 An outline vision for the Travel Care and Support service has been developed and is detailed below.
- 5.2 Our vision is to promote and deliver a high quality, transparent Travel Care and Support service, which is first and foremost about caring for, and understanding the travel and mobility needs of vulnerable adults and children, rather than just about providing transport. The service will be co-designed and continually improved in partnership with service users and stakeholders.
- 5.3 The Travel Care and Support service will deliver and continually improve the following outcomes:
- Vulnerable children and adults are picked up from home on time, arrive at school/ day centre/ college on time, and are taken home on time.
 - Vulnerable children and young people arrive at school ready to learn.
 - Vulnerable adults arrive at the day centre/ college ready to participate in the day's activities / work.
 - Vulnerable children and adults are safe, protected and their needs are met.
 - Vulnerable children and adults are supported, where possible and appropriate, to be assisted to travel independently.
- 5.4 In order to achieve this vision the overall objectives for the Travel Care and Support service are as follows:
- Customer care – excellent customer care is provided to all service users and all key stakeholders, all of the time. Each member of staff has received customer care training. Managers are equipped to respond to and resolve complaints quickly, and in a way in which parents feel that their concerns have been taken seriously and actioned.
 - Person centred – the needs of vulnerable children, young people and adults are clearly assessed in relation to travel care and support, and are well known and understood by commissioners and providers.
 - Communication – There is excellent communication on any issues to do with travel care and support from commissioners and providers to service users, parents, carers, day centres, schools, colleges and other key stakeholders.
 - Satisfaction – service users and their parents /carers express a high level of satisfaction. There is confidence in the service, and in particular that systems and processes are resilient, secure and of high quality.
 - Flexibility – the service is flexible to meet the changing needs of service users, parents, carers and other key stakeholders.
 - Transparency and visibility – service standards are explicit, well understood and are followed at all times. There are no surprises. We

do what we say we will. Where possible changes are discussed and planned with key stakeholders in advance and expectations are met. Service users and stakeholders will know what is happening as it is happening.

- Simplicity – there is a standard and clear way of doing things that is understood and followed by commissioners, providers and key stakeholders.
- Assurance – the service is of high quality and there is a proactive approach to checking that all required processes to meet standards are in place. For example, evidence in advance that DBS checks have been completed for all staff, evidence in advance that all vehicles used reach appropriate safety standards.
- Involvement and empowerment – service users, parents, carers and key stakeholders are actively involved in the development and improvement of the service.
- Independence - young people and adults are supported, where possible and appropriate, on a pathway into employment and independence, in or near their local community, by assisting them in gaining skills in travelling independently.
- Partnership and positive relationships – there is excellent partnership working and strong positive relationships between service users, carers, parents, service commissioners, providers and other key stakeholders to continually improve the service.
- Performance management – there is a strong performance management framework. Performance information is provided in ‘real time’, as well as retrospective audit information.
- Culture – there is a culture of delivering high quality, customer focused services, which are continually improved, that ensures service users experience a safe and quality experience, and that provides assurance that operational risks are understood, minimised and mitigated.
- Training - all staff are competent, skilled and well trained to ensure they have the appropriate knowledge and skills required, and in particular, have detailed knowledge and understanding of how to meet the care needs of the individuals they transport.
- Consistent staff - It is an expectation and requirement that the same member of staff [drivers and escorts] where possible, will be on the bus /taxi to transport the service user to ensure the continuity of relationships with the service user. Changes are minimised when there is no alternative e.g. sickness, and will comply with all service standards.
- Professional management – the service has the specialist SEN knowledge and transport technical skills, expertise and oversight at senior management level.

5.5 There are some instances which should never happen and if they do appropriate action will be taken in relation to possible consequences where relevant and available, or where appropriate termination of the contract. Examples of ‘never events’ are as follows:

<i>Never Event</i>	<i>Possible appropriate action</i>	<i>Possible termination</i>
Member of staff not DBS checked.	Administrative mistake on failing to record DBS check for experienced existing member of staff.	No attempt to conduct DBS check, or disregard of results which suggest individual is unsuitable for role.
Member of staff not possessing valid ID badge.	Administrative mistake on failing to renew badge for experienced existing member of staff.	Deliberate attempt to use member of staff without an ID badge.
Service user(s) left unattended on vehicle.	Crew leaving vehicle temporarily and within sight, to deal with an issue relating to a service user about to board / just alighted.	Service user left on vehicle after its return to depot and the signing-off of the crew.
Service user not correctly handed over.	Crew accepting instructions from the service user directly or from an apparently authorised individual, acting in the best of intentions.	Service user left outside at destination without any attempt at handover.

- 5.6 This vision will be developed further with key stakeholders to ensure that it meets the needs of services users.
- 5.7 Detailed work has been completed to provide further information about how Travel Care and Support service arrangements should be strengthened, to ensure that the vision is realised.
- 5.8 As highlighted in section 2.1 of this report, it is recommended that a change should be made to the existing delivery arrangements to improve service standards and sovereign accountability, including:
- Seeking to vary the IAA between the Council, WCC and the RBKC (collectively the “three Boroughs”), or associated contract arrangements for the Council, to improve quality and performance standards.
 - Travel Care and Support Commissioning Managers on-site with providers to oversee operational delivery and performance.
 - School and parents to play an increasing role in commissioning arrangements.
 - Robust assurance management and contract management framework.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1 In order to assess how Travel Care and Support services could be improved two options in relation to service delivery arrangements were assessed. **Option B** is recommended. However a second option, which for the purposes of this report is known as **Option A**, was considered in relation to a change in the delivery model of the Travel Care and Support service to return both transport and escort services to the management of the Council. This option is not recommended at this stage.

7. CONSULTATION

- 7.1 As highlighted in section 4.34 of this report, consultation has taken place with key stakeholders in a number of areas in relation to travel care and support.
- 7.2 In relation to transport for children, engagement with parent forums and a telephone survey to assess levels of customer satisfaction amongst parents took place over August 2014.
- 7.3 In addition, more recently a survey has been conducted to gather views on the Children's Passenger Transport Working Party's recommendation that the service be brought back in-house to be run directly by the Council again. The survey was sent out on 10 December 2014 and closed on 7 January 2015. The results are summarised in sections 4.34 to 4.42 of this report. A full analysis of the findings is detailed in **Appendix 1**.
- 7.4 A local parents' group *Parents Active* and the Council's communications team were consulted over the design of the questions. An independent research organisation *Campaign Company* was engaged to support the survey including carrying out an independent analysis.
- 7.5 The survey was sent by post to all parents and emailed to those where email addresses were available. Parents were given the option of returning a paper response or completing the survey online. In addition, *Parents Active* and local schools were asked to encourage parents to respond.
- 7.6 Head teachers of all schools whose pupils use the transport service were written to in December 2014 advising them of the consultation with parents. They were also invited to contribute any views they have on the quality of the current service delivery and the proposal to consider changes to the service arrangements, including the possibility of transferring services or aspects of the service to the Council.
- 7.7 A similar process took place in relation to adult service users with a letter to, and survey of, all carers, as well as group and individual meetings with service users at day centres, involving their advocates where appropriate. The survey went out on the 12th December 2014 and closed on the 7th January 2015.

- 7.8 Any changes to the existing contracts are likely to have a significant impact on the existing operators and so they have been informed of the consultation that has been undertaken to inform a potential future operating model. Following an initial telephone call, a letter was then sent to the operators in December 2014 so that they would be able to brief staff who may be operating within Hammersmith and Fulham.
- 7.9 Subject to the Cabinet decision, it is planned that a wide range of service users will be involved in further consultation and co-design of the future service. This will include formal meetings of groups such as the Travel Care and Support Working Party and Parents Active; informal opportunities to meet and share ideas, and targeted approaches potentially including additional surveys. The process will encompass parents and parent groups, young people who use the transport services, adult service users and carers, advocacy groups, schools, day centres, commissioners, the TCT and staff of the proposed in-house Travel Care and Support unit. It is planned that consultation throughout the implementation stage will be informed by the communication strategy.

8. EQUALITY IMPLICATIONS

- 8.1 The Equality Impact Assessment (see **Appendix 2** of this report) sets out in detail what the likely impact of the different options will be on those groups of pupils and adults with protected characteristics, and steps which will be taken to mitigate against them.
- 8.2 The analysis of the proposed changes and their impact upon people with protected characteristics has identified that both Options A and B, by improving accountability and responsiveness, should have a positive impact on service users. Eligibility for the service remains the same, with both options proposing steps that would increase service users, parent/carer and organisational confidence in the service and its ability to respond to need.
- 8.3 The main impact will be that for Option A, the provider of the transport is likely to change, and will in turn require some changes to staffing (drivers and escorts) and routes taken. Considering the needs of service users, there is a risk of a negative impact for some users who may find this change difficult and unsettling. This risk of a negative impact can be mitigated through clear communication and planning, and further work may be required to fully understand the specific impact for each user once Cabinet has agreed on the future direction of the service.
- 8.4 It should also be noted that, in each of the options proposed, any change to service provision for Hammersmith and Fulham residents will likely impact on travel care and support staffing and/or routes in Westminster and Kensington and Chelsea, whom the current contract is shared with. The potential impacts noted above may therefore be experienced by children who are residents in the other two boroughs. Adult service users in other boroughs will not be affected in this way as Kensington and

Chelsea and Westminster have separate contracted providers for their services for adults.

- 8.5 Further work may be required to fully understand the specific impact for each user once Cabinet has agreed on the future direction of the service.
- 8.6 The Equality Impact Assessment has been undertaken as part of the Council's duty under section 149 of the Equality Act 2010 to have due regard to the need to:
- (a) eliminate unlawful discrimination;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

As such the Council must have due regard to the equality implications of the proposed options in reaching a decision.

9. LEGAL IMPLICATIONS

- 9.1 The legal implications in relation to the commercial aspects are set out in the exempt part of the report.

Public sector equality duty

- 9.2 In deciding what action to take, the Borough must observe the public sector equality duty (section 149 of the Equality Act 2010), which includes having due regard to the need to eliminate discrimination against those with protected characteristics, and to the need to increase equality of opportunity for people with protected characteristics.
- 9.3 The equality impact assessment at **Appendix 2** describes how the different options are likely to affect people with protected characteristics, and should therefore be borne carefully in mind when a decision is taken.
- 9.4 Currently the proposed re-arrangements are being considered at a policy level. If changes are to be made, the Council will continue, pursuant to the public sector equality duty, to consider how to reduce any negative impacts on people with protected characteristics in the course of developing the changes and putting them into operation.

Implications verified/completed by: Joyce Golder, Principal Solicitor (Social Care and Education) Tel: 0207 361 2181.

10. FINANCIAL AND RESOURCES IMPLICATIONS

Option B - A change to the existing delivery arrangements to improve service standards and sovereign accountability.

10.1 The estimated costs of **Option B** in relation to a change to the existing delivery arrangements to improve service standards and sovereign accountability are set out in the exempt part of the report.

Implications verified/completed by: David Mcnamara, Tri-Borough Director of Finance and Resources, Children’s Services, Tel: 020 8753 3404.

11. RISK MANAGEMENT

11.1 There are a number of potential risks which could arise from implementing **Option B**. These are detailed in the exempt part of the report.

12 PROCUREMENT AND IT STRATEGY IMPLICATIONS

12.1 The procurement and IT strategy implications are set out in the exempt part of the report.

Implications verified/completed by John Francis, Principal Consultant, H&F Corporate Procurement Team, FCS. 020-8753-2582 (dated 27th April 2015).

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
	None		

LIST OF APPENDICES:

Appendix 1	Consultation on Transport Services for SEN Children and Consultation on Transportation Services for Older Adults and Adults with Learning Disabilities.
Appendix 2	Equality Impact Assessment

London Borough of Hammersmith and Fulham
Consultation on Transportation Services for SEN Children

January 2015

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1. Introduction

London Borough of Hammersmith and Fulham commissioned The Campaign Company to independently analyse and report on the findings of the consultation on transport services for SEN children in the borough.

The consultation was conducted following complaints that LBHF had received regarding the quality of the service provided by the current providers of the transport. Particularly that since the service was outsourced in April 2014 LBHF had received an influx in the number and type of concerns raised by parents, carers and children.

LBHF held a meeting on 8 July 2014, where some of these complaints and concerns were raised by parents and stakeholders. As a result of the meeting LBHF established a new Passenger Transport Working Party, made up of parent forum representatives, governors and Headteachers of Jack Tizard and Queensmill schools. The working party sought to monitor the service and identify where and how things needed to improve. Through their monitoring capabilities, the working group saw that complaints continued throughout the Autumn term and they were concerned with the continued levels of dissatisfaction expressed.

The Passenger Transport Working Party considered different options, one being that the best way to improve the service would be to bring it back in-house and be run directly by the Council. LBHF therefore undertook a consultation to gather views on the service from parents and carers to help inform any future decisions about the service.

2. Methodology

LBHF conducted the consultation through a paper and online survey. LBHF posted a paper copy of the survey out to the 214 parents of children and young people who use the transport and also additionally emailed an online link to those they had email addresses for to ensure that parents had the choice as to how to respond and were encouraged to do so through different types of communication.

LBHF increased the response rate through reminder emails. They also liaised with the two schools where the majority of SEN children attend in order to assist them in encouraging parents and carers to complete the survey.

It should be noted that the consultation took place over the Christmas holiday period which is likely to be a factor in the response rate achieved.

Overall 79 responses were received from 214 parents/carers who were sent the consultation. This represented a response rate of 37%. Four responses were incomplete but their answers have been included where applicable.

The results have been analysed using MS Excel and Nvivo software for open questions. Results are presented in count and percentage form. Where percentages do not add up to 100% this is due to rounding.

3. Executive Summary

Satisfaction

- Nearly three quarters (71%) of those who responded to the consultation are satisfied or very satisfied with the current transport service. Only 20% disclosed feeling dissatisfied with the current service.
- The service is reported as punctual by over two thirds (68%) of those who responded to the consultation however just under a third indicated that the service is inconsistently punctual where some days they wait more than 15 minutes.

Communication with Transport Providers

- 49% of respondents felt that in general overall communication of the transport service is good to an extent however over a quarter (27%) felt it was poor.
- Communication was considered poor in the context of communicating delays in transporting the children with over a third (35%) indicating communication on this was poor or very poor.
- This was also reflected in the responsiveness of the company towards issues or problems, with a third indicating it as poor or very poor.

Driver and Escorts

- The service that the escorts and the drivers provided was very positive with 88% indicating the escorts were good or excellent.
- Parents were positive about the escort's ability to manage their children's behaviour (69% indicating it was good or excellent) and were also positive about how they helped children with equipment (82% indicating it was good or excellent).

Safety and Comfort

- Safety of getting their children off and on the bus was not considered a concern by the parents with only 4% indicating a concern about safety or comfort to some extent.
- Similarly there was little concern about the safety and security of the vehicles safety belts and seats, doors and handles with only 1% indicating any concern.
- Respondents were also confident of the comfort and quality of the vehicles their children travelled in with only 5% indicating any level of concern.

Improving the Service

- The communication of the transport service was considered most in need of improvement. Particularly in terms of communicating issues about punctuality and keeping parents informed of who is escorting their child on any given day.

- 43% of those consulted felt the service would improve if it was run directly with council staff and vehicles. 43% of respondents to the consultation who felt the service would improve is equal to 15% of the total number of parents and carers of SEN children who use the service.
- 20% felt it would result in a worse service if the Council ran it directly. Importantly 21% indicated that they felt they 'did not know' if it would improve or worsen the service.
- 43% of those supporting this option is much higher than those who actively disclosed dissatisfaction with the service (only 20%). Therefore whilst the majority are satisfied with the service there is a proportion of those satisfied who feel that it could be improved.
- Respondents supportive of the change felt that it would result in more reliable, well trained and communicative staff which would improve the service overall.
- There was a concern that whatever the change, the upheaval that this can bring must be managed carefully for the benefit of the children as initial problems are likely.

4. Findings

60 of the respondents to the consultation had children that normally travelled by bus, 10 usually by taxi and 6 used both.

Type of transport	Count
Bus	60
Taxi	10
They have used both	6

Fig 1: Please confirm whether, since April 2014, your child has normally travelled to school by bus or by taxi.

Satisfaction with current service

Respondents were asked to indicate how satisfied they are with the current service. The majority of respondents are either very satisfied (43%) or satisfied (28%) with the service and 20% were either dissatisfied or very dissatisfied. (Fig 2)

	Count	Percentage
Very satisfied	33	43%
Satisfied	21	28%
Neither satisfied nor dissatisfied	7	9%
Dissatisfied	10	13%
Very dissatisfied	5	7%

Fig 2: Overall how satisfied would you say you are with the current service?

Punctuality

Respondents reported that levels of punctuality are overall good, with 68% of respondents agreeing the transport arrives in time to pick their children up and drop them off within 15 minutes of the scheduled time in the morning and 55% agreeing that this is the case in the evening. However, between 20% and 30% of respondents indicated that the punctuality of the provider is inconsistent, as they can arrive more than 15 minutes early or late on some days but on time on others in the morning or after school. (Fig 3 and Fig 4)

	Count	Percentage
Yes	52	68%
No	8	11%
Can't say, (can be more than 15 minutes late or early on certain days)	16	21%

Fig 3: Does the transport arrive within 15 minutes of the scheduled time to take your child to school in the morning?

Yes	42	55%
No	13	17%
Can't say, (can be more than 15 minutes late or early on certain days)	21	28%

Fig 4: Does the transport arrive within 15 minutes of the scheduled time to bring your child back from school in the evening?

Communication with Transport

Respondents reported that overall communication with the transport was good, with 49% stating that the service was either excellent or good. However over a quarter (27%) of respondents expressed that the communication with transport overall was poor. (Fig 5)

	Count	Percentage
Excellent	12	16%
Good	24	33%
Adequate	13	18%
Poor	12	16%
Very poor	8	11%
Not relevant/don't know	4	5%

Fig 5: overall communication with the transport company

When asked about the quality of communication from the transport when there were delays in dropping off or picking up children, 48% of respondents stated that the service was either good or excellent, with 35% of respondents commenting that the quality of this communication was either very poor (21%) or poor (14%). (Fig 6)

Excellent	14	20%
Good	20	28%
Adequate	10	14%
Poor	10	14%
Very poor	15	21%
Not relevant/don't know	2	3%

Fig6: communication when there are delays in picking up or dropping off children

When asked about the quality of the transport company's responsiveness, over half of respondents expressed that the service was good (30%), excellent (15%) or adequate (10%). A further third of the respondents felt that the company's responsiveness was either poor (18%) or very poor (15%). (Fig 7)

Excellent	11	15%
Good	21	30%
Adequate	7	10%
Poor	13	18%
Very poor	11	15%
Not relevant/don't know	8	11%

Fig7: responsiveness of transport company when any difficulties have arisen

Drivers and Escorts

A large majority of respondents were happy with the service the escorts provided helping children on and off the bus, 51% commented that it was excellent and 37% said it was good. Only 4% of respondents felt that this service was poor (3%) or very poor (1%). (Fig 8)

	Count	Percentage
Excellent	38	51%
Good	28	37%
Adequate	6	8%
Poor	2	3%
Very Poor	1	1%

Fig 8: ability of the escorts to help children on and off the bus

Respondents were also satisfied overall with the ability of the escorts to understand and manage the children's behavioural changes, 69% felt that the provision of this service was either excellent (40%) or good (29%) and only 5% of respondents thought that the service was either poor (3%) or very poor (1%). (Fig 9)

	Count	Percentage
Excellent	29	40%
Good	21	29%
Adequate	10	14%
Poor	3	4%
Very Poor	1	1%
Not relevant/don't know	9	12%

Fig 9: ability of the escorts to understand and manage any behavioural challenges your child may have in the bus

Again, a large majority of respondents (82%) felt that the escorts ability to help the children with equipment was either good or excellent. Only 2% of respondents thought that the escorts ability to do this was either poor or very poor. (Fig 10)

	Count	Percentage
Excellent	35	47%
Good	26	35%
Adequate	6	8%
Poor	1	1%
Very Poor	1	1%
Not relevant/don't know	5	7%

Fig 10: ability of the escorts to help your child put on seat belts or handle other equipment such as wheelchairs, aids etc.

A majority of respondents felt that the driver or escort's ability to communicate with them or their children was either excellent (49%) or good (29%). Only 5% of respondents felt the communication of the drivers or escorts was poor or very poor. (Fig 11)

	Count	Percentage
Excellent	36	49%
Good	21	29%
Adequate	10	14%
Poor	3	4%
Very Poor	1	1%
Not relevant/don't know	2	3%

Fig 11: Ability of the driver or escort to communicate with your child and you

Safety and comfort of buses and taxis

When asked how easy it was for the children to get in and off the bus, most of the respondents were very happy with this aspect of the service. 45% of respondents commented that this was good, with a further 32% stating that the ease of getting in and off the bus was excellent. Only 4% of respondents felt that this was poor or very poor. (Fig 12)

	Count	Percentage
Excellent	24	32%
Good	34	45%
Adequate	12	16%
Poor	1	1%
Very Poor	2	3%
Not relevant/don't know	3	4%
Total	76	100%

Fig 12: Easy to get in and get off the bus (steps, ramps, etc.)

Overall, respondents felt that the comfort and quality provided by the transport service was either good (41%) or excellent (29%), a further 23% of respondents felt that the comfort and quality of the vehicle was adequate whilst just a small number of respondents commented that it was very poor (4%) or poor (1%). (Fig 13)

	Count	Percentage
Excellent	21	29%
Good	30	41%
Adequate	17	23%
Poor	1	1%
Very Poor	3	4%
Not relevant/don't know	1	1%

Fig 13: Comfort and Quality of the vehicle

Again when respondents were asked about the security of the vehicles' seats and seatbelts, a third replied that they were excellent and a further 36% commented that they were good. Almost a quarter of respondents replied that they were adequate, only 1% of respondents said they were poor. (Fig 14)

	Count	Percentage
--	-------	------------

Excellent	24	33%
Good	26	36%
Adequate	17	23%
Poor	1	1%
Not relevant/don't know	5	7%

Fig 14: Security of Seats and seat belts

Most respondents were satisfied with the amount of space for the children to move around inside the vehicle. A third of respondents thought that the space for the children to move around the vehicle was good, over a half of respondents felt that the space was adequate (27%) or excellent (265). Just 6% of respondents felt that the space was poor or very poor. (Fig 15)

	Count	Percentage
Excellent	19	26%
Good	24	33%
Adequate	20	27%
Poor	2	3%
Very Poor	2	3%
Not relevant/don't know	6	8%

Fig15: Adequate space to move around

Most respondents were very happy with the safety of the vehicles' door and handles, 91% commented that they were either good (40%), excellent (29%) or adequate (22%), just 1% of those asked felt that the safety of doors and handles was poor. (Fig 16)

	Count	Percentage
Excellent	21	29%
Good	29	40%
Adequate	16	22%
Poor	1	1%
Not relevant/don't know	6	8%

Fig 16: Safety of doors and handles

Almost all respondents were satisfied with the safety of parking within walking distance of their home as either excellent (46%), good (35%) or adequate (17%). Just two respondents were dissatisfied with the safety of parking stating that it was poor. (Fig 17)

	Count	Percentage
Excellent	33	46%
Good	25	35%
Adequate	12	17%
Poor	2	3%

Fig 17: Safety parking within reasonable walking distance of home

Improving the service

When asked to rank four different ways of improving the service in order of importance, the majority of respondents 42 stated communication as the most important aspect of the service for improvement. 13 respondents felt that escorts' ability to understand and manage the children's needs was the most important factor, where 9 felt that punctuality was the most important area to be looked at for improvement and 7 commented that the quality of the transport and driving was the area that was most important to improve. (Fig 18)

	1	2	3	4
Communication	42 or 58%	10 or 14%	13 or 18%	8 or 11%
Punctuality	9 or 24%	10 or 26%	7 or 18%	12 or 32%
Ability of escorts to understand and manage my child's needs and that of the other children sharing the transport	13 or 37%	12 or 34%	5 or 14%	5 or 14%
The quality of the transport and driving	7 or 19%	16 or 43%	8 or 22%	6 or 16%

Fig18: rank how important each of these aspects of the service is, where 1 is the most important and 4 is the least important.

When asked what other suggestions or comments they had about improving the home to school transport service.

- 48 respondents answered this question
- The most common issues for respondents were communication from the company and punctuality. Some respondents specifically asked that they be contacted if and when the transport is running late:

“My child is often left waiting on the street for an hour on many occasions, at times never collected at all. I am not unreasonable, communication needs to be used if running late”

- Another common concern was a lack of driver and escort consistency, these respondents saw consistency of staff as extremely important to their child’s wellbeing:

“Often my son is brought home by someone I have never seen before in my life, and presumably, he has never seen them before either. I would like to know who is looking after my child, at least to know that it would be one of a team.”

- Several respondents made positive comments about the escorts and drivers or about the company in general.
- Some respondents specifically state that the service should be run by Hammersmith and Fulham at this stage to ensure these improvements are made.
- A few respondents suggest that the staff could be better trained to deal with disabled children and there are concerns regarding the quality of the actual vehicles raised by some respondents.
- Specific suggestions about improvement to the service included a request that the bus company provide parents with performance reviews and a one request for entertainment in the buses.

“Something to entertain children while travelling(TV screen?), for example, our child often falls asleep during the journey, then doesn't want to go to bed at usual time which results in difficulties with waking up in the morning”

Possible change to a council provided service

Respondents were asked whether they thought that running some or all of the transport services directly with council staff and vehicles would result in a better or worse service. Close to half (43%) of respondents felt that this would result in a better service whilst just 20% felt that this would result in a worse service.

Another 16% of respondents felt that the service being run directly by the council would make little difference and 21% didn’t know whether they thought provision would be better or worse. (Fig 19)

	Count	Percentage
I feel this is likely to result in a better service	32	43%
I feel this is likely to result in a worse service	12	20%
I feel this will make little difference either way	15	16%

Don't know	16	21%
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Fig 19: Which of the following statements is closest to your view?

The respondents were asked if they had any other views on the proposal to transfer services or aspects of the service to the council.

- 43 respondents answered this question
- Respondents tended to highlight the need for reliable, well-trained, communicative staff to provide and good quality transport service for their children.
- Several respondents felt that this could be achieved by returning the running of the service to the council:

"The volume of complaints would likely lessen with a return to the tried and tested Council service. The new service has had enough time to work out the "kinks" in its service."

- Other respondents, however, felt that the current company are able to provide a better service:

"I also believe that a professional transport company has a bigger scale operation and therefore arguably more experience in operating this service than the relatively small council transport."

- Some respondent expressed concern about potential upheaval if the service changes hands again.

"If the service were to be reabsorbed into Council hands the change itself is inevitably going to cause new teething problems."



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London Borough of Hammersmith and Fulham
Consultation on Transportation Services for Older Adults and
Adults with Learning Disabilities

January 2015

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1. Introduction

London Borough of Hammersmith and Fulham commissioned The Campaign Company to independently analyse and report on the findings of the consultation on transport services for adults with learning disabilities and older adults in the borough.

The consultation was conducted following complaints that LBHF had received regarding the quality of the service provided by the current provider of the transport. In April 2014, the service was outsourced to a private transport provider and since then, LBHF report that they have received concerns and complaints from older and disabled people and their carers about the service.

All service users and carers of someone who uses day service or taxi transport in Hammersmith and Fulham which is arranged by the Council, have the right to expect a safe, reliable and professional service.

LBHF therefore issued a consultation to better understand the experience of service users and carers of someone using transport better to inform future decisions about the service and hopefully resolve any problems.

2. Methodology

LBHF conducted a paper questionnaire with service users and carers of people that used the transport. 160 copies of the questionnaire were sent out to service users and carers of service users. Two versions of the questionnaire were produced –a standard version and an easy read version for those adults that required it. The results of both have been analysed and reported on together. Local advocacy services were used where required to assist in the completion of the questionnaire.

There were 44 responses to the consultation were received including 8 easy read questionnaires which were completed. This represents a 28% response rate. Two responses were incomplete but their answers have been included where applicable.

The results have been analysed using MS Excel and Nvivo software for open questions. Results are presented in count and percentage form. Where percentages do not add up to 100% this is due to rounding.

[Type text]

3. Executive Summary

Satisfaction

- 63% of those who responded to the consultation are satisfied or very satisfied with the current transport service. Almost a quarter of respondents (23%) reported feeling neither satisfied nor dissatisfied with the service and just 14% expressed dissatisfaction with the service.
- The service is reported as punctual by half of those who responded to the consultation however nearly a third of respondents indicated that the punctuality of the provider is inconsistent, as they can arrive more than 15 minutes early or late on some days but on time on others.

Communication with transport providers

- Just over half of respondents (53%) felt that overall communication of the transport service was excellent or good however nearly a third of respondents (29%) felt it was poor.
- Communication was considered good or excellent in the context of communicating delays of service by 43% of respondents however an additional 29% of respondents reported this as poor or very poor.
- Respondents were split on how they felt regarding the responsiveness of the transport service, 46% of respondents felt that this was good or excellent while 42% felt responsiveness was poor or very poor.

Drivers and Escorts

- The service of drivers and escorts was considered good or excellent by three quarters of respondents.
- Respondents were also positive about escorts' abilities to manage behaviour (68% indicated it was good or excellent) as well as positive about their ability to help service users with equipment (78% indicated it was good or excellent).

Safety and Comfort

- Respondents' opinions were split regarding the comfort and quality of the vehicle, 45% of respondents felt that the comfort and quality of the vehicle was good or excellent however 40% of respondents felt this was poor or very poor.
- Respondents were also somewhat split with regards to the space inside the vehicle: 40% felt it was good or excellent but over a third replied that this was poor or very poor.
- Overall, 70% of respondents thought that the transport was safe, comfortable and dignified.

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Improving the service

- The quality of the vehicles and driving of the transport service was considered most in need of improvement. Respondents specifically mentioned a lack of space inside the vehicles and issues such as reckless driving.
- 53% of respondents felt the service would improve if it was run directly with council staff and vehicles. 53% of respondents to the consultation who feel that the service would improve are equal to 13% of the total number of service users and carers of service users (160).
- Just 8% felt it would result in a worse service if the council ran it directly. 25% felt that it would make little difference either way.
- This option is a much higher proportion than those who actively disclosed dissatisfaction with the service (only 14%). Therefore whilst the majority are satisfied with the service there is a proportion of those satisfied who feel that it could be improved.

[Type text]

4. Findings

41 of the respondents or the people they care for normally travelled by bus, just one usually travelled by taxi.

Type of transport	Count
Bus	41
Taxi	1

Fig 1: Please confirm whether, since April 2014, you or the person you care for has normally travelled to the day service or college by

Satisfaction with current service

Respondents were asked to indicate how satisfied they are with the current service. The majority of respondents are satisfied (40%) or very satisfied (23%) with the service. Only 14% were either dissatisfied or very dissatisfied.

	Count	Percentage
Very satisfied	10	23%
Satisfied	17	40%
Neither satisfied nor dissatisfied	10	23%
Dissatisfied	2	5%
Very dissatisfied	4	9%

Fig2: Overall how satisfied would you say you are with the current service?

Punctuality

Respondents reported that levels of punctuality are overall good, with 50% of respondents agreeing the transport arrives in time to pick them up and drop them off within 15 minutes of the scheduled time. Nearly a third of respondents indicated that the punctuality of the provider is inconsistent, as they can arrive more than 15 minutes early or late on some days but on time on others.

	Count	Percentage
Yes	22	50%
No	8	18%

[Type text]

Can't say (can be more than 15 minutes late or early on certain days)	14	32%
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Fig3: Does the transport arrive within 15 minutes of the scheduled time when picking you up from home?

	Count	Percentage
Yes	22	50%
No	8	18%
Can't say, (can be more than 15 minutes late or early on certain days)	12	29%

Fig 4: Does the transport arrive within 15 minutes of the scheduled time it is due to arrive at your home in the evening?

Respondents were asked to give their views on a number of measures relating to the quality of service they have received. The questions focused on the quality of communication and responsiveness of the transport company.

Communication with Transport

The majority of respondents were satisfied with the overall communication with the transport company, they commented that it was either good (38%) or excellent (15%). In addition, almost 30% of respondents replied that overall communication with the transport company was either very poor (21%) or poor (8%).

	Count	Percentage
Excellent	6	15%
Good	15	38%
Adequate	5	13%
Poor	3	8%
Very Poor	8	21%
Don't know	2	5%

Fig 5: Overall communication with your transport company

[Type text]

Several respondents reported satisfaction with communication when there were delays in the service. 43% of respondents described this aspect of the service as good (29%) or excellent (14%). Again, however, almost 30% of respondents expressed that communication when there are delays in service is very poor (17%) or poor (12%).

	Count	Percentage
Excellent	6	14%
Good	12	29%
Adequate	6	14%
Poor	5	12%
Very Poor	7	17%
Don't know	6	14%

Fig 6: Communication when there are delays in picking up or dropping off you or the person you care for at the day service or home

When asked about the responsiveness of the transport company when difficulties have arisen respondents opinion was split. 42% of respondents commented that this aspect of the service was poor (17%) or very poor (25%) however another 46% of respondents described the service as good (38%) or very good (8%).

	Count	Percentage
Excellent	2	8%
Good	9	38%
Adequate	3	13%
Poor	4	17%
Very Poor	6	25%

Fig 7: Responsiveness of transport company when any difficulties have arisen

Drivers and Escorts

Most of the respondents were satisfied with the ability of the drivers and escorts to help people on and off the bus, 41% commented that this service was good and another 34% said the service was excellent. Just 9% of respondents described this aspect of the service as poor.

	Count	Percentage
Excellent	15	34%
Good	18	41%
Adequate	5	11%
Poor	4	9%
Don't know	2	5%

Fig 8: Ability to help you or the person you care for on and off the bus

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Again, the majority of respondents described the ability of escorts to understand and manage any behavioural challenges of their service users as good (44%) or excellent (24%). Only 9% of respondents described this aspect of the service as poor and another 12% of respondents didn't know.

	Count	Percentage
Excellent	8	24%
Good	15	44%
Adequate	4	12%
Poor	3	9%
Don't know	4	12%

Fig 9: Ability of escorts to understand and manage any behavioural challenges you or the person you care for may have in the bus/taxi

When we asked how well the escorts were able to help service users put on seatbelts and deal with other equipment such as wheelchairs, a large majority of respondents replied that this aspect of the service was either good (40%) or excellent (38%). Just 5% said that this aspect of the service was poor and further 10% of respondents did not know about the quality of the service.

	Count	Percentage
Excellent	16	38%
Good	17	40%
Adequate	3	7%
Poor	2	5%
Don't Know	4	10%

Fig 10: Ability of the escorts to help you or the person you care for to put on seat belts or handle other equipment such as wheelchairs, aids etc

Again respondents' satisfaction was generally high with regards to the driver and escorts' ability to communicate with the service users whilst travelling. 65% of respondents described the quality of this service as good (41%) or excellent (24%) where just 10% of respondents commented that this service was poor. An additional 12% of respondents did not know about the quality of this service.

	Count	Percentage
Excellent	10	24%
Good	17	41%
Adequate	5	12%
Poor	4	10%
Don't know	5	12%

[Type text]

Fig 11: Ability of the driver or escort to communicate with you or the person you care for whilst travelling

Safety and comfort of buses and taxis

Just over half of respondents described the ease to get on and off the busses (specifically relating to ramps or steps) as good (37%) or excellent (14%). However, another 22% of respondents described this aspect of the service as poor (11%) or very poor (11%).

	Count	Percentage
Excellent	5	14%
Good	13	37%
Adequate	6	17%
Poor	4	11%
Very Poor	4	11%
Don't know	3	9%

Fig 12: Easy to get on and get off the bus (steps, ramps, etc.)

When asked about the comfort and quality of the vehicle provided by the transport service, less than half of respondents commented that this was good (40%) and just 5% of respondents commented that it was excellent. Another 40% of respondents commented that the comfort and quality of the vehicle was either poor (26%) or very poor (14%).

	Count	Percentage
Excellent	2	5%
Good	17	40%
Adequate	5	12%
Poor	11	26%
Very Poor	6	14%
Don't know	2	5%

Fig 13: Comfort and quality of the vehicle

Almost 60% of respondents commented that the security of seats and seatbelts was good (51%) or excellent (8%). Around a fifth of respondents described the security of the seats and seatbelts as adequate (19%) with a further 13% of respondents describing these as very poor (8%) or poor (5%).

	Count	Percentage
Excellent	3	8%
Good	19	51%
Adequate	7	19%
Poor	2	5%

[Type text]

Very Poor	3	8%
Don't know	3	8%

Fig 14: Security of seats and seat belts

Respondents were fairly evenly split when asked if there was adequate space to move around inside the vehicle. Although several respondents described space inside the vehicle as good (33%) or excellent (7%), over a third of respondents reported that space inside the vehicle was either poor (19%) or very poor (16%). Almost a quarter of respondents commented that space to move around inside the vehicle was adequate (23%).

	Count	Percentage
Excellent	3	7%
Good	14	33%
Adequate	10	23%
Poor	8	19%
Very Poor	7	16%
Don't know	1	2%

Fig 15: Adequate space to move around

Respondents were overall satisfied with the safety of the doors and handles, nearly 70% described these as either good (59%) or excellent (8%). Just 5% of respondents felt that the safety of doors and handles was poor and another 16% described them as adequate.

	Count	Percentage
Excellent	3	8%
Good	22	59%
Adequate	6	16%
Poor	2	5%
Don't know	4	11%

Fig 16: Safety of doors and handles

When asked about the ability to safely park within walking distance of the day centre or house, over two-thirds of respondents felt that the quality of this provision was either good (56%) or excellent (12%). Only 9% of respondents described this provision as poor and another 16% of respondents described the ability to park safely and close-by as adequate.

	Count	Percentage
Excellent	5	12%
Good	24	56%
Adequate	7	16%

[Type text]

Poor	4	9%
Don't know	3	7%

Fig 17: Safely parking within reasonable walking distance of your day service centre or your home (or the person you care for)

When asked whether, overall, the transport feels safe comfortable and dignified, almost three-quarters of respondents said that this aspect of the service was either good (58%) or excellent (12%). Only 10% of respondents felt that the service was either poor (5%) or very poor (5%) and another 19% of respondents felt that the transport was adequately safe, comfortable and dignified.

	Count	Percentage
Excellent	5	12%
Good	25	58%
Adequate	8	19%
Poor	2	5%
Very Poor	2	5%
Don't know	1	2%

Fig 18: Overall, does the transport you or the person you care for receive, feel safe, comfortable and dignified

Improving the service

When asked to rank four different ways of improving the service in order of importance with 1 being the most important and 4 the least important. The most respondents (15) felt that the quality of the transport and driving was the most important area for improvement. 84 respondents felt that the ability of escorts to understand their, or the person they care for's, needs was the least important area for improvement.

	1	2	3	4
Communication	10 or 8%	12 or 10%	36 or 30%	64 or 52%
Punctuality	12 or 11%	18 or 17%	18 or 17%	60 or 56%
Ability of escorts to understand and manage my needs or the person I care for	6 or 5%	12 or 9%	30 or 23%	84 or 64%
The quality of the transport and driving	15 or 15%	10 or 9%	30 or 29%	48 or 47%

Fig19: rank how important each of these aspects of the service is, where 1 is the most important and 4 is the least important.

[Type text]

When asked what other suggestions or comments they had about improving the quality of the home to day service or college transport service.

- 20 respondents answered this question
- A quarter of these comments expressed general satisfaction with the quality of the service.
- Several respondents raised issues regarding discomfort in the vehicle such as lack of space or a seatbelt fastened too tight.

“Transport very uncomfortable: size of seat and space.”

- Some respondents noted that the quality of the service depends on the escort and the driver, some complained that certain drivers have been rude or aggressive:

“the escort was also rude and aggressive, rushing Audrey and making her really upset.”

Some of these same respondents, also made suggestions that the drivers and escorts should be trained to better manage the service users.

“I have marked a lot of questions as poor but this is dependent on the driver or escort. Some are very poor but some are good. Drivers/escorts should have some training to deal with people who are vulnerable or confused and need reassuring.”

- A few respondents specifically mention that crivers should notice speed-bumps and slow down accordingly.
- A further few respondents made comments regarding timing and punctuality, with reports that the service has been both too early and too late.

Possible change to a council provided service

When asked whether they thought running some or all services directly with council staff and vehicles would result in a better service, just over half of respondents (53%) replied that they thought that it would. Only 8% of respondents felt that running the

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service directly from the council would actually result in a worse service. A quarter of respondents felt that the running of the services directly by the council would make little difference either way and a further 15% felt that they didn't know whether it would make the service better or worse.

	Count	Percentage
I feel this is likely to result in a better service	21	53%
I feel this is likely to result in a worse service	3	8%
I feel this will make little difference either way	10	25%
Don't know	6	15%

Fig 20: Currently we use private providers to operate transport. A possible plan could be to run some or all of the transport services directly with council staff and vehicles. Which of the following statements is closest to your view?

Finally, we asked whether respondents had any other views or comments on the proposal to transfer services or aspects of the service to the council.

- Just 10 respondents answered this question.
- Of these 10, two respondents were happy with the service as it is:

"Very happy with current service. Thank you!"
- A couple of respondents expressed an active preference for the service to return to the council:

"The service was much better when it was run by the Council before."
- One respondent made the point that the quality of the service depends on the staff:

"All transport depends on the people actually collecting and delivering regardless of who pays."
- While another emphasised the need for stability and routine in the service:

"Older people don't like change. A mature, secure work force is the way forward. Where are Gilly, Denise and Sharon, Yvette, agency Bill and agency"

[Type text]

Beverley. The 'baby' was thrown out the bath water. By all means keep nice Marc, James etc. but no "Johnny come lately" – stability"

Appendix 2

HAMMERSMITH & FULHAM TRAVEL CARE AND SUPPORT SERVICE ARRANGEMENTS EQUALITIES IMPACT ASSESSMENT

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2014/15 – Quarter 4
Name and details of policy, strategy, function, project, activity, or programme	<p data-bbox="595 474 1585 497">Title of EIA: Hammersmith & Fulham Travel Care and Support Service Arrangements</p> <p data-bbox="595 544 2002 671">From April 2014 a new, outsourced service began providing passenger transport for residents of Hammersmith & Fulham. The service provides transport for children with Special Educational Needs (SEN) travelling to and from school and Looked After Children (LAC) attending contact visits, activities and appointments. Services are also commissioned for some Adult Social Care service users.</p> <p data-bbox="595 718 2002 845">Following a number of complaints made about the quality of the service, a Passenger Transport Working Party [which was later renamed as the Travel Care and Support Working Party] for Children’s Services was set up to advise the Council as to how to secure the best quality of travel care and support provision which meets the needs of children concerned within a budget which the Council deems affordable.</p> <p data-bbox="595 892 1899 954">There are two options in relation to the future delivery models of Travel Care and Support services for vulnerable Hammersmith and Fulham residents.</p> <p data-bbox="595 1000 2040 1062">Option A - A change in the delivery model of the Travel Care and Support service to return both transport and escort services to the management of the Council.</p> <p data-bbox="595 1109 1951 1171">Option B - A change to the existing delivery arrangements to improve service standards and sovereign accountability, including:</p> <ul data-bbox="595 1209 2009 1374" style="list-style-type: none"> <li data-bbox="595 1209 1839 1233">• Revised vision for the service – emphasis on caring for and understanding travel and mobility needs. <li data-bbox="595 1246 2009 1342">• Seeking to vary the Inter-Authority Agreement (IAA) between the Council, Westminster City Council (WCC) and the Royal Borough of Kensington and Chelsea (RBKC) (collectively the “three Boroughs”), or associated contract arrangements for the Council, to improve quality and performance standards <li data-bbox="595 1355 1962 1374">• The appointment of three Travel Care and Support Commissioning Managers who would be based on-site with

	<p>providers and would oversee all aspects of operational delivery and performance.</p> <ul style="list-style-type: none"> • School and parents to play an increasing role in commissioning arrangements. • Robust assurance management and contract management framework. <p>This EIA considers the potential impact of the two proposed options for change upon service users and groups of people with protected characteristics.</p>		
Lead Officers	<table border="1"> <tr> <td> <p>Children's Services Name: Rachael Wright-Turner Position: Director of Commissioning - Children's Services Email: Rachael.Wright-Turner@rbkc.gov.uk Telephone Number: 020 7361 3614</p> </td> <td> <p>Adult Services Name: Selina Douglas Position: Director of Adult Social Care Commissioning and Enterprise Email: Selina.Douglas@lbhf.gov.uk Telephone Number: 020 8753 6235</p> </td> </tr> </table>	<p>Children's Services Name: Rachael Wright-Turner Position: Director of Commissioning - Children's Services Email: Rachael.Wright-Turner@rbkc.gov.uk Telephone Number: 020 7361 3614</p>	<p>Adult Services Name: Selina Douglas Position: Director of Adult Social Care Commissioning and Enterprise Email: Selina.Douglas@lbhf.gov.uk Telephone Number: 020 8753 6235</p>
<p>Children's Services Name: Rachael Wright-Turner Position: Director of Commissioning - Children's Services Email: Rachael.Wright-Turner@rbkc.gov.uk Telephone Number: 020 7361 3614</p>	<p>Adult Services Name: Selina Douglas Position: Director of Adult Social Care Commissioning and Enterprise Email: Selina.Douglas@lbhf.gov.uk Telephone Number: 020 8753 6235</p>		
Date of completion of final EIA	May 2015 following feedback from consultation.		

Section 02	Scoping of Full EIA
Analyse the impact of the policy, strategy, function, project, activity, or programme	<p>A new contract to provide passenger transport for residents of Hammersmith & Fulham went live on 22 April 2014, with the service fully operational by 30 April 2014. The contract is across three boroughs, serving residents in LBHF, RBKC and WCC. It provides transport for children with Special Educational Needs (SEN) travelling to and from school and Looked After Children (LAC) attending contact visits, activities and appointments. Services are also commissioned for some Adult Social Care service users.</p> <p>As at the 17 December 2014, the service served a total of 208 children in Hammersmith & Fulham, transporting them to 36 different schools. Destinations are to schools and colleges largely, but not entirely, within the three boroughs of Hammersmith and Fulham, Kensington and Chelsea and Westminster for both the school/college working day and for pre and post school activities.</p> <p>A total of 156 adult LBHF residents are supported by the current transport arrangements to day centres, and a further 9 residents travel by taxi to college or out-of-borough placements.</p> <p>Following a number of complaints made by parents and carers about the quality of the service, including difficulties contacting operators when there were problems and children being picked up late from home and arriving late for school, elected members in Hammersmith & Fulham initiated a Passenger Transport Working Party for Children's Services to review</p>

the service.

For the purpose of this EIA, it is important to note that, for both options:

- Eligibility criteria for the service would not change, therefore individuals currently receiving transport services would continue to do so.
- The transport service provided, usually from place of residence to school, day care centre, or contact with birth parents and return – with or without passenger escort – will remain unchanged.
- Training would be provided to transport crews on the specific needs of service users and the appropriate support techniques.

In regard to Option A, where a new passenger transport delivery unit is established within the Council:

- For vulnerable children and young people the newly planned minibus routes operated by the new delivery unit will be designed to accommodate Hammersmith and Fulham service users only. The aim is to ensure an efficient service, minimising change wherever possible. However if Option A is chosen it is likely that this would involve significant rescheduling of routes and changes in drivers and escorts. Initial modelling indicates that nine of the new SEN routes (33%) would be substantially different from existing routes, with a similar number being slightly different. This is in addition to the expected changes which would take place in September 2015.
- There would be no changes to routes by which the operator takes adults to day care centres, except expected changes which would take place in September 2015, and / or agreed changes that happen as new adults join the Service.

Option B would involve a change to the existing delivery arrangements to improve service standards and sovereign accountability, including:

- Revised vision for the service – emphasis on caring for and understanding travel and mobility needs.
- Seeking to vary the Inter-Authority Agreement (IAA) between the Council, Westminster City Council (WCC) and the Royal Borough of Kensington and Chelsea (RBKC) (collectively the “three Boroughs”), or associated contract arrangements for the Council, to improve quality and performance standards
- Travel Care and Support Commissioning Managers on-site with providers to oversee operational delivery and performance.
- School and parents to play an increasing role in commissioning arrangements.
- Robust assurance management and contract management framework.

This might enable a more direct relationship between LBHF and the provider[s] than currently exists with greater input in to

the provision of the services and the management of the same.

Both options have been designed to improve the accountability of the service and to increase service user, parental and organisational confidence in the transport being provided. Both options would also improve the Council's ability to respond to service issues, including staff training and responsiveness, and to provide a high level of assurance to those who use the service, their parents and carers.

On this basis, both options can be assessed as having a positive impact on recipients. The nature of the service means that this impact will mainly be experienced by both younger and older residents and on those residents with disabilities.

Both options may result in practical changes to the day-to-day operation of the service. Considering the needs and protected characteristics of those eligible for passenger transport, most notably their age and disability, it is likely that such change may sometimes be difficult or unsettling for the individual who uses the service and for their families and carers. Actions to minimise this change and any disruptions to service during the 'settling-in' period are highlighted in Section 7 of this EIA.

Following consultation with parents and stakeholders a decision about future service models will be taken by the Hammersmith and Fulham Cabinet in June 2015.

The following analysis has been undertaken based on current service users, however it is likely that the number and profile of users would change by September 2015 (when the service is likely to be implemented) due to the start of the new school year.

Protected characteristic	Borough Analysis	Impact:
Age	<p><i>Children:</i> The age of children using the transport service is approximately 50% aged 10 and over and 50% aged 9 and below.</p> <p><i>Adults:</i> Adults who require the provision of transport include a significant proportion who are older service users: 77% of service users are aged 65 years and over (40% of service users are aged between 75 and 84 years of age; 21% aged 85 or over; 16% are aged between 65 and 74 years; and 23% aged between 18 and 64).</p> <p>Neither option being proposed would change the eligibility criteria for the service or restrict its accessibility based on age. By improving accountability and responsiveness, both options would allow any issues that arise that would affect this protected characteristic to be identified and swiftly resolved.</p> <p>The age of the service user may affect their ability to deal with change relating to routes or personnel. Close communication with the service users themselves, with parents and families and with schools and day centres will help to ensure any impact of the change is minimised.</p>	Positive
Disability	<p><i>Children:</i> The majority of service users (55%) have a primary SEN type as Autistic Spectrum Disorder (ASD), followed by speech, language and communication needs (10%) and profound and multiple learning difficulties (8%).</p> <p><i>Adults:</i> The majority (57%) of adult service users for transport to day centres have physical support needs which require them to use the service. A further 18% have learning disabilities; 15% have social support needs, 7% mental health needs, and there are one</p>	Positive

		<p>adult with sensory support needs and three adults with memory and cognition needs.</p> <p>Of the 9 adults requiring taxi transport to colleges or out of borough day services, all have complex learning disabilities, usually with behaviour or physical disabilities.</p> <p>Neither option being proposed would change the eligibility criteria for the service or restrict its accessibility based on disability. By improving accountability and responsiveness, both options would allow any issues that arise that would affect this protected characteristic to be identified and swiftly resolved.</p> <p>Both options would ensure that the fleet of vehicles is accessible and appropriate to the needs of service users. Both options retain the ability to provide taxi transport or alternative provision where the specific needs of the service user do not make travel by minibus viable.</p> <p>The specific needs of individual children may affect their ability to deal with change relating to routes or transport crews (drivers and escorts). For some young people with an Autistic Spectrum Disorder, changing daily habits and schedules can pose challenges and maintaining familiar schedule and surroundings can be beneficial. Close communication with parents and families and proactive sharing of transport needs assessments for individual children will help to ensure any impact of the change is minimised.</p> <p>Adults who require the provision of transport include a significant proportion who have disabilities. There are between 30-40 adults with complex learning and physical disabilities who use day centre transport and taxis. The complexity and nature of their needs e.g. challenging behaviours, sensitivity to environments and people means any transition from current arrangements will need to be managed carefully including significant time periods and careful liaison with service users/customers and their carers, day care centre managers and other partners.</p>		
	Gender reassignment	No data available. It is deemed unlikely that changes to this service will have a positive or negative impact specifically relating to this characteristic.	Neutral	

	Marriage and Civil Partnership	No data available. It is deemed unlikely that changes to this service will have a positive or negative impact specifically relating to this characteristic.	Neutral	
	Pregnancy and maternity	No data available. It is deemed unlikely that changes to this service will have a positive or negative impact specifically relating to this characteristic.	Neutral	
	Race	<p><i>Children:</i> 26% of children receiving the current service are recorded as White-British ethnicity with 45% recorded as having English as an additional language.</p> <p><i>Adults</i> The majority of service users are from a White background (66%). 20% of adult service users are from Black/Black British/Black other groups. Asian/Asian British represent 12% of service users.</p> <p>Neither option being proposed would change the eligibility criteria for the service or restrict its accessibility based on race. By improving accountability and responsiveness, both options would allow any issues that arise that would affect this protected characteristic to be identified and swiftly resolved.</p> <p>The overall impact of the change of transport management and provider will be neutral (as the service eligibility criteria is not changing), however clear and accessible communication with families and schools will help to ensure any impact of the change is minimised.</p>	Neutral	
	Religion/belief (including non-belief)	No data available. Given the expected range of different religions and beliefs in the impacted group it is deemed unlikely that there are positive or negative impacts specifically relating to this characteristic.	Neutral	
	Sex	<p><i>Children:</i> The majority of children receiving a service are male (72%).</p> <p>The majority of adults using day centre travel support are female (63%) as are those using the taxi service (70%).</p> <p>Neither option being proposed would change the eligibility criteria for the service or</p>		

		restrict its accessibility based on sex. By improving accountability and responsiveness, both options would allow any issues that arise that would affect this protected characteristic to be identified and swiftly resolved.	Neutral	
		The overall impact of the change of transport management and provider will be neutral (as the service eligibility criteria is not changing). Close communication with parents and families will help to ensure any impact of the change is minimised.		
	Sexual Orientation	No data available. It is deemed unlikely that changes to this service will have a positive or negative impact specifically relating to this characteristic.	Neutral	

Section 03	Analysis of relevant data Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.
Documents and data reviewed	Children: Passenger transport database (December 2014) matched to Pupil Census information (January 2014) – total of 161 pupils matched. Adults: Data provided by the Senior Commissioner (Disability) – December 2014
New research	

Section 04	Consultation
	Complete this section if you have decided to supplement existing data by carrying out additional consultation.
Consultation in each borough	A number of different consultation exercises have been undertaken. Telephone surveys took place in August 2014 with parents whose children had used the service in the first and second half of the Summer term 2014. 54% of parents were contacted to ascertain views on the quality of the new service that had been put in place from April 2014. A number of in-person discussions have taken place with smaller groups of key stakeholders in October/November 2014.

	<p>These included the Passenger Transport Working Party, which comprises of parent and school representatives.</p> <p>Consultation programmes with both SEN and Adults Social Care services users were initiated between December 2014 and January 2015 in line with the Cabinet Member Decision of 25 November 2014. For parents of children with SEN and stakeholders, the consultation utilised the following methods in order to ensure a wide and meaningful response:</p> <ul style="list-style-type: none"> • A paper questionnaire (posted and emailed) to all parents or carers of children with SEN who use the service. Questions sought to gain a better understanding of service users’ priorities, as well as their views on a range of potential service model changes which may more effectively address previously expressed user concerns. • Head teachers and other schools staff have been regularly consulted about the effectiveness of the current contract and any ongoing improvements required. Head teachers and other key staff at special schools in the borough (attended by the majority of Hammersmith & Fulham children who use the transport service) were all written to seek their views and consider if additional engagement can be carried out within schools. <p>For adult service users and their stakeholders a range of methods was used with consultation coordinated through the Day Care Centre managers and service user advocates. Methods included:</p> <ul style="list-style-type: none"> • Discussion with day centre managers and staff to ensure a clear and consistent approach to the discussions. • A letter to, and survey of all customers and carers. • Group meetings and one-to-one meetings with service users at day centres. Service user advocates will be included where appropriate. <p>In conjunction with both strands of the above consultations, an agreed communication line with staff, stakeholders and transport providers was developed. This explained that the Council was reviewing the current service arrangements in order to improve service delivery and quality.</p>
<p>Analysis of consultation outcomes for each borough</p>	<p>Consultation with service users about the previously provided service which informed the commissioning of the current service highlighted the following areas as priority issues:</p> <p><i>Consultation with parents of children with SEN -</i></p> <ul style="list-style-type: none"> • Time keeping • Punctuality • Quality of travel assistance arrangements • Consistency of travel assistance arrangements • Safety <p><i>ASC service users -</i></p> <ul style="list-style-type: none"> • Punctuality of buses

- Route planning
- Quality of buses
- Drivers

The above was taken into consideration as part of specifications and evaluations of tenders and to inform call offs, routing and mobilisation.

Telephone surveys took place in August 2014 with parents whose children had used the service in the first and second half of the Summer term 2014. While the majority of parents considered the service to be “acceptable” or “good”, the main concerns of parents were:

- Staff - their training and turnover.
- Meeting individual children’s needs and issues regarding other children being transported.
- Concerns about the vehicles, numbers of children on the bus and length of journeys.
- Punctuality.
- Communications including being able to contact the bus staff when in transit.
- Health and safety procedures.

A number of in-person discussions have taken place with smaller groups in October/November 2014. These included the Passenger Transport Working Party, which comprises of parent and school representatives. At their meeting on 2nd October the following points were identified as being part of a quality provision:

<i>Service Requirements</i>	<i>Driver/Escort Requirements</i>
<ul style="list-style-type: none"> • Excellent communication - to make parents/schools aware of changes. • Flexibility in the provider – depending on need. • Effective and efficient provision. • Develop independence in using travel as part of broader provision. • Continuity of staff. • Punctuality. • Ensure that children arrive calm, happy and in a state ready to learn. 	<ul style="list-style-type: none"> • To know the parent and the child. • Basic strategies of care, particularly knowledge of safely securing children. • Sympathetic to each child’s specific needs. • Mandatory and ongoing training. • Willing and responsive. • Level of maturity. • Have skills and experience in working with children with challenging behaviours.

	<ul style="list-style-type: none"> • Independent Travel Training. <p>A separate consultation programmes with both SEN and ASC users initiated during December 2014.</p> <p>In relation to vulnerable children, 43% of respondents considered the service would improve if it was run directly with Council staff and vehicles. 20% of respondents considered that it would result in a worse service if the Council ran the service directly. 21% indicated that they 'did not know' if it would improve or worsen the service.</p> <p>In relation to vulnerable children, nearly three quarters [71%] of those who responded to the consultation are satisfied or very satisfied with the current transport service. Only 20% disclosed feeling dissatisfied with the current service.</p> <p>In relation to vulnerable adults, 53% of respondents considered that the service would improve if it was run directly with council staff and vehicles. 8% of respondents considered that it would result in a worse service if the Council ran the service directly. 25% felt that it would make little difference either way.</p> <p>In relation to vulnerable adults, 63% of those who responded to the consultation are satisfied or very satisfied with the current transport service. Almost a quarter of respondents [23%] reported feeling neither satisfied nor dissatisfied with the service and just 14% expressed dissatisfaction with the service.</p>
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Section 05	Analysis of impact and outcomes
Analysis	<p>The analysis of the proposed changes against protected characteristics has identified that both options, by improving accountability and responsiveness, should have a positive impact on service users. Eligibility for the service remains the same, with both options proposing steps that would increase service users, parent/carer and organisational confidence in the service and its ability to respond to need.</p> <p>The main impact will be that for option A, the provider of the transport is likely to change, and will in turn require some changes to staffing (drivers and escorts) and routes taken. Considering the needs of service users, there is a risk of a negative impact for some users who may find this change difficult and unsettling. This risk of a negative impact can be mitigated through clear communication and planning and further work may be required to fully understand the specific impact for each user once Cabinet has agreed on the future direction of the service.</p> <p>It should also be noted that, in each of the options proposed, any change to service provision for Hammersmith and Fulham residents will likely impact on staffing and/or routes taken for children in Westminster and Kensington and Chelsea, whom</p>


	<p>the current contract is shared with. The potential impacts noted above may therefore be experienced by children who are residents in the other two boroughs. Adult service users in other boroughs will not be affected in this way as Kensington and Chelsea and Westminster have separate contracted providers for their services for adults.</p> <p>Further work may be required to fully understand the specific impact for each user once the Hammersmith & Fulham Cabinet has agreed on the future direction of the service.</p>
Section 06	Reducing any adverse impacts and recommendations
Outcome of Analysis	<p>One of the key lessons learned from the previous process is that the direct impact of any new arrangement needs to be fully understood before changes are made, with rehearsed operational plans to maintain and ensure service standards.</p> <p>Subject to the Cabinet decision, it is planned that a wide range of service users will be involved in further consultation and co-design of any new model. This will include formal meetings of groups such as the Travel Care and Support Working Party and Parents Active; informal opportunities to meet and share ideas, and targeted approaches potentially including additional surveys. The process will encompass parents and parent groups, adult service users and carers, advocacy groups, schools, day centres, commissioners, the TCT and staff of the proposed in-house passenger transport unit. It is planned that consultation throughout the implementation stage will be informed by a communication strategy.</p> <p>Further work will be required to fully understand the specific impact for each user once Cabinet has agreed on the future direction of the service. At this stage, each proposed change to routes will be able to be assessed in terms of its impact on travel times for the individuals affected and the protected characteristics of those affected. Depending on the level of change, risk assessments for each child/service user may be required and appropriate arrangements put in place to ensure that individual needs continue to be met.</p> <p>Whichever option is chosen in terms of future service change of the Passenger Transport Service, a number of improvements to the service have already been identified in the following areas:</p> <ul style="list-style-type: none"> • Transport Commissioning Team [TCT] development and structure. • TCT systems and processes, including ICT development. • Contract management. • Specific development of the adult's passenger transport contract. • Customer delivery and stakeholder engagement. • Financial management and efficiencies.

	A key element of work will be to work with relevant service commissioners on the development and implementation of a travel strategy which includes alternative travel options e.g. independent travel training.																							
Section 07	Action Plan																							
Action Plan	<table border="1"> <thead> <tr> <th>Issue identified</th> <th>Action (s) to be taken</th> <th>When</th> <th>Lead officer and borough</th> <th>Expected outcome</th> <th>Date added to business/service plan</th> </tr> </thead> <tbody> <tr> <td>Effective communication will be key to allaying concerns, managing expectations, and combating rumours</td> <td>Regular update is sent out to all service users and stakeholders, as well as being made available online to the general public. Continued focus group meetings (e.g. the Passenger Transport Working Party) with remit to disseminate information</td> <td>Monthly</td> <td>Transport Commissioning Team</td> <td>This would allow both regular invitations of feedback and contact information, and updates on progress.</td> <td></td> </tr> <tr> <td>Any change to provision, whether in terms of crew or timings, may impact not only on the service user (distress resulting from disruption to their routine) but also on caring arrangements, whether formal or informal.</td> <td>Individual service users and their carers are contacted at an early stage with regard to their personal situation. Existing work to carry out specialist assessments of travel need are reviewed and updated where required.</td> <td>Prior to "go live" date for new contract</td> <td>Undertaken by TCT and HFPT, as part of the approach to scheduling and risk assessment.</td> <td>Proactive approach to responding to the issues raised can mitigate the impact.</td> <td></td> </tr> </tbody> </table>						Issue identified	Action (s) to be taken	When	Lead officer and borough	Expected outcome	Date added to business/service plan	Effective communication will be key to allaying concerns, managing expectations, and combating rumours	Regular update is sent out to all service users and stakeholders, as well as being made available online to the general public. Continued focus group meetings (e.g. the Passenger Transport Working Party) with remit to disseminate information	Monthly	Transport Commissioning Team	This would allow both regular invitations of feedback and contact information, and updates on progress.		Any change to provision, whether in terms of crew or timings, may impact not only on the service user (distress resulting from disruption to their routine) but also on caring arrangements, whether formal or informal.	Individual service users and their carers are contacted at an early stage with regard to their personal situation. Existing work to carry out specialist assessments of travel need are reviewed and updated where required.	Prior to "go live" date for new contract	Undertaken by TCT and HFPT, as part of the approach to scheduling and risk assessment.	Proactive approach to responding to the issues raised can mitigate the impact.	
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	Further work required (post decision) to co-design changes to service and to assess their specific impact	Timetable of user engagement activity to be developed. Specific changes to routes to be assessed for their impact upon protected characteristics	Post - decision	Transport Commissioning Team	Clear plan for how and when service users can influence any changes to the service.		
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Section 08	
Chief Officers' sign-off	LBHF Name: Andrew Christie Position: Tri-borough Executive Director of Children's Services Email: Andrew.Christie@lbhf.gov.uk Telephone No:
Key Decision Report (if relevant)	LBHF Date of report to Cabinet: 1 st June 2015 Key equalities issues have been included: Yes
Lead Equality Manager (where involved)	LBHF Name: David Bennett Position: Acting Head of Change Management Email: David.Bennett@lbhf.gov.uk

Agenda Item 5

	<p>London Borough of Hammersmith & Fulham</p> <p>CABINET</p> <p>1 June 2015</p>
<p>APPROVAL OF HAMMERSMITH & FULHAM COMMUNITY INFRASTRUCTURE LEVY REGULATION 123 LIST</p>	
<p>Report of the Cabinet Member for Economic Development and Regeneration : Councillor Andrew Jones</p>	
<p>Open Report</p>	
<p>Classification - For Decision</p> <p>Key Decision: Yes</p>	
<p>Wards Affected: All</p>	
<p>Accountable Executive Director: Nigel Pallace, Chief Executive</p>	
<p>Report Author: Siddhartha Jha, Senior Planning Policy Officer</p>	<p>Contact Details: Tel: 02087531466 Email - Siddhartha.jha@lbhf.gov.uk)</p>

1. EXECUTIVE SUMMARY

- 1.1. The Community Infrastructure Levy ('CIL') is a discretionary levy that local authorities can charge on most new developments that create additional floor space. The council has decided to charge CIL in the borough. On 20 March 2015, following two stages of public consultation and a public examination, an independent examiner made a recommendation approving the council's proposed CIL charging schedule subject to minor modifications being made. The CIL charging schedule details the CIL rates to be charged for different land uses in the borough.
- 1.2. Full Council approval of the CIL charging schedule is required under statute in order for the CIL charging schedule to take effect and is being sought at Council's annual meeting on 20 May 2015.
- 1.3. The 'CIL regulation 123 list ('the r123 list') forms an important element in securing the infrastructure needed to support development in the borough by optimising the operation of CIL and the collection of S106 planning obligations.

- 1.4. The list sets out the items of physical infrastructure that could potentially be funded by CIL, although it is important to note that the council is free to use CIL to fund physical infrastructure items not on the list and that the list does not imply any priority in infrastructure funding. Cabinet can also revise the r123 list at any time subject to consultation.
- 1.5. The key restriction that the r123 list places is that S106 planning obligations cannot be sought for the types of infrastructure identified in the r123 list. This avoids developers having to pay twice for the same infrastructure, via both CIL and S106 planning obligations. S106 planning obligations can still be sought for items that are not included in the r123 list provided other statutory criteria are satisfied.¹ The proposed r123 list has therefore been drafted to enable the council to:
 - obtain CIL funding and negotiate S106 planning obligations for the provision of infrastructure needed to address any particular impacts of individual developments (subject to the statutory criteria being met); or
 - negotiate S106 obligations in areas where a nil CIL rate has been set (the White City East area and the Earls Court and West Kensington Opportunity Area).
- 1.6. If the r123 list is not approved and published, it will not be possible to secure any S106 planning obligations for physical infrastructure once CIL takes effect. This will have a significant adverse impact on infrastructure provision borough wide but particularly in the regeneration areas in White City East and the Earls Court and West Kensington Opportunity Area, where the council is relying on S106 planning obligations instead of CIL to provide necessary infrastructure.

2. RECOMMENDATIONS

That approval be given to the Hammersmith & Fulham Community Infrastructure Levy regulation 123 list and resolves that it shall take effect on 1 September 2015, (subject to the approval of the CIL charging schedule by Full Council on 20 May 2015 and its resolution to take effect on 1 September 2015).

3. REASONS FOR DECISION

- 3.1. For the reasons set out below, approving the r123 list is essential for the optimal operation of CIL and S106 planning obligations in terms of providing necessary physical infrastructure to support development in the borough.

¹ The Community Infrastructure Regulations 2010 r122 and r123(2)

- The r123 list sets out the items of physical infrastructure that could potentially be funded by CIL. However, it is important to note that the council is free to use CIL to fund infrastructure items not on the r123 list and that the list does not imply any priority in infrastructure funding. Further, there is no obligation on the council to spend CIL on every item in the r123 list. Cabinet can also revise the r123 list at any time subject to consultation. In this regard, the r123 list imposes no restrictions on how CIL is to be spent;
- S106 planning obligations cannot be sought for specific items of physical infrastructure identified in an approved r123 list. This avoids developers potentially having to pay twice for the same infrastructure item, via both CIL and S106 planning obligations and ensures that CIL is only used to provide physical infrastructure for which there is a general borough-wide need. S106 planning obligations can still be sought for items that are not included in the r123 list provided other statutory criteria are satisfied.² Being able to distinguish between the borough-wide need for infrastructure and infrastructure needed to mitigate the particular impacts of individual developments will allow both CIL and S106 planning obligations to be collected, optimising infrastructure provision in the borough to support further development; and
- If the r123 list is not approved and published it will not be possible when CIL takes effect for the council to secure any S106 planning obligations from developers for physical infrastructure that could otherwise be secured to address the impacts of proposed developments. While the effects of this scenario will be felt borough wide, they will be particularly severe in the regeneration areas of White City East and the Earls Court and the West Kensington Opportunity Area, where the council has decided to apply a 'nil' CIL rate and instead rely on S106 planning obligations to secure developer contributions.

4. INTRODUCTION AND BACKGROUND

- 4.1. In September 2012, the Preliminary Draft CIL Charging Schedule and associated supporting documents were published for public consultation for a six-week period.³ One of these supporting documents was the Infrastructure Plan, which outlined the council's initial position on what infrastructure items could be funded by CIL and therefore form part of a future r123 list.

² The Community Infrastructure Regulations 2010 r122 (Planning obligations must be necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development).

³ http://www.lbhf.gov.uk/Images/12-09-07-%201%20PDCS%20FINAL_tcm21-175143.pdf

- 4.2. In August 2014, following Cabinet approval, the draft r123 list and Draft CIL Charging Schedule⁴ were published for a final five-week public consultation,⁵ before being submitted for examination by an independent examiner.⁶
- 4.3. Consideration of the r123 list was outside the scope of the CIL examination but formed the basis for outlining the council's proposed approach to seeking s106 planning obligations following the adoption of CIL.
- 4.4. On 20 March 2015, the independent examiner approved the council's proposed CIL charging schedule, subject to minor modifications being made (See **Appendix 1** for the Examiner's report and **Appendix 2** for the CIL charging schedule).
- 4.5. Full Council approval of the CIL charging schedule is the final necessary step required in order for the CIL charging schedule to take effect. Council approval of the CIL charging schedule is being sought at its meeting on 20 May 2015 (See **Appendix 3**).
- 4.6. As stated above, approving the r123 list is essential for the optimal operation of CIL and S106 planning obligations in terms of providing necessary physical infrastructure to support development in the borough.

5. PROPOSAL AND ISSUES

A. The relationship between CIL and other types of developer contributions

- 5.1. CIL constitutes one of several ways in which contributions may be sought from developers. In addition to the CIL charge, local authorities will still be able to negotiate securing additional contributions from developers including:
 - S106 Planning Obligations,⁷ which although reduced in scope since 6 April 2015, can be used to address any site- specific impacts of development in order to make particular schemes acceptable. S106 obligations can also be used to provide or fund affordable housing, and other non-infrastructure contributions such as employment and training schemes; and

⁴ http://www.lbhf.gov.uk/Images/Appendix%208-Reps%20by%20Organisation_tcm21-190000.pdf

⁵ http://www.lbhf.gov.uk/Images/30.7.2014%20DCS%20Consultation%20Document%20Appendix%20B%20new%20cover%20page_tcm21-189996.pdf

⁶ http://www.lbhf.gov.uk/Directory/Environment_and_Planning/Planning/Planning_policy/167822_Community_Infrastructure_Levy.asp

⁷ Town and Country Planning Act (as amended) s106

- S278 Highway Agreements,⁸ which can be used to secure contributions from developers for any highway works for local roads that are needed to make schemes acceptable.

B. The regulation 123 list and its relationship with CIL and S106 planning obligations

- 5.2. When CIL takes effect, it can be used to provide physical infrastructure to support development across the borough, which is identified in a list called the 'regulation123 list'. However, it is important to note that the council is free to use CIL to fund infrastructure items not on the r123 list and that the list does not imply any priority in infrastructure funding. Further, there is no obligation on the council to spend CIL on every item in the r123 list. Cabinet can also revise the r123 list at any time subject to consultation. In this regard, the r123 list imposes no restrictions on how CIL is to be spent.
- 5.3. In order to ensure that developers do not pay twice for the same types of infrastructure, S106 obligations can only be sought for any types or items of infrastructure not contained in the r123 list. Accordingly, the r123 list has been drafted in a manner that will enable the council to obtain CIL funding and negotiate S106 planning obligations(or in areas where a 'nil' rate applies to continue to negotiate S106 obligations) subject to the statutory criteria being met, for the provision of physical infrastructure needed to address any specific impacts of individual developments. While S278 agreements can continue to be made, once CIL is adopted the scope of S106 planning obligations will be scaled back and will only be able to provide for items needed to address the particular impacts of individual development schemes as follows:
- affordable housing or funding for affordable housing;
 - physical infrastructure which is not listed in the regulation 123 list (principally items needed to address the site specific impacts of individual development schemes); and
 - contributions for items that are not physical infrastructure such as employment and training contributions.
- 5.4. Additionally, as of 6 April 2015, further limits have come into effect on the extent to which contributions from S106 obligations can be pooled to provide particular items or types of physical infrastructure. From this date, S106 planning obligations cannot be used to provide a particular infrastructure project or type of infrastructure if five or more obligations to provide that same infrastructure project or that type of infrastructure have already been entered into in other S106 Agreements (including on any other site or planning permission) since April 2010.
- 5.5. CIL will not apply within the White City East area and the Earls Court and West Kensington Opportunity Area. The council has determined

⁸ The Highways Act 1980 s278

that S106 obligations will apply in these areas instead of a CIL rate for the following reasons:

- The considerable scale of site specific and local infrastructure that is needed to make developments in these areas acceptable;
 - There have already been substantial contributions (often to a pooled sum) from agreed S106 agreements;
 - The council considers that S106 obligations needed in this area can be provided in compliance with the pooling limit on planning obligations referred to above; and
 - The CIL Viability Study prepared to support the proposed CIL rates in the borough established that that development in these areas would not be sufficiently viable to pay both CIL and the substantial S106 planning obligations needed to make development acceptable.
- 5.6. This means that when CIL takes effect most developments will pay the fixed charge borough CIL (as well as Mayoral CIL) with some developments also being required to make S106 contributions for certain items. However, S106 planning obligations will be generally reduced in scope.

C. The CIL r123 list

- 5.7. The r123 list is set out in full below.

CIL Regulation 123 List ('r123 list') prepared pursuant to Community Infrastructure Levy Regulations 2010

The r123 List

The council intends that it will or may spend funds received via the Community Infrastructure Levy ('CIL') on part or all of the cost of provision, improvement, replacement, operation or maintenance of the following infrastructure facilities, as listed in the following r123 list, to support development in the borough. The list is alphabetical by category. Inclusion of items in the r123 list does not imply priority, or that the council will spend CIL on every item, or not spend CIL on other unlisted items.

Additionally, there are a number of exceptions to the r123 list where the council intends to negotiate S106 obligations to secure the provision of infrastructure.

Infrastructure Category & Sub-Category		Regulation 123 list ('r123 List')
ASC	Health	<ul style="list-style-type: none"> • Primary healthcare and out of hospital care team facilities.
CS	Early Years, Schools, Youth	<ul style="list-style-type: none"> • Primary, secondary and special education and youth facilities.
ELRS	Community Safety	<ul style="list-style-type: none"> • Community safety facilities (including local policing facilities). • Public realm CCTV infrastructure.
	Leisure & Parks	<ul style="list-style-type: none"> • Public leisure facilities including parks and other public open space, outdoor sports pitches, courts and greens, play and other spaces for children and teenagers, swimming pools, gyms and indoor sports halls, allotments and Linford Christie Stadium.
	Waste & Street Enforcement	<ul style="list-style-type: none"> • Household and public waste recycling and waste management facilities.
FCG	Community Investment	<ul style="list-style-type: none"> • Community facilities including community centres, voluntary sector meeting places and centres, and public cultural facilities.
HR	Economic Development, Adult Learning & Skills	<ul style="list-style-type: none"> • Learning and training facilities, job shops, business hubs/incubators.
LA	Libraries & Archives	<ul style="list-style-type: none"> • Libraries and archives.
TTS	Environmental Health	<ul style="list-style-type: none"> • Air quality, noise and contaminated land monitoring infrastructure.
	Drainage & Flooding	<ul style="list-style-type: none"> • Flood mitigation and defences. • Borough Sustainable Urban Drainage Systems (SUDS).
	Highways & Transport	<ul style="list-style-type: none"> • Transportation infrastructure for walking, cycling, public transport and highways.
	Environmental Improvements	<ul style="list-style-type: none"> • Environmental improvements to enhance the appearance, safety and security of the public realm, especially in town centres.

Infrastructure which is excluded from the r123 List and for which provision will be made by means of S106 obligations or S278 agreements

1. For development in **White City East**: the essential mitigation infrastructure listed in the White City Opportunity Area Planning Framework Supplementary Planning Document ('WCOAPF SPD') and the White City Development Infrastructure Funding Study ('WC DIFS') and any other infrastructure required to make development in the White City East area acceptable in accordance with the development plan.
2. For development in the **Earls Court & West Kensington Opportunity Area**: any infrastructure necessary to comply with the Phasing & S106 Strategy set out in the Earls Court & West Kensington Supplementary Planning Document ('ECWK SPD') or which is otherwise required to make a development acceptable in accordance with the development plan.

3. For development in the South Fulham Riverside Regeneration Area, the provision of the northern link road through the National Grid site as required by the South Fulham Riverside Supplementary Planning Document and any necessary other works to mitigate the development of that site including but not limited to any necessary works within Highways Package 2 as defined by the South Fulham Riverside Development Infrastructure Funding Study ('SFR DIFS').
4. An item of infrastructure (or the improvement, replacement, operation or maintenance of any infrastructure) that is specifically required to make a planning application acceptable (subject to there being no more than five planning obligations (already entered into since April 2010) for that item at the time).
5. Provision of on-site accommodation for infrastructure purposes where the cost of occupation is met from sources external to the development (e.g. occupation on commercial terms).
6. Replacement of any existing infrastructure facility that is proposed as part of a development proposal.
7. Provision of infrastructure which is required to ensure compliance by a development with a policy of the Development Plan and any relevant SPDs which specifically requires provision on the relevant site.

5.8. As stated in Section 3 above, approving the r123 list is essential for the optimal operation of CIL and S106 planning obligations in terms of providing necessary physical infrastructure to support development in the borough.

5.9. However, subject to the express exclusions in the r123 list, S106 planning obligations cannot be sought for infrastructure items identified in the r123 list in order to avoid developers paying twice for the same item of infrastructure by being charged CIL and a S106 planning obligation providing for the same infrastructure.

5.10. As such, the r123 list identifies broad types of infrastructure which may be funded by CIL. This means that in addition to CIL, S106 planning obligations can also be sought for specific infrastructure projects and types of infrastructure which are excluded from the list, subject to the statutory tests set out in regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010.

5.11. In effect, using this approach, the council can require major developments to provide both CIL and S106 planning obligations to mitigate the particular impacts of individual developments.

6. OPTIONS AND ANALYSIS OF OPTIONS

6.1. Subject to the approval of the CIL charging schedule by Full Council on 20 May 2015, there are three possible options for Cabinet regarding the approval of the r123 list:

- Approve the r123 list to take effect on 1 September 2015;
- Delay the approval of the r123 list; or
- Not approve the r123 list.

- 6.2. In order to maximise the financial benefit to the council and ensure the optimal operation of CIL, it is important that the r123 list is approved so that it takes effect on the same day as the CIL charging schedule which, subject to Council approval will occur on 1 September 2015.
- 6.3. If Cabinet decides to delay the approval of, or not approve the r123 list, it will not be possible for the council to secure any S106 planning obligations from developers for physical infrastructure that could otherwise be secured to address the impacts of proposed developments. While the effects of this action will be felt borough wide, they will be particularly severe in the White City East and the Earls Court and West Kensington Opportunity Areas, where the council has decided to apply a 'nil' CIL rate and secure developer contributions for infrastructure from S106 planning obligations.
- 6.4. As such, it is recommended that Cabinet approves the r123 list to take effect on the same day as the CIL charging schedule which subject to Council approval will occur on 1 September 2015.

7. CONSULTATION

- 7.1. The draft CIL charging schedule including the draft r123 list was subject to two statutorily prescribed stages of public consultation as follows:

Consultation dates	Stage of development of CIL
September 2012 – October 2012	1 st stage public consultation on the Preliminary Draft Charging Schedule (PDCS)
August 2014 - October 2014	2 nd stage public consultation: Draft Charging Schedule (DCS)

- 7.2. The CIL consultations received comments from a wide range of people including, the local community, businesses, neighbouring boroughs, the Mayor of London, developers and the property industry and infrastructure providers.⁹
- 7.3. Transport for London (TfL) made specific comments on the content and form of the draft r123 list at the second public consultation stage. A meeting was subsequently held with TfL staff which resolved TfL's concerns.

⁹ http://www.lbhf.gov.uk/Images/Appendix%208-Reps%20by%20Organisation_tcm21-190000.pdf (CIL Reg 15 Preliminary Draft Charging Schedule representations) ; http://www.lbhf.gov.uk/Images/19.01.15%20Council%20response%20to%20representations%20on%20CIL%20Draft%20Charging%20Schedule%20v2_tcm21-193212.pdf (CIL Reg 16 Draft Charging Schedule representations)

8. EQUALITY IMPLICATIONS

- 8.1. An Equalities Impact Assessment (EqIA) was prepared and consulted on for both the first and second stages of public consultation (at the Preliminary Draft and the Draft stages of the CIL charging schedule). No comments were received on the EqIA during either of these stages. A final version of the EqIA has been prepared for this stage of the CIL approval process(see **Appendix 4**)
- 8.2 The protected characteristics considered in the EqIA include:
- Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity
 - Race
 - Religion/belief (including non-belief)
 - Sex
 - Sexual orientation
- 8.3 The direct effect of the charges in the CIL charging schedule is considered to have a generally neutral effect on the protected characteristics. However, the potential investment in physical infrastructure to support development in the borough is considered to have a generally positive effect on the protected characteristics.

9. LEGAL IMPLICATIONS

- 9.1. The proposed infrastructure list is made pursuant to regulation 123 of the Community Infrastructure Levy Regulations 2011 (as amended). The legal implications are set out in the body of the report.

Implications verified/completed by: Alex Russell, Senior Solicitor (Planning, Highways and Licensing), 0208 753 2771

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1. The council received £10.2m in S106 contributions during the 2014-15 financial year. If the r123 list is approved the council could continue to secure S106 contributions allowing optimal operation of CIL. Financial benefit to the council will be maximised and assuming that future developments continues at the same level as in 2014-15 the council could continue to secure S106 income in the range of around £7m to £10m per year.

Implications verified/completed by Gary Hannaway, Head of Finance (Transport & Technical Services) Tel: 02087536071.

11. IMPLICATIONS FOR BUSINESS

- 11.1. The Localism Bill CIL Impact Assessment considers that CIL will provide a number of benefits to businesses, developers and landowners, including:
- Simplicity and reducing risk and providing upfront certainty about liability;
 - Speeding up the development process; and
 - Ensuring that most developments contribute to the costs of providing infrastructure needed to support growth.
- 11.2. Both the CIL Regulations Explanatory Memorandum and the Localism Bill CIL Impact Assessment emphasise the provisions in the CIL Regulations which are partly intended to help small businesses, namely:
- The 100sqm threshold under which no CIL liability occurs to ensure small developments do not pay CIL;
 - The £50 CIL liability threshold under which CIL liability is deemed to be zero, to avoid administrative costs associated with paying small amounts of CIL; and
 - The ability for charging authorities to introduce discretionary instalments policies to help with any cash flow issues.
- 11.3. The council may decide at a later date to introduce a policy to allow instalments although that is not currently part of this particular decision-making process.

Implications completed by Siddhartha Jha, Senior Policy Planner 0208 753 1466

12. RISK MANAGEMENT

- 12.1 The key risk relating to the recommendations in this report relate to delay or refusal to approve the r123 list and the financial implications arising for which the options have been analysed in section 6 of this report.

Implications completed by Siddhartha Jha, Senior Policy Planner 0208 753 1466

13. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 13.1 There are no procurement related matters identified in the report.

Implications verified/completed by: Alan Parry, Procurement Consultant. 020 8753 258

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.	N/A	N/A	N/A

LIST OF APPENDICES:

APPENDIX 1 – CIL Examiner’s Report dated 20 March 2015

APPENDIX 2 – CIL Charging Schedule

APPENDIX 3 – Report to Full Council recommending the approval of the borough Community Infrastructure Levy

APPENDIX 4 – Equalities Impact Assessment



Report to the London Borough of Hammersmith and Fulham

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI
an Examiner appointed by the Council

Date: 20 March 2015

PLANNING ACT 2008 (AS AMENDED)
SECTION 212(2)

REPORT ON THE EXAMINATION OF THE DRAFT HAMMERSMITH AND FULHAM COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

Charging Schedule submitted for examination on 25 November 2014

Examination hearing held on 10 February 2015

Non Technical Summary

This report concludes that the Hammersmith & Fulham London Borough Council Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the borough. The Council has sufficient evidence to support the schedule and can show that the levy is set at a level that will not put the overall development of the area at risk.

Four modifications are needed to meet the statutory requirements. These can be summarised as follows:

- i) modify the CIL Rates table to place only those uses which have been subject to viability testing in the £80 psm band, and to specify that all other uses are within a Nil charge band;
- ii) modify the Charge Zones Map to make more clear the boundaries of the zones;
- iii) modify the Charge Zones Map to account for the designation of the Old Oak and Park Royal Development Corporation and the removal of CIL charging from the Borough within that area;
- iv) modify the Charge Zones Map to show a revised boundary to the White City East Zone.

The specified modifications recommended in this report are based on matters discussed during the public hearing sessions and do not alter the basis of the Council's overall approach or the appropriate balance achieved.

Introduction

1. This report contains my assessment of the Hammersmith & Fulham London Borough Council Community Infrastructure Levy (CIL) Charging Schedule in terms of Section 212 of the Planning Act 2008. It considers whether the schedule is compliant in legal terms and whether it is economically viable as well as reasonable, realistic and consistent with national guidance (Planning Practice Guidance – Community Infrastructure Levy).
2. To comply with the relevant legislation the local charging authority has to submit what it considers to be a charging schedule which sets an appropriate balance between helping to fund necessary new infrastructure and the potential effects on the economic viability of development across the borough. The basis for the examination, on which hearings sessions were held on 10 February 2015, is the submitted schedule of 25 November 2014, which is effectively the same as the document published for public consultation on 22 August 2014.
3. The Council propose a matrix approach in which some of the rates are set in relation to particular zones of the Borough. The Zones, shown on the CIL Charging Zones Map included in the Schedule, are: North, Central A and Central B, South, White City East, and Earls Court & West Kensington Opportunity Areas. The rates for residential development are differentiated

across these zones: £100/psm in North, £200/psm in Central A and B, and £400/psm in South. Office developments (B1a/b) are charged a single rate of £80/psm in zone Central A only. There is a list of development types: Health, Education, Industrial, Warehousing, Selling/Display of Motor vehicles, Scrapyards and Hotels which have a Nil charge across all zones. All uses unless otherwise stated have a £80/psm rate in zones North, Central A & B, and South. All forms of development have a Nil rate in zones White City East and Earls Court & West Kensington Opportunity Areas. The rates, including those differentiated by Zone, are based on viability alone.

Is the charging schedule supported by background documents containing appropriate available evidence?

Infrastructure planning evidence

4. The Hammersmith & Fulham London Borough Council Core Strategy (CS) was adopted in October 2011. This sets out the main elements of growth that will need to be supported by further infrastructure in the Borough between 2012 and 2032. It proposes significant growth to be spatially distributed across the borough's five Regeneration Areas: Park Royal Opportunity Area, White City Opportunity Area, Hammersmith Town Centre and Riverside, Fulham Regeneration Area, and South Fulham Riverside. The CS states that it will use both Section 106 and CIL to help deliver its policies, which includes delivering infrastructure.
5. Chapter 10 of the CS introduces the Infrastructure Schedule that lists the priority physical, social and green infrastructure schemes required to support development in the borough. The evidence for this was provided by the April 2011 Infrastructure Study Update that sets out existing infrastructure provision and capacity across the borough and future infrastructure requirements and deficits. This evidence has since been updated to support the submitted draft Charging Schedule.
6. The updated Infrastructure Schedule lists infrastructure requirements by a number of categories: Adult Social Care; Children's Services; Environment, Leisure and Residents Services; Finance and Corporate Governance; Housing and Regeneration; Libraries and Archives; and Transport and Technical Services. Estimated costs are set out, as are assumed or committed funding leading to a figure for the 'Funding Gap'. The result of this exercise is that it is estimated that there will be a Funding Gap of £1,859m. However, there are schemes that the Council provisionally proposes to fund through 'future' CIL receipts, but these schemes have been excluded from the Draft 123 list. This is because the projects are longer-term with less accurate information available on costs and funding; they are not necessary to support the current Relevant Plan; and their costs are exceptionally high and could unhelpfully exaggerate the overall costs reflected in the Infrastructure Schedule. When these 'future' CIL infrastructure schemes are removed, the Funding Gap reduces to £481m.
7. The Council points out in the documentation that from April 2015 there will be limitations on the pooling of contributions from Section 106 obligations, and that it must ensure there is clarity "about the borough's infrastructure needs and what developers will be expected to pay for, and through which route -

CIL or S106". Although there will be the strict limitation on 'pooling', the Council will provisionally continue to rely on some S106 receipts, particularly so in White City East, Earls Court & West Kensington and South Fulham Riverside.

8. In these areas site-specific infrastructure that is needed to mitigate local impact is identified in the Supplementary Planning Documents and supporting Development Infrastructure Funding Studies prepared for them. Particularly in White City East and Earls Court & West Kensington, where the Viability Study (VS) recommends a £0 per square metre (psm) charge on viability grounds, most sites (the entire main site in the case of Earls Court & West Kensington) already have planning permission granted for redevelopment alongside considerable S106 contributions towards the identified DIFS infrastructure, largely on a pooled basis. The council considers that it is appropriate to continue to seek S106s in order to directly mitigate the development in these areas and that it should be possible to do this without contravening the limits on pooling S106s. When the S106 funds are taken out of the calculation the funding gap drops to £379m.
9. Based on the Charge Rates set out in the submitted draft Charging Schedule, an estimate of potential CIL income has been undertaken by the Council. Using known future housing sites (based on the Strategic Housing Land Availability Assessment, which does not include any 'windfalls') and an estimation of borough CIL-liable floorspace, plus future commercial floorspace quantum remaining to be developed from the Relevant Plan, a total estimated CIL income for 2014/15 – 2031/32 has been arrived at. Over this 18-year period a yearly average of £3m has been used. This provides a total estimated CIL income of £53.2m. Setting this against the funding gap for CIL of £379m, this leaves a remaining funding gap of £326m.
10. In the light of the information provided, the proposed charge would therefore make a modest contribution towards filling the likely funding gap. The figures demonstrate the need to levy CIL.

Economic viability evidence

11. The Council commissioned a CIL Viability Assessment: the Viability Study (VS) dated June 2014. The VS uses the residual valuation method based on development appraisals of hypothetical schemes: this is accepted practice and has been used in the development of many previous CIL Charging schedules. The purpose of the VS is to identify charging rates at which the bulk of the development proposed in the development plan is financially viable so that the CIL does not put at risk the overall level of development planned for the borough. As the introductory text of the VS points out, striking the appropriate balance means setting the level of CIL which maximises the delivery of development in the area. If CIL is set too high, many potential developments will become unviable; set too low, development will be compromised because it will be constrained by insufficient infrastructure. I am satisfied that the VS has been prepared with this balance in mind.
12. The land uses which the VS identifies as being central to the delivery of the CS or are otherwise likely to be significant forms of development comprise Residential, Offices, Industrial and Retail, and the focus of the study has been

on these types of development. The evidence base for the VS includes the Council's adopted Supplementary Planning Documents, Opportunity Area Planning Frameworks and, particularly, evidence based documents called Development Infrastructure Funding Studies.

13. As is usual in these studies, typical sales values were established, as were Benchmark Land Values (BLVs) for different uses. A range of values was found to be appropriate across different areas of the borough, leading to differentiation of CIL rates by area or Zone. The inputs to the VS included the value for land that an owner would expect to achieve, normal developer profit, Mayoral CIL and planning policy requirements such as for affordable housing.
14. An Addendum to the VS (VSA1) was published in August 2014 as a result of the Council reviewing future S106 requirements in South Fulham Riverside. This replaced the £1,000 per private residential unit previously used in the Study with a level equivalent to £50-100psm for each unit. This concluded that schemes would still be viable with the proposed CIL charge.
15. In the representations, various assumptions and inputs to the VS were criticised. These included: build and sales rates for large mixed use development; BLVs; the impact of basement parking on the viability of residential schemes; build costs; profit, professional fees and external costs; the need to update the mayoral CIL to reflect BCIS index increases; and the need for site specific testing of strategic sites, in particular Fulham Gas works. In January 2015, a further Addendum (VSA2) to the VS was published which gave responses to these representations, and to my initial questions to the Council. The VSA2 set out the following responses:

Build and Sales Rates

- 15.1. Further testing of build and sales rates led to an acceptance that some of the large sites require preparation and extended build periods. These assumptions have now been incorporated into the revised generic testing. The VSA2 reports that available evidence within Hammersmith and Fulham together with agents' reports suggests that demand for new residential accommodation within the Borough remains exceptionally strong. The high sales rates are a result of the following widely reported trends:
 - An influx of overseas investors into the London residential market;
 - A continuing increase in London's population.Recent high value schemes within Hammersmith and Fulham have shown significant pre-lets. The GLA reported that nearly half of all houses in London are either pre-let or pre-sold prior to practical completion.

Benchmark land values

- 15.2. The assessment of BLVs is based on Existing Use Values (EUV) of land as expected to come forward in accordance with the local Plan (largely employment and other uses) plus an appropriate uplift to incentivise vendors to release sites for development in line with the methodology adopted in the Harman Report. Regard has also been had to market evidence, consistent with the Harman methodology. In arriving at these figures, policy compliant densities of between 100 and 300 dph have been adopted. The resultant values are: Southern values - £23m ha; Central values - £9.2m ha; Northern

values - £5.7m ha. These values were established on uplift from EUV of notional cleared sites within the Borough on evidence based up to the end of December 2014. In practice the dynamic property market is seeing individual development sites exchange hands for far larger sums. These comparables were highlighted in the Southern Housing Group response to the draft charging schedule.

- 15.3. For CIL appraisal purposes, the benchmark figure is the minimum a developer would need to pay for a site above the existing use value while still allowing an owner a realistic premium. In real terms, values that owners receive would depend on the bargaining positions and aspirations of the two parties and the liability for CIL, any additional S106 and any abnormal costs. However, it must be borne in mind that not all sites will meet the benchmark land value due to lower existing use values or factors that reduce the uplift that landowners can expect. The sales values achieved on development opportunities shows that there has been an upward movement on benchmark land values. This is a consequence of increases in private sales values of residential units and keen interest from developers in bringing forward schemes within the Borough. In the analysis the headline figures have been adjusted for policy requirements and due regard to the site density in comparison to that adopted within the generic testing¹.

Basement car parking

- 15.4. The proposed CIL charge for residential development is intended to apply to car parking within a building to the extent that it is provided exclusively for residential use. Car parking provision for new build residential development is not mandatory within the Borough and therefore is not a policy requirement that needs to be automatically included in the viability testing. There is however a potential debate about whether the lack of parking on high-end new build schemes would impact on sales values and sales rates. Therefore the generic tests have been remodelled to include basement parking to provide 1 space for 80% of the total dwellings being provided. The Borough has a range of car parking options and values depending on location. On street parking is metered and restricted with substantial parking charges, resident's permits can be bought, whilst paid commercial parking is available in and around Hammersmith town. Private residents do rent out private land and contract hire is available in secure facilities. Taking the various rates into account it is suggested that the value of a car parking space in the central zone would be £50-60,000, in the south it would be £60,000-£80,000 and in the north £20,000 to £50,000.
- 15.5. Build costs for basement car parking have been derived from BCIS costs (re-based for LBHF), from building.co.uk, and from known comparable schemes. In the building.co.uk article a figure between £23,000 and £40,000 was stated. BCIS data shows a range of £17,132 and £38,235 per space with a

¹ The resultant revised benchmark land values used are set out in Table 4.2 of the VSA2

mean figure of £25,702 per space and median figure of £21,740 per space. A build cost figure of £25,000 per space has been used in the appraisals. The calculation of CIL chargeable floor space assumes an average area per space of 21.84 sq m, including an allowance for circulation space, derived from the Car Park Designers' Handbook. If a developer chooses to include basement car parking it is considered that viability is enhanced in the central and southern areas. In the northern areas viability diminishes but basement car parking is not a planning requirement and developers do not need to provide the space tested in these appraisals.

Mayoral CIL

- 15.6. Mayoral CIL was included in the June 2014 VS at £50 psm across all uses, excluding affordable housing. The Mayoral CIL was introduced on 1st April 2012. CIL charges need to adjust for inflation. The methodology to calculate this, according to CIL regulations, is to adjust the CIL charge with changes in BCIS tender price index as at November the following year. At the date of writing the VSA2, BCIS provided a forecast for the index figure of 255. Despite being a forecast this has been used in the analysis as the most robust figure to date. Using the Mayoral rate of £50psm and BCIS index of 255 the inflation increase can be calculated as: $\text{change in index } 255 - 230 = 25$; $25 / 230 \times 100 = 10.87\%$; $10.87\% \times £50 \text{ psm} = £55.43 \text{ psm}$. Based on this calculation a figure of £55.43 psm has been used in the updated appraisals.

Updated residential sales values

- 15.7. London's residential market is very strong in comparison to the rest of the UK. There are many factors that influence London's residential market that include: London is one of only a small handful of the world's global cities which attracts sustained international investment in commerce and industry; a physically constrained city therefore supply is restricted to a certain degree; a strong job market which places pressure on housing need. These influences have resulted in the London residential market experiencing a strong sustained period of price growth. Nationwide, the UK's largest building society and one the largest mortgage lenders, reported in December 2014 that London was the top performing region for the second year running, with prices up 17.8% over the last twelve months. Prices in the capital are now 35% above their 2007 peak, with the price of a typical London property now £406,730. Nationwide data shows that LB Hammersmith & Fulham has experienced strong house price growth of 104% over the last 10 years with the average price now £747,540. Only four other London boroughs have experienced a larger house price increase over this period.
- 15.8. Therefore sale values have been updated to reflect these changes in the Hammersmith and Fulham Market over the past 12 months. House prices vary across the Borough with the highest values in the southern area and the lowest in the north. The 12 month increases have been broken down by postcode and typology as reported by www.home.co.uk in the Borough up until October 2014. This website's data is based on land registry transactions (includes cash purchasers and mortgage purchasers) and is therefore a reliable source of data. In addition, there is always a time lag between property transactions and when the Land Registry data is updated and therefore an October 2014 figure is representative of current values. Taking

into account all the available evidence, the sales values have been adjusted within the appraisals as follows:

Zone	January 2014 data price per square metre	January 2015 data price per square metre
Southern	£5,985 Flats £4,970 Houses	£6,200 flats and houses
Central	£8,025 Flats £7,500 Houses	£8,700 flats and houses
Northern	£11,385 Flats £10,895 houses	£11,600 flats and houses

Costs update

- 15.9. In a response to previous consultations a much higher build cost was adopted in the generic appraisals when compared to the BCIS median figure, which is typically used in these studies. The BCIS costs include both market and affordable units in the costs analysis; some schemes are 100% market or 100% affordable and others a mix. Therefore the BCIS costs are inclusive figures of tenure types. To be consistent with the VS analysis the build costs used in the appraisals have been updated. The upper quartile figures within the BCIS costs have been adopted to reflect the enhanced specification of residential development within the Borough. Since BCIS also includes costs for affordable as well as private housing schemes, some to CSH4 standard, the build costs adopted are appropriate to the evidence base for the Borough. As a result of these factors, the appraisals in the June 2014 VS have been updated with the following changes: sale values increased; benchmark land values increased; build costs increased; basement car parking included, both cost and value to the scheme; and build periods increased.
- 15.10. The Council considers that the results of the January 2015 VSA2 show that all the scenarios still can support the proposed CIL charges except for scenario N5. This scenario is not the type or density of development the LPA is envisaging during the plan period in the north zone as the largest development sites lie within White City East, therefore the result is not critical to the delivery of the plan. All the rates are below the 5% (percentage of gross development value (GDV)) suggested as an appropriate rate for CIL charging throughout England and Wales.

Profit, professional fees and external costs allowance

- 15.11. For profit a figure of 20% on cost has been adopted across all residential scenarios. The adopted figure is a reflection of the risk in what is a relatively dynamic housing market. An alternative way of looking at the profit is on value. If that method were adopted then it is usual to apply a different profit level for private housing and affordable housing reflecting the different levels

of risk. Two of the generic scenarios have been tested and the actual level of profit compared. The results showed that GDV on the market housing and commercial varies between 17% and 20% once affordable housing profit has been fixed at 6%. This level of return is acceptable in the current market within the Borough.

- 15.12. The VSA2 continues to use a total professional fee allowance of 10% for the generic testing. This is inclusive of planning and other professional disciplines involved with scheme delivery. There has been no reduction in the percentage for economies of scale on large schemes or increase for smaller schemes. The figure does not include fees for planning appeals as it is assumed that the generic schemes tested are compliant with policy.
- 15.13. The national standard industry approach in dealing with cost allowance for external works is 10% to 15% of BCIS median build costs. This is an appropriate method for dealing with traditional housing development. This cost allowance is for service connections, landscaping, gardens, boundary treatments, driveways, car parking and internal estate roads. Applying a 10% to 15% cost allowance for external works is not appropriate for the scenarios tested in Hammersmith & Fulham and a 5% allowance is more appropriate because: base build costs are higher; the viability testing uses upper quartile BCIS costs therefore the percentage allowance of build costs needs to be lower to reflect this higher base position; the amount of external works required for the urban development is lower when compared to a traditional housing development because sites will have service connections in place, site coverage will be relatively high so that the amount of external treatments works will be limited, car parking cost are reflected separately in the appraisal (higher allowance for externals would lead to an element of double counting of costs) and each plot will have limited car parking and external plot servicing (e.g. driveways and footpaths) in relation to the number of units created. Thus a rate of 5% for external costs continues to be appropriate, reflecting the fact that most development has limited external areas in terms of size due to the high density of schemes in Hammersmith and Fulham. It is also assumed that standard Section 278 costs would also be in this figure. Exceptional costs would be reflected in the land value.

Strategic site – Fulham Gasworks

- 15.14. National Grid Properties own a 6.84 ha site in South Fulham Riverside. The site is currently occupied by redundant gasholders and mixed employment uses. As the gasholders are now surplus to requirements the owners propose to demolish the existing structures, remediate the site and redevelop for a mixed use residential and commercial project. National Grid has objected to the proposed CIL charge of £400 psm as they believe this makes the scheme unviable. As a consequence a site specific appraisal has been undertaken to test the ability of the site to bear CIL and planning obligations. It should be stressed that this has been done using evidence in the public domain: there has not been access to the detailed costings or remediation strategy for the site. The appraisals as such are high level and will evolve as the scheme progresses.
- 15.15. The indicative masterplan of the proposed scheme shows a mixed use scheme: four scenarios have been tested: Appraisal 1 - 1,200 dwellings of

which 40% affordable; Appraisal 2 - 1,200 dwellings of which 40% affordable; 10,000 sq. m of mixed use commercial space also included; Appraisal 3 - 1,200 dwellings, 40% affordable, sensitivity tests using Representor's assumptions; Appraisal 4: 1,200 dwellings of which 40% affordable, 10,000 sq. m of mixed use commercial space also included, with Representor's assumptions on inputs. It should be noted that 1,200 dwellings has been tested based on the figures suggested in the National Grid representation. The Indicative Masterplan Plan traffic study has modelled up to 1,710 dwellings (750 habitable rooms per hectare).

- 15.16. As with the generic testing, a residual value of each of the four appraisals has been produced and compared against the existing site value. However, in the case of these four appraisals, the proposed £400 CIL charge has been included as a cost. If the overage is positive then the scheme has the potential to fund CIL together with additional 106 payments beyond the £1,000 per unit.
- 15.17. All appraisal assumptions are in accordance with the generic figures except for the following: Existing Site Value - the benchmark figure in the generic appraisal is a blended rate of different uses. With the Gasworks site it is possible to be more specific. The existing use of the site is currently a redundant gas works with some occupied employment space. The element of the site used as a gas works has no current use value but may have the potential for open storage as an alternative use value. Previous studies of the South Fulham Riverside indicate that the site would have a value of £5m-£10ha following remediation. A mid-range figure of £7.5m ha has been adopted and a buffer of £2.5m ha has also been applied.
- 15.18. Contamination and Demolition – the representors included a figure of £21.5m for demolition and remediation. Under EU and UK legislation owners of contaminated sites are under a duty to remediate land so that it does not pose a risk to the wider environment. It is not clear from the submission whether this figure is the statutory remediation figure or additional costs to create a development platform for the proposed mixed use scheme. The figure is substantial, but in any event it would be expected that this cost would be reflected in the eventual disposal value to a developer.
- 15.19. Representor's alternative inputs - the following figures have been amended on appraisals 3 and 4 to reflect the representation: professional fees increased to 12%; remediation included at £21.5m; external works at 10%. Alternative S106 assumptions have been tested at £50psm and £100 psm on all dwellings. For this site £100 psm has been tested but it is stressed that this is not based on a detailed assessment of any particular development proposal. The figure is based on an assessment of the infrastructure identified in the South Fulham Riverside Development Infrastructure Funding Study.
- 15.20. The only response from the Representor to this element of the VSA2 was that the comment in paragraph 10.5.1 of the VSA2 that the remediation costs in appraisals 3 and 4 should be treated with "caution" is not accepted. The response went on to say that in previous information provided of remediation costs, National Grid has utilised its extensive experience of remediating gasworks sites: they have demonstrated that the remediation costs have a significant impact on the scale of overage that might be generated by the

site's redevelopment, and it is inappropriate to dismiss this impact in seeking to justify the residential CIL rate of £400 psm.

Berkeley Group representations

- 15.21. Berkeley Group provided representations that time-scale assumptions used in the VS appraisal were very unrealistic about development phasing which has a significant impact on cash flow, holding costs and costs of finance and therefore goes to the heart of viability. Based on Berkeley Group response sensitivity testing has been undertaken using their assumptions of delivery rates. Berkeley Group state that a 500 home development would be constructed in 18 months and a 750 home development in 27 months. This is a delivery rate of 28 homes per month on all units (market and affordable). The updated viability study also assumes that for both developments there would be two phases of sales at 41 homes per month which, based on current market conditions, are still considered by the Council to be reasonable assumptions.
- 15.22. Berkeley Group has challenged the appraisal inputs on the following two points: delivery rate of 28 homes per month and GDV fails to take Mayoral CIL or residual s106 contributions into account. In response to this representation, the table contained in the June 2014 VS has been updated. The VS showed CIL as a percentage of GDV of between 1.5% and 3.5%. Analysis of the proposed LBHF CIL combined with a Mayoral CIL of £50 psm results in a CIL as a percentage of GDV of between 1.86% and 4.05%. These percentages of GDV are still within a reasonable range and consistent with other CIL studies. The revised analysis is also in an acceptable range. As part of the representation it was suggested that modelling be extended to time periods as follows: planning - 12 and 18 months; site preparation up to 6 months; main construction (100 homes per year) – 5 years for 500 homes/and mixed use scenario and 7.5 years for 750 homes/and mixed use scenario; sales of 6-8 per month from consent, ensuring differentiation between pre-sales commencing and occupation as it is only at occupation that sales receipts including deposits should be reasonably taken into consideration in the VS.
- 15.23. The time-scales proposed by Berkeley Group are not accepted by the Council, but their build and sale rates have been sensitivity tested. The planning period of 12 to 18 months is not accepted as it has been assumed that the sites have planning permission prior to site purchase i.e. sites are bought on a conditional basis subject to planning or the landowner sells the site with the benefit of planning. Using Berkeley Group assumptions on build rate time-scales with the June 2014 VS assumptions results in a viability reduction: this is to be expected. When CIL is analysed against overage over the CIL chargeable floor space it shows that there is still sufficient headroom with the proposed CIL charges in central and southern zones but not the northern zone.
- 15.24. Using Berkeley Group assumptions on build rate time-scales with the January 2015 viability assumptions results in a viability reduction compared to the Council's assumption of timescales. Scenarios N5, C5 and S5, which are mixed use and relatively low density, are unlikely to be viable. The Representation proposes extended construction and sale periods. The Council does not agree that such revised phasing is appropriate or necessary for CIL viability

purposes. However, longer construction and sale periods on large sites have been tested to assess the impact on viability. The sensitivity testing shows that there is some impact on the ability to pay CIL but this is very limited. Some lower density flatted development (200dph) with a high ratio of commercial space, and two other schemes in the north zone, would not be able to meet CIL without a compromise on other planning obligations such as affordable housing. However, these schemes are not expected to form the majority of supply in the Borough. Overall, the testing demonstrates that even with very much extended construction and sales periods residential development on most large sites would still be sufficiently viable to pay CIL with a substantial overage remaining after deducting CIL.

- 15.25. The above summarises the content of the VSA2, which covers what I consider to be the material issues that need to be addressed in respect of the economic viability evidence². My conclusions are that across the broad band of inputs and assumptions, the Council and its advisors have taken the issues raised in representations and have demonstrated that the viability evidence underpinning the proposed CIL rates is robust and appropriate for the purpose of my examination. My conclusion on the issues within the Fulham Gasworks site (15.14 to 15.20 above) is that, on the basis of the evidence put before me, the results of the appraisals in the VSA2 show an overage on all assumptions and that the £400psm is appropriate for the National Grid Site: I accept this result.
16. A further consideration which indicates that the rates are generally well within a level that will not put development at risk is that no allowance has been made in the VS or VSA2 for existing floorspace. In practice almost any site coming forward in Hammersmith and Fulham will have a considerable amount of existing floorspace which will be off-set against the new floorspace in arriving at the CIL charge, with the result that the effective rate per square metre will be considerably reduced. The Council has carried out a study of existing floorspace in a large number of recent development proposals which shows that existing floorspace when compared with gross proposed floorspace can range from significant to substantial. Taking a broad view, as appropriate for this exercise, on average existing floorspace is about 30% of gross proposed floorspace for all sites, or around 40-50% of proposed floorspace for sites below 10,000 m². This study confirms that the existing floorspace offset provides a 'buffer' or 'cushion' which will reduce the actual burden of CIL on the viability of developments when the Borough's CIL is approved.

Conclusions on evidence of economic viability and infrastructure needs

17. I consider that the scope of the VS and Addendum studies provide the appropriate level of detail required to establish suitable and robust evidence. An accepted valuation methodology has been used, informed by reasonable
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² The VSA2 can be referred to for the detail - [http://www.lbhf.gov.uk/Images/20.01.2015 Final Viability addendum by PBA tcm21-193211.pdf](http://www.lbhf.gov.uk/Images/20.01.2015%20Final%20Viability%20addendum%20by%20PBA%20tcm21-193211.pdf).

assumptions about development costs, and local sale values, rents and yields, etc. I am satisfied that the VA, taken with the Addenda, provides the viability evidence against which to judge the rate of charges proposed by the Council.

18. The draft Charging Schedule is supported by detailed evidence of community infrastructure needs and a funding gap is evident. On this basis, the evidence that has been used to inform the Charging Schedule is robust, proportionate and appropriate.

Are the charging rates informed by and consistent with the evidence?

Is the rate for 'All Uses unless otherwise stated' justified?

19. I had to question the rate for 'All Uses unless otherwise stated' – in light of the fact that a number of uses which would be subject to this charge have not been the subject of viability testing, that some uses which might be subject to the charge are primarily provided at public expense, and that it is a 'catch-all' rate for which I saw no justification. As far as justification is concerned, study of the VS showed that the following have been subject to viability testing and have been found to be able to absorb a CIL rate of £80 psm: Student Accommodation, Retail (including warehouse clubs), Leisure (including health & fitness and cinemas), Nightclubs, Laundrettes, Taxi businesses, and Amusement Centres. Thus these are the only uses for which there is a viability test justifying a £80 per sqm charge.
20. Upon reflection the Council decided that a modification of the Charging Schedule was desirable and have asked me to recommend accordingly. The modification involves deleting the existing column "All uses unless otherwise stated" and the column listing a number of uses which have a Nil charge, and inserting a column which lists those uses which I have identified in paragraph 19 above with an £80 psm charge; and a final column headed "All other uses" which carries a Nil rate. This seems to me to be eminently sensible and justified and I will recommend accordingly. In addition the Council identified that 'Hostels' had been incorrectly inserted within the Residential column, and that it should be deleted. Again I will recommend that modification.

Are the Charging Zones correctly delineated?

21. Upon my initial examination of the Charging Zones Map I was concerned that it was not possible to clearly identify where the boundaries were drawn between the North Zone and the South Zone with Central Zone B. This was because of the scale of the map and the fact that, as it turns out, the boundaries are taken behind the frontage properties of the major roads that are the main dividers between zones. At the same time, the map met the requirements in the regulation 12(c)(ii) and (iii): is reproduced from, or based on, an Ordnance Survey map, and shows National Grid lines and reference numbers. I drew the Council's attention to my concern.
22. As the Council has explained, "it is important to avoid as far as possible, any unintended anomalous outcomes when charging CIL. Although, at the PDCS stage the CIL zone boundaries were set to follow the middle of the main roads, the boundary line was adjusted at draft Charging Schedule stage, to

run along the rear boundaries of north facing properties fronting onto the identified main roads. Doing so avoids differential CIL rates being charged for developments on either side of the main road. That would be anomalous, as the main road corridor would be expected to have similar economic factors affecting viability. It should be noted that this change results in the relevant properties falling within a lower proposed CIL charge zone.”

23. The Council also pointed out that its website has the function of enabling every property to be searched to provide information on all local government regulatory factors which affect it. Thus a search on a particular property would, once CIL is in force and among other things, identify the CIL charging zone within which it is situated. At the same time, in response to matters which I deal with below, the Council provided a revised Charging Zones Map which displays the underlying street pattern more clearly and asked me to recommend a modification to put it in place of the original. Thus my concerns are met and I will recommend accordingly.
24. During the course of my examination there was an announcement that the Mayor of London was designating the Old Oak and Park Royal Mayoral Development Corporation. Within the area of such Corporations the Borough CIL is not collected, but the Corporation sets and collects its own CIL. Since the Old Oak and Park Royal Mayoral Development Corporation is due to come into being on 1 April 2015 I drew the Council’s attention to the fact that the area of the Corporation should be delineated on the Charging Zone Map, with a note explaining the Charging responsibility. The Council has agreed that a modification is necessary along the lines suggested and has provided a modified Charging Zones Map for me to recommend as a modification.
25. The Council has indicated that a minor change to the White City East Zone boundary is justified, having considered a representation about the boundary of this Zone. This is a minor change to the boundary to more accurately reflect the extent of the development area. The Council has formally requested that I recommend this modification and has supplied a revision to the Charging Zones Map.
26. A representation on behalf of Chelsea Football Club (CFC) seeks to have the boundary of the Central B Zone modified to follow the middle of Fulham Road in the vicinity of the Club’s landholding. This would have the effect of removing the landholding from the South Zone and putting it in the Central B Zone.
27. The basis for this request is that the boundary as drawn deviates from its natural progression along Fulham Road, which appears to serve as a clear and defined boundary between the two zones. This is in contrast to the boundary as drawn which follows the District Line to the north and the east – either within a tunnel or cutting. There is no physical barrier with the Central B zone as the CFC’s landholding is very accessible by both pedestrians and cars from the Central B zone. Defining boundaries by main roads is a much simpler and fairer method. It is clear that the land use south of Fulham Road is very different to the north. The evidential reliance by the Council of Land Registry price paid data for the CFC local area is criticised as being unclear and that the data relied upon had not been provided. At the same time there is no house

valuation data or development values provided on behalf of CFC to support its case.

28. The Council acknowledges that generally the lines of major roads represent a broad correlation with residential property values. However, the precise boundaries were set having regard to the following: in the vicinity of Shepherds Bush and Fulham town centres the CIL zone boundaries follow the southern part of the defined town centres. This is because a main road boundary though the town centre would split an area where the factors affecting the viability of development would be expected to be the same. This also accounts for the differences between the town centre and the residential areas to the south. In the area east of Fulham Town Centre, partly occupied by Chelsea Football Club, the District Line is considered to form a more appropriate dividing line between the south and central zones based on prevailing property values in this area (in respect of which, data was supplied in response to the representation) and the fact that the District line forms an impermeable physical barrier, more clearly demarcating these CIL zones than if it was set along Fulham Road.
29. In my judgement, and based upon an detailed evaluation which I made on a visit to the area, the District Line is indeed an impenetrable barrier to the north of CFC, so that the only linkages north and south are around both sides; through Brompton Cemetery to the east (within the Royal Borough of Kensington and Chelsea) and through Fulham Broadway to the west of Fulham Broadway station. Furthermore, the Council's property values evidence, that the District Line forms a more appropriate dividing line between the south and central zones, struck me as being an accurate assessment of the nature of the area around CFC's landholdings. It appears to me that any design, layout and marketing of new development in this area would take its connections from the south. Furthermore, from what I saw of current on-going development to the north of the District line, new property values have ambitions to reach those to the south of the line. I am therefore satisfied that the District Line, in this locality is a sensible dividing line between the Central B zone and the South zone, and that it fairly represents the prevailing property values, and the degree to which new development can remain viable with the CIL charge set at £400 psm. I see no justification to alter the boundary of the zones in this vicinity.
30. Ptarmigan Riverside LLP seeks to have a nil rate set for development of all the Safeguarded Wharves in the Borough – Albert, Comley's, Swedish and Hurlingham. This is on the basis that the redevelopment of these sites is needed to deliver the CS policies in relation to regeneration, housing and employment, whilst having to bear exceptional costs associated with safeguarding the land for wharf use. Albert Wharf has a current planning application, with an associated exceptional cost of £20m relating to the construction of a box to contain the wharf before development of residential uses can occur. This cost, added to an estimated CIL liability of £19m means that the scheme would not be viable and therefore undeliverable.
31. The Council points out that the Albert Wharf site is not identified in the Core Strategy. For CIL purposes, any proposed redevelopment for a mixed use scheme that includes housing is not essential to ensure the implementation of the Core Strategy. The Core Strategy designates Swedish, Hurlingham and

Comleys Wharves as safeguarded wharves, but none of these are allocated for housing and are not required in order to meet the Borough's housing target, which is being met. The objective of the safeguarding is to keep them in a cargo handling use: they could be left in their present state. They are very small sites and not appropriate to identify as separate zones. To do so would introduce undue complexity which guidance cautions against.

32. Whilst I can see that the redevelopment of the wharves is desirable, I am not persuaded that they make an essential contribution to the Council's regeneration objectives. I am satisfied that the development of Albert Wharf and the safeguarded wharves is not essential in terms of meeting the Borough's housing target. In my view the only reasonable way of differentiating the wharves and providing for a low or nil CIL charge would be to identify them as individual zones. I do not consider that this would involve undue complexity, but I am not persuaded that it is justified in terms of the CIL regime and government guidance.

Other matters

33. Many representations seek to have an 'Exceptional Circumstances' policy put in place. This is a matter for the Council, which has firmly resisted any such intention on the basis that, if the CIL rates are shown to be set at a level that development generally will not be put at risk, there is no need for such a policy. In addition it is fearful of such a policy resulting in many claims of exceptional circumstance that could be wasteful of the Council's scarce resources in responding to what would inevitably be detailed analysis.
34. However, it was suggested in one representation that "Leading Counsel considers that not to allow for exceptional circumstances would be a breach of the Council's Statutory Duty in framing the CIL Charging Schedule." If this were a correct interpretation of the law, it would be a matter for me to consider under the requirement for me to be satisfied that the Charging Schedule complies with the Act and the Regulations, including in respect of the statutory processes.
35. Upon further enquiry, it became clear that the statement followed from a consultation and Opinion from a leading Counsel in a case unrelated to anything before me, and that it was not possible to impart the Opinion for the purposes of the examination. However, it was explained that the statement was based upon the general public law principle that it is contrary to Statutory Duty to impose blanket requirements and that it is necessary to allow for exceptions in a fair and reasonable manner, based on individual circumstances.
36. As far as I am aware the only provision in the CIL regulations is that a charging authority wishing to offer exceptional circumstances relief in its area must first publish a notice of its intention to do so. In view of the nature of CIL, and the fact that the Act and Regulations leave the decision to be made by the individual charging authority, I am led to believe that this is not a matter upon which I should seek to intervene.

Does the evidence demonstrate that the proposed charge rate would not put the overall development of the area at serious risk?

37. The Council's decision to use a matrix approach to its CIL rates is based on reasonable assumptions about development values and likely costs. The evidence suggests that residential and commercial development will remain viable across most of the area if the charge is applied. No evidence has been put forward which convincingly suggests that the proposed rates would put development in the Borough at risk.

Conclusion

38. In setting the CIL charging rate the Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in the London Borough of Hammersmith and Fulham. The Council has tried to be realistic in terms of achieving a reasonable level of income to address an acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable across the Borough.

LEGAL REQUIREMENTS	
National Policy/Guidance	The Charging Schedule complies with national policy/guidance.
2008 Planning Act and 2010 Regulations (as amended)	The Charging Schedule complies with the Act and the Regulations, including in respect of the statutory processes and public consultation, consistency with the adopted Core Strategy and Infrastructure Delivery Plan and is supported by an adequate financial appraisal.

39. I conclude that, subject to the modifications set out in Appendix A, the London Borough of Hammersmith and Fulham Community Infrastructure Levy Charging Schedule satisfies the requirements of Section 212 of the 2008 Act and meets the criteria for viability in the 2010 Regulations (as amended).

Terrence Kemmann-Lane

Examiner

This report is accompanied by Appendix A below – Modifications that the examiner specifies so that the Charging Schedule may be approved.

Appendix A

Modifications recommended by the Examiner to allow the Charging Schedule to be approved.

Modification Number	Modification
EM1	Remove the column "All uses unless otherwise stated" and the column with the list of uses beginning with "Health" from the Charge rates table. In their place, insert a column with the following uses: Student Accommodation, Retail (including warehouse clubs), Leisure (including health & fitness and cinemas), Nightclubs, Laundrettes, Taxi businesses, and Amusement Centres, with a charge of £80/m ² ; and a column with the heading "All other uses, and a Nil rate. Remove "Hostel" from the Residential column. All as shown on the modified Schedule set out below.
EM2	Modify the Charging Zone Map to display more clearly the boundaries between the North Zone and the South Zone with Central Zone B as shown on the modified Charging Zone Map set out below.
EM3	Modify the Charging Zone Map to show the area of the Old Oak and Park Royal Mayoral Development Corporation, and append a note explaining that the Charging Authority in that area is the Development Corporation, as shown on the modified Charging Zone Map set out below.
EM4	Modify the Charging Zone Map to show a modified boundary to the White City East Zone as shown on the modified Charging Zone Map set out below.

The following modified Schedule of CIL Charge Rates and the modified Zones Map, both produced by the Council, show the results of the Recommended Modifications.

The Modified Schedule of Charge Rates

CIL DCS – August 2014 **LB Hammersmith & Fulham** 3

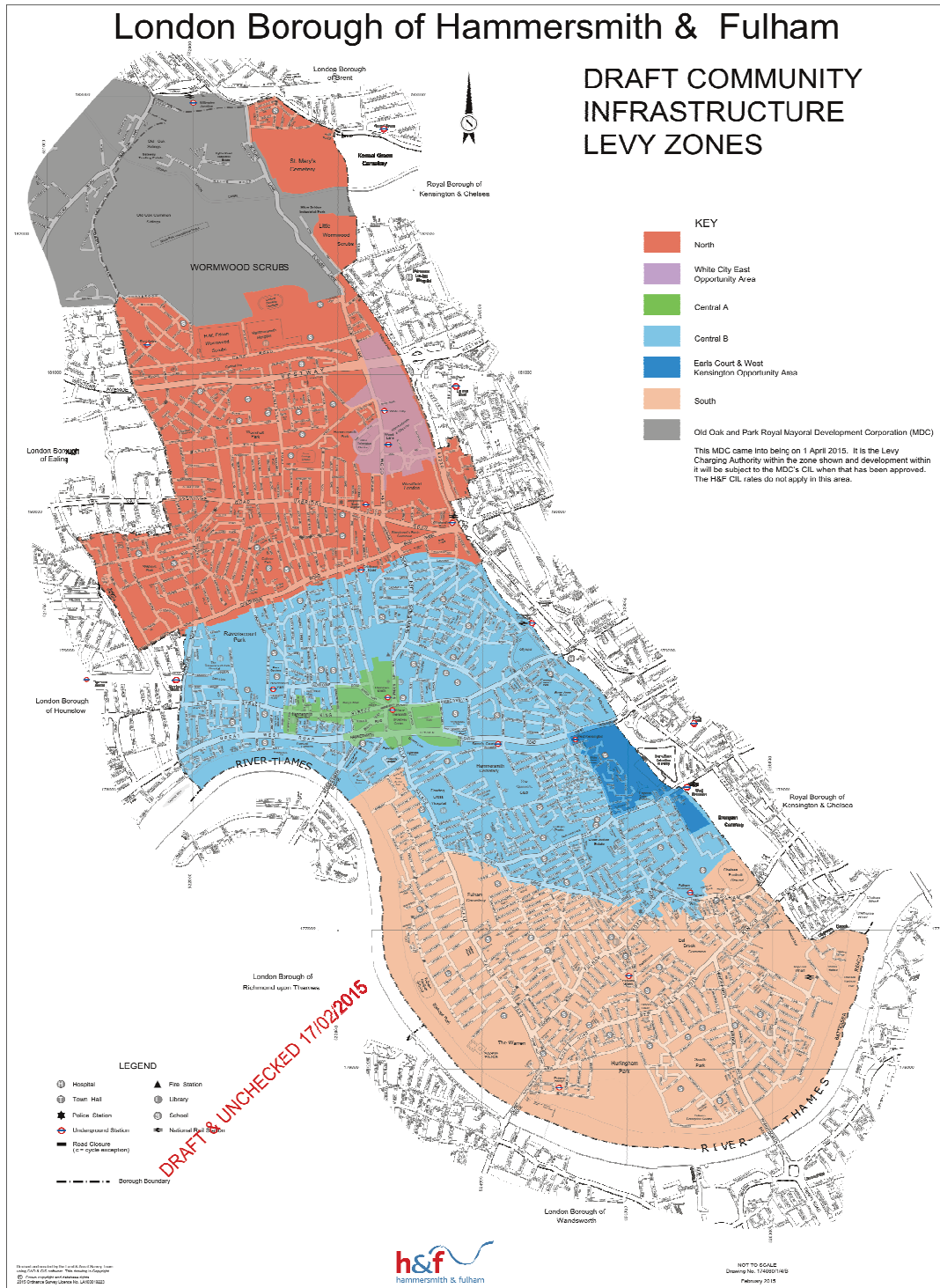
Charge rates

Charging zones	Uses			All other uses
	Residential (C3)	Office (B1a/b)	Student accommodation	
	HMO (C4)		A class uses (including retail clubs)	Nil
			Health and fitness leisure centres	
			Hostels	
			Night clubs	
			Laundrettes	
			Taxi businesses	
			Amusement centres & Casinos	
North		£100/m ²	Nil	
Central A†	£200/m ²	£80/m ²		
Central B		Nil		
South	£400/m ²			
White City East‡	Nil			
Earls Court & West Kensington Opportunity Area‡	Nil			

† The Central A Charging Zone boundary is the same as the Hammersmith Town Centre boundary on the council's adopted Proposals Map.

‡ It should be noted that, whilst a £0/m² (nil) rate is proposed at White City East and Earls Court & West Kensington Opportunity Area, this does not mean that the council will not receive significant financial contributions from developments in these areas as S106s will continue to be used.

The Modified Zones Map



Community Infrastructure Levy (CIL) Charging Schedule



Introduction

The London Borough of Hammersmith & Fulham ('the Council') is a charging authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge a Community Infrastructure Levy(CIL) on development carried on in the area within which it exercises planning powers. The Council will not charge CIL for development carried on within the boundaries of the Old Oak and Park Royal Development Corporation, part of which lies within the north of the borough as from 1 April 2015 it will no longer be the local planning authority for this area.

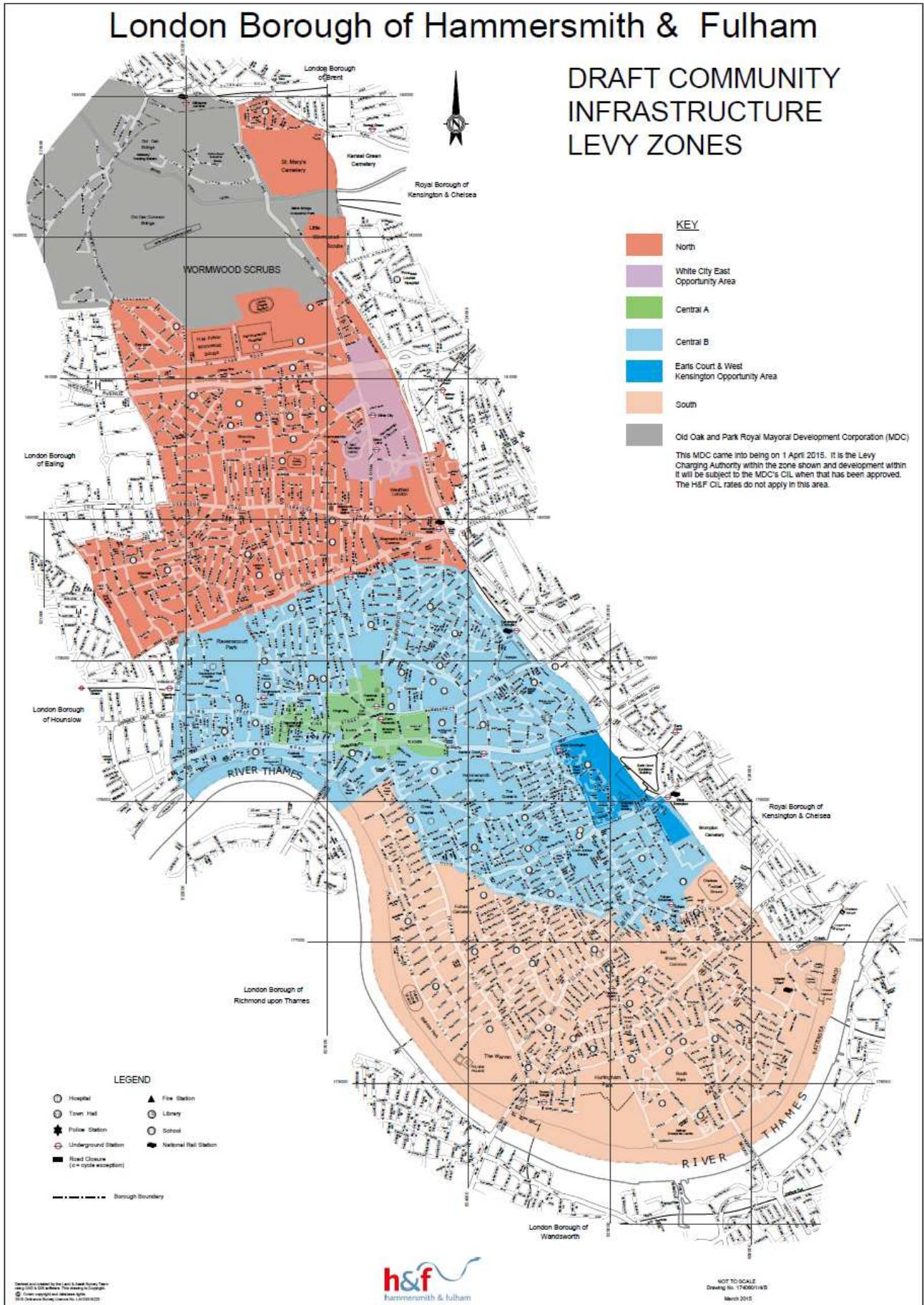
The documentation can be viewed at www.lbhf.gov.uk/cil.

Charge rates

Charging zones	Uses			All other uses	
	Residential (C3)	Office (B1a/b)	Student accommodation		
HMO (C4)			A class uses (including retail clubs)		
			Health and fitness leisure centres		
			Hostels		
			Night clubs		
			Laundrettes		
			Taxi businesses		
			Amusement centres & Casinos		
North	£100/m ²	Nil	£80/m ²	Nil	
Central A†	£200/m ²	£80/m ²			
Central B		Nil			
South	£400/m ²				
White City East‡	Nil				
Earls Court & West Kensington Opportunity Area‡	Nil				

† The Central A Charging Zone boundary is the same as the Hammersmith Town Centre boundary on the council's adopted Proposals Map.

‡ It should be noted that, whilst a £0/m² (nil) rate is proposed at White City East and Earls Court & West Kensington Opportunity Area, this does not mean that the council will not receive significant financial contributions from developments in these areas as S106s will continue to be used.



Charging authority

The charging authority is the London Borough of Hammersmith & Fulham.

Date of approval

The Charging Schedule was approved by the council on XXX .

Date of effect

The Charging Schedule will become effective on XX.


Calculation of CIL charge & indexation

The 'Chargeable Amount', including indexation to take into account inflation, will be calculated in accordance with Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended).

Statutory compliance

The Charging Schedule has been issued, approved and published in accordance with the CIL Regulations 2010 (as amended), Part 11 of the Planning Act 2008 (as amended) and Part 6 of the Localism Act 2011 (as amended).

Appendix 3

 <p>London Borough of Hammersmith & Fulham</p> <p>FULL COUNCIL</p> <p>20 May 2015</p>	
APPROVAL OF HAMMERSMITH & FULHAM COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE	
Report of the Cabinet Member for Economic Development and Regeneration	
Open Report	
Classification - For Decision	
Key Decision: YES	
Wards Affected: All	
Accountable Executive Director: Nigel Pallace	
Report Author: Siddhartha Jha, Senior Planning Policy Officer	Contact Details: Tel: 02087531466 E-mail: Siddhartha.jha@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. The Community Infrastructure Levy ('CIL') is a discretionary levy that local authorities can charge on most new developments that create additional floor space.
- 1.2. Local authorities that choose to charge CIL must use the funds collected to help deliver physical infrastructure needed to support development in their areas.
- 1.3. The council has decided to charge CIL in the borough. On 20 March 2015, following two stages of public consultation and a public examination, an independent examiner made a recommendation approving the council's proposed CIL charging schedule subject to minor modifications being made. The CIL charging schedule details the CIL rates to be charged for different land uses in the borough.
- 1.4. Council approval of the CIL charging schedule is required under statute in order for the CIL charging schedule to take effect.

2. RECOMMENDATIONS

It is recommended that the Council has regard to the CIL Examiner's report (Appendix 1) on the examination of the borough's Draft CIL charging schedule and the recommendations and reasons therein, before approving:

- the adoption of the CIL charging schedule;¹ and
- the CIL charging schedule to take effect from 1 September 2015.

3. REASONS FOR DECISION

Approval of the borough CIL charging schedule will enable the council to:

- collect and apply CIL to contribute toward the provision, improvement, replacement, operation or maintenance of physical infrastructure needed to support development in the borough. It is expected that CIL will generate around £3million annually; and
- secure the optimum level of contributions from developers for infrastructure provision in the borough. This is especially relevant as the Community Infrastructure Levy Regulations 2010 now restrict the scope of S106 planning obligations, which used to be the principal means for local authorities to secure contributions from developers.

4. INTRODUCTION AND BACKGROUND

- 4.1. In September 2012, the Preliminary Draft CIL Charging Schedule and associated supporting documents were published for public consultation for a six-week period.² The representations received informed the preparation of the Draft CIL Charging Schedule.³
- 4.2. In August 2014, following Cabinet approval, the Draft Charging Schedule was published for a final five-week public consultation⁴ before being submitted for examination by an independent examiner.⁵
- 4.3. On 20 March 2015, the independent examiner approved the council's proposed CIL charging schedule, subject to minor modifications.

¹ Planning Act 2008 s213

² http://www.lbhf.gov.uk/Images/12-09-07-%201%20PDCS%20FINAL_tcm21-175143.pdf

³ http://www.lbhf.gov.uk/Images/Appendix%208-Reps%20by%20Organisation_tcm21-190000.pdf

⁴ http://www.lbhf.gov.uk/Images/30.7.2014%20DCS%20Consultation%20Document%20Appendix%20B%20new%20cover%20page_tcm21-189996.pdf

⁵ http://www.lbhf.gov.uk/Directory/Environment_and_Planning/Planning/Planning_policy/16782_2_Community_Infrastructure_Levy.asp

- 4.4. Full Council approval of the CIL charging schedule is the final necessary step required in order for the CIL charging schedule to take effect.

A. What is the Community Infrastructure Levy?

- 4.5. The Community Infrastructure Levy (CIL) is a new, discretionary levy that local authorities (including the Mayor of London) can set and charge on most types of new development in their area that create additional floor space.
- 4.6. The purpose of CIL is broadly to support development by funding (wholly or in part) the provision, improvement, replacement, operation or maintenance of physical infrastructure across the borough in a way that does not threaten the economic viability of development in the area.
- 4.7. CIL is levied in pounds sterling (£) per square metre of new floor space that is created as part of new development. Certain types of development such as affordable housing and charitable developments are exempt from paying CIL.
- 4.8. Different CIL rates may be charged depending on the location and the use of the proposed development. The CIL rates are set out in a document called the CIL charging schedule.
- 4.9. The CIL charging schedule must be subjected to an independent public examination prior to adoption. At the examination, the proposed CIL rates are tested to ensure they strike the appropriate balance in providing for infrastructure whilst preserving the economic viability of development in the borough.
- 4.10. Once CIL is adopted landowners are ultimately liable to pay the levy. While CIL will be collected as a cash contribution in most instances, in some cases it may be more appropriate to transfer land to the charging authority as payment of the charge. In such cases, a number of conditions must be met. In particular, the land must be used to provide or facilitate the provision of infrastructure to support development in the area.
- 4.11. Local authorities must use the funds collected from the application of CIL to help provide physical infrastructure needed to support development in the borough.

B. The relationship between CIL and other types of developer contributions

- 4.12. CIL constitutes one of several ways in which contributions may be sought from developers. In addition to the CIL charge, local authorities will still be able to negotiate securing additional contributions from developers. These include:

- S106 Planning Obligations,⁶ which although reduced in scope since 6 April 2015, can be used to provide physical infrastructure to address the impacts of individual developments in order to make these developments acceptable. S106 obligations can also be used to provide or fund affordable housing, and non-infrastructure contributions such as employment and training schemes; and
 - S278 Highway Agreements,⁷ which can be used to secure contributions from developers for any highway works for local roads that are needed to make schemes acceptable.
- 4.13. When CIL takes effect, it can be used to provide certain physical infrastructure to support development across the borough, which is identified in a list called the 'regulation 123 list' ('the r123 list') (See **Appendix 3**).⁸ The r123 list sets out the items of physical infrastructure that could potentially be funded by CIL, although it is important to note that the council is free to use CIL to fund physical infrastructure items not on the r123 list and that the list does not imply any priority in infrastructure funding. The key restriction that the r123 list places is that S106 planning obligations cannot be sought for specific items of infrastructure identified in the r123 list. This avoids developers having to pay twice for the same infrastructure item, via both CIL and S106 planning obligations. S106 planning obligations can still be sought for items that are not included in the r123 list provided other statutory criteria are satisfied.⁹ As such, the proposed r123 list has been drafted in a manner that will enable the council to obtain CIL funding and negotiate S106 planning obligations for the provision of physical infrastructure needed to address the particular site-specific impacts of individual developments (subject to the statutory criteria being met).
- 4.14. S106 planning obligations can therefore continue to be sought to provide:
- affordable housing or funding for affordable housing;
 - physical infrastructure which is not listed in the regulation 123 list (principally items needed to address the site-specific impacts of individual development schemes); and
 - contributions for items that are not physical infrastructure such as employment and training contributions.

Additionally, as of 6 April 2015, further limits have come into effect on the extent to which contributions from S106 obligations can be pooled to provide particular items or types of physical infrastructure ('the pooling limit'). From this date, S106 planning obligations cannot be used to provide a particular infrastructure project or type of infrastructure if five or more obligations to provide that same infrastructure project or that type of infrastructure have

⁶ Town and Country Planning Act (as amended) s106

⁷ The Highways Act 1980 s278

⁸ Appendix 3 of this Council report.

⁹ The Community Infrastructure Regulations 2010 r122

already been entered into in other S106 Agreements (including on any other site or planning permission) since April 2010.

S278 Highways agreements can continue to be made and are unaffected by the pooling limit.

CIL will not apply within the White City East and the Earls Court and West Kensington Opportunity Areas. The council has determined that S106 obligations will apply in these areas instead of a CIL rate for the following reasons:

- The considerable scale of site specific and local infrastructure that is needed to make developments in these areas acceptable;
- There have already been substantial contributions (often to a pooled sum) from agreed S106 agreements;
- The council considers that S106 obligations needed in this area can be provided in compliance with the pooling limit on planning obligations referred to above; and
- The CIL Viability Study prepared to support the proposed CIL rates in the borough established that that developments in these areas would not be sufficiently viable to pay both CIL and the substantial S106s needed to make development acceptable.

- 4.15. This means that when CIL takes effect most developments will pay the fixed charge borough CIL (as well as Mayoral CIL) with some developments also being required to make S106 contributions for certain items. However, S106 planning obligations will be generally reduced in scope.

5. PROPOSAL AND ISSUES

The CIL Charging schedule

- 5.1. The public examination of the council's proposed draft CIL charging schedule began in mid-November 2014 and concluded on 20 March 2015, with the publication of the independent Examiner's report (see **Appendix 1**).
- 5.2. In his report, the Examiner recommended the adoption of the CIL charging schedule, subject to the inclusion of four modifications. The modifications do not materially impact on the appropriateness of the council's approach in CIL rate setting or on the expected overall CIL contribution.
- 5.3. The modifications are summarised below
1. Modify the CIL Rates table to place only those uses which have been subject to viability testing in the £80 psm band, and to specify that all other uses are within a Nil charge band;
 2. Modify the CIL Charge Zones Map to show the boundaries of the CIL zones more clearly;

3. Modify the CIL Charge Zones Map to account for the designation of the Old Oak and Park Royal Development Corporation ('the MDC') which will mean that the borough CIL will no longer apply in the MDC area; and
4. Modify the CIL Charge Zones Map to show a revised CIL boundary to the White City East area

The first modification relating to the CIL Rates table ensures that only those uses subjected to viability testing which shows that the rate can be justified on viability grounds should be charged the £80 per square metre rate. All other uses that have not been subject to viability testing should be charged a 'nil' CIL rate. As the core uses likely to be developed in the borough have been identified and subjected to viability testing, any loss of potential CIL funds for other uses assigned the nil CIL rate will be negligible.

The second modification relating to the CIL Charge Zones Map which forms part of the CIL charging schedule was addressed by increasing the highlighting of the boundaries of the different CIL zones.

The third modification relating to the CIL Charge Zones Map takes account of the creation as of 1 April 2015 of the Old Oak and Park Royal MDC. The MDC incorporates the Old Oak area to the north of the borough along with parts of the London Boroughs of Ealing and Brent. As the MDC is now the planning authority for this area, the borough CIL will not be chargeable on any development that takes place within the MDC boundary.

The fourth modification relating to the revised CIL zone boundary of the White City East area is to take account of a planning scheme that has received outline planning permission, the bulk of which falls within the White City East area where a 'nil' CIL rate applies and where agreed S106 planning obligations will be collected instead. The modification therefore avoids the splitting of an approved development for CIL purposes.

- 5.4. The final CIL charging schedule which incorporates the Examiner's recommended modifications and requires Full Council's approval to take effect is provided in **Appendix 2**.
- 5.5. The regulation 123 list ('r123 list'), referred to in paragraph 4.14 above is provided in **Appendix 3**. The approval of this list is a matter for Cabinet and not for Council. The r123 list details the infrastructure projects or types of infrastructure that the council intends can be funded, wholly or partly by CIL. Importantly, as stated above, in order to avoid developers paying twice for the same infrastructure, S106 planning obligations cannot be sought for items that are listed in the r123 list as these items will be funded by CIL.

6. OPTIONS AND ANALYSIS OF OPTIONS

6.1 There are four possible options regarding the approval of the CIL charging schedule:

1. Approve CIL to take effect from 1 June 2015
2. Approve CIL to take effect from 1 September 2015;
3. Delay approving CIL; or
4. Not approving CIL.

6.2 Approving CIL will maximise the amount of funds available to the council to contribute towards the provision of essential physical infrastructure by enabling the collection of both CIL and s106 planning obligations needed to address the site-specific impacts of proposed development. It is expected that CIL contributions will generate around £ 3 million annually.

6.3 The CIL charging schedule could be approved to take effect from as early as 1 June 2015. However, pursuing this option will mean that submitted planning applications under consideration which have not accounted for CIL liability but which are liable to pay CIL will need to do so if planning permission is obtained after CIL takes effect. Further, some submitted schemes including major schemes under consideration are already at an advanced stage of assessment including in relation to S106 negotiations. Imposing CIL on these schemes is likely to result in lost time and resources for both the council and developers who will have to reassess and/or modify the details of these schemes, causing substantial delays in their determination. This option will also not allow sufficient time for the Council to put the necessary planning, finance, ICT and other administrative procedures in place for charging and collecting the borough CIL. Additionally, in taking the above into account, officers have stated on the council website and when responding to queries from developers that CIL is expected to take effect in Autumn 2015.

6.4 The CIL charge could also be approved to take effect from 1 September 2015. The advantage of this date is that it would allow sufficient time for the council to determine submitted planning schemes and major schemes that are at an advanced stage of assessment including any associated S106 negotiations. This date will also allow the council sufficient time to put the necessary planning, finance, ICT and other administrative procedures in place for charging and collecting the borough CIL.

6.5 If CIL is delayed for a prolonged period or not adopted, it will not be possible to secure the equivalent of around £3 million annually via S106 planning obligations, as planning obligations are only to be used to mitigate the site specific impacts of development. Unlike CIL, S106 obligations cannot be used to provide general, strategic infrastructure that is needed to support development in the borough. Additional statutory restrictions now also apply on S106 planning obligations whereby it is no longer possible to grant permission based on a planning obligation that

contributes to an infrastructure project or type if five or more contributing obligations have been entered into since April 2010.

- 6.6 Given the above, Option 2, namely approving CIL with it taking effect on 1 September 2015 remains the preferred option that will best contribute to the provision of the necessary infrastructure to support development in the borough.

7. CONSULTATION

- 7.1 The draft CIL charging schedule including the draft r123 list was subjected to two statutorily prescribed stages of public consultation as follows:

Consultation dates	Stage of development of CIL
September 2012 – October 2012	1 st stage public consultation on the Preliminary Draft Charging Schedule (PDCS)
August 2014 - October 2014	2 nd stage public consultation: Draft Charging Schedule (DCS)

- 7.2 The CIL consultations received comments from a wide range of people including, the local community, businesses, neighbouring boroughs, the Mayor of London, developers and the property industry and infrastructure providers. Following consideration of the representations received during both stages of public consultation, appropriate amendments were made to the draft CIL charging schedule.¹⁰

8. EQUALITY IMPLICATIONS

- 8.1 An Equalities Impact Assessment (EqIA) was prepared and consulted on for both the first and second stages of public consultation (the 'PDCS' and the 'DCS' stages of CIL). No comments were received on the EqIA during either of these stages. A final version of the EqIA has been prepared for this stage of the CIL approval process(see **Appendix 4**)

- 8.2 The protected characteristics considered in the EqIA include:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership

¹⁰ http://www.lbhf.gov.uk/Images/Appendix%208-Reps%20by%20Organisation_tcm21-190000.pdf (CIL Reg 15 Preliminary Draft Charging Schedule representations) ;
http://www.lbhf.gov.uk/Images/19.01.15%20Council%20response%20to%20representations%20on%20CIL%20Draft%20Charging%20Schedule%20v2_tcm21-193212.pdf
(CIL Reg 16 Draft Charging Schedule representations)

- Pregnancy and maternity
- Race
- Religion/belief (including non-belief)
- Sex
- Sexual orientation

8.3 The direct effect of the charges in the CIL charging schedule are considered to have a generally neutral effect on the protected characteristics. However, the potential investment in physical infrastructure to support development in the borough is considered to have a generally positive effect on the protected characteristics.

9. LEGAL IMPLICATIONS

9.1 The Examiner's Report (Appendix 1 paragraph 39) concludes that, subject to the modifications set out above in this report, the CIL charging schedule, satisfies the requirements of Section 212 of the Planning Act 2008 and meets the criteria for viability in the Community Infrastructure Levy Regulations 2010.

9.2 Section 213 of the Planning Act 2008 provides that the Council may approve a CIL charging schedule only if it has had regard to the Examiner's recommendations and his reasons for them.

State Aid

9.3 In light of the government guidance on state aid and relevant legislation, it is considered that the Charging Schedule does not give rise to unlawful state aid.

9.4 State aid is a concept derived from European Law ('EU Law'). In very broad terms EU Law prohibits a European Union member state from providing support to 'undertakings' (i.e. persons engaged in economic activity) which distorts or threatens to distort competition, affects trade between member states of the European Union and which favours certain undertakings or the production of certain goods. In setting differential rates, including zero rates, the Council must not do so 'in such a way that they constitute a notifiable state aid under European Commission regulations.'

The Council's Charging Schedule only sets differential rates, including zero rates, where this is based on economic viability evidence which justifies this approach. In light of the government guidance on state aid¹¹ and relevant legislation, the Council does not consider that these proposals give rise to unlawful state aid.

¹¹ Adapted from Department for Business, Innovation & Skills (November 2010) State Aid Assessment and (November 2013) State Aid: The Basics

Implications verified by LeVerne Parker, Bi-Borough Chief Solicitor and Head of Regeneration Law 020 7361 2180

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1. Funds collected from the application of CIL will be used to contribute toward the provision, improvement, replacement, operation or maintenance of physical infrastructure needed to support development in the borough. It is estimated that CIL will generate around £3 million annually.

It should be noted that under s.61 of the community Infrastructure Levy Regulations 2010, the council can apply CIL receipts to administrative expenses incurred before the Charging Schedule is published, provided that total administrative costs do not exceed 4% of CIL collected in the first 3 years. Therefore CIL-related administrative expenses is expected to be funded retrospectively through future CIL receipts.

Implications verified by Gary Hannaway, Head of Finance (Transport & Technical Services) 0208 753 6071

11. IMPLICATIONS FOR BUSINESS

- 11.1 The Localism Bill CIL Impact Assessment considers that CIL will provide a number of benefits to businesses, developers and landowners, including:
- Simplicity and reducing risk and providing upfront certainty about liability;
 - Speeding up the development process; and
 - Ensuring that most developments contribute to the costs of providing infrastructure needed to support growth.

Both the CIL Regulations Explanatory Memorandum and the Localism Bill CIL Impact Assessment emphasise the provisions in the CIL Regulations which are partly intended to help small businesses, namely:

- The 100sqm threshold under which no CIL liability occurs to ensure small developments do not pay CIL;
- The £50 CIL liability threshold under which CIL liability is deemed to be zero, to avoid administrative costs associated with paying small amounts of CIL; and
- The ability for charging authorities to introduce discretionary instalments policies to help with any cash flow issues.

The council may decide at a later date to introduce a policy to allow instalments although that is not currently part of this particular decision-making process.

12. RISK MANAGEMENT

- 12.1 The key risk relating to the recommendations in this report relate to delay or refusal to approve CIL and the financial implications arising for which the options have been analysed in section 6 of this report.
- 12.2 *Implications completed by Siddhartha Jha, Senior Policy Planner 0208 753 1466*
- 12.3 *(Details of actions taken to minimise the risks associated with the Recommendations)*

13. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 13.1 There are no procurement related matters contained in the report
- Implications verified by Alan Parry, Procurement Consultant 0208 753 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.	NA	NA	NA

LIST OF APPENDICES:

APPENDIX 1 – CIL Examiner’s Report dated 20 March 2015

APPENDIX 2 - CIL Charging Schedule

APPENDIX 3 – Regulation 123 list

APPENDIX 4 - Equalities Impact Assessment

APPENDIX 4

Hammersmith & Fulham Community Infrastructure Levy Equalities Impact Assessment (EqIA)



Full Equality Impact Analysis Tool

Section 01	Details of Full Equality Impact Analysis							
Financial Year and Quarter	2015 / Q1							
Name and details of policy, strategy, function, project, activity, or programme	<p>Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS)</p> <p>The Community Infrastructure Levy (CIL) is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area.</p> <p>The Draft Charging Schedule (DCS) represents the second stage of public consultation in the process that will lead to the introduction of CIL charges for most new development in the borough. It has been prepared taking into account the comments received on the Preliminary Draft Charging Schedule, which was subjected to public consultation in late 2012. This DCS is being subjected to a further round of public consultation before going forward for a formal independent public examination.</p>							
	<p>Name: Siddhartha Jha Position: Senior Planning Policy Officer Email: siddhartha.jha@lbhf.gov.uk Telephone No: 0208 753 1466</p>							
Date of completion of final EIA	<p>April 2015</p> <p>The equality duty is a continuing duty and consideration of equality impacts will continue at each relevant stage in the preparation and publication of the emerging Charging Schedule. The expected timetable for the consultation and introduction of CIL in the borough is set out below:</p> <table border="1" data-bbox="528 1326 2136 1449"> <thead> <tr> <th data-bbox="528 1326 1028 1369">Timescales</th> <th data-bbox="1028 1326 2136 1369">Stage</th> </tr> </thead> <tbody> <tr> <td data-bbox="528 1369 1028 1412">7 Sep 2012 – 19 Oct 2012</td> <td data-bbox="1028 1369 2136 1412">Preliminary Draft Charging Schedule (PDCS) Consultation (6 weeks)</td> </tr> <tr> <td data-bbox="528 1412 1028 1449">22 Aug 2014 – 3 Oct 2014</td> <td data-bbox="1028 1412 2136 1449">Draft Charging Schedule (DCS) Consultation (5 weeks)</td> </tr> </tbody> </table>		Timescales	Stage	7 Sep 2012 – 19 Oct 2012	Preliminary Draft Charging Schedule (PDCS) Consultation (6 weeks)	22 Aug 2014 – 3 Oct 2014	Draft Charging Schedule (DCS) Consultation (5 weeks)
Timescales	Stage							
7 Sep 2012 – 19 Oct 2012	Preliminary Draft Charging Schedule (PDCS) Consultation (6 weeks)							
22 Aug 2014 – 3 Oct 2014	Draft Charging Schedule (DCS) Consultation (5 weeks)							

	November 2014	Submission of DCS for examination
	March 2015	Independent public examination report issued
	1 September 2015	Recommended date for CIL to take effect

Section 02 Scoping of Full EqIA

Plan for completion
 Resources: Staff time
 Lead Officer: Siddhartha Jha

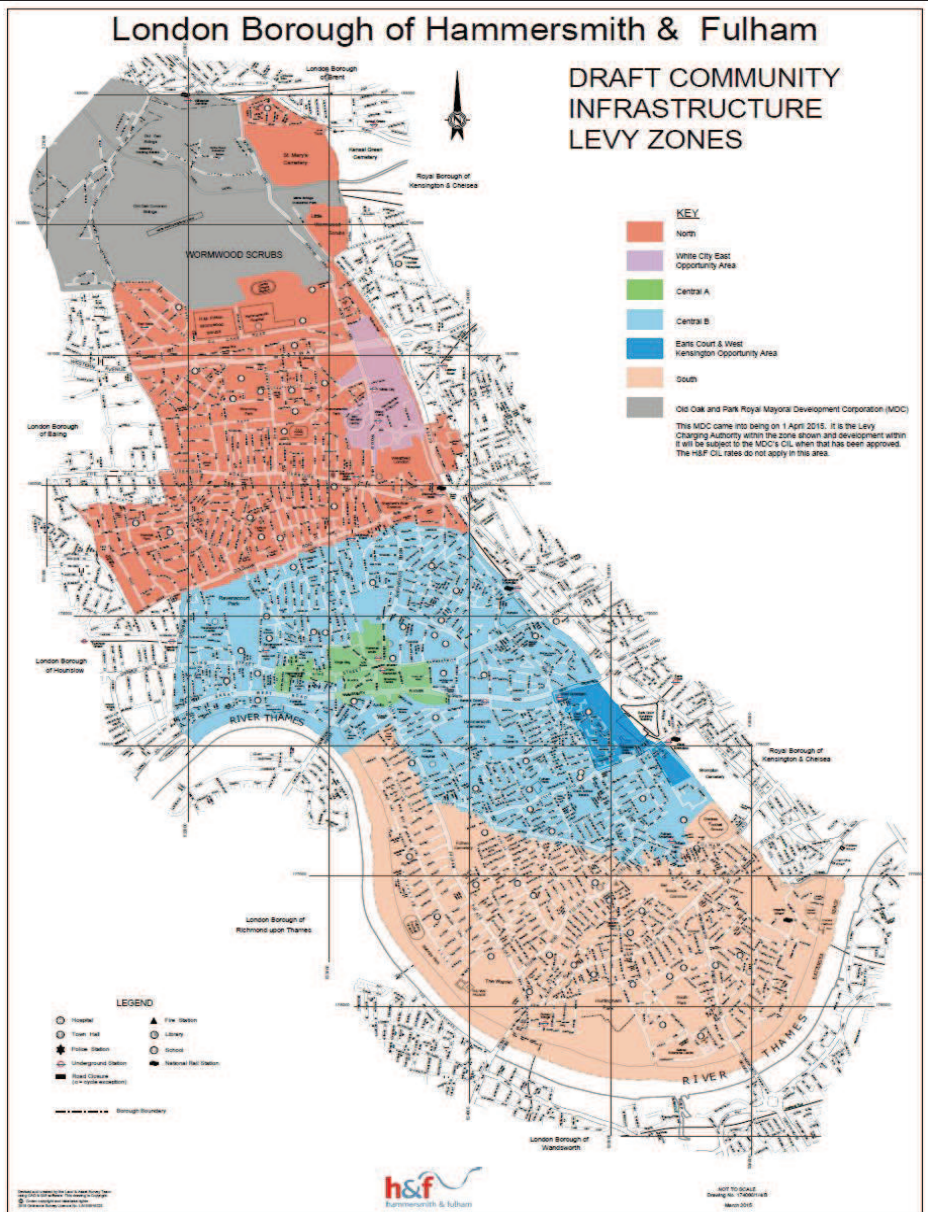
What is the policy, strategy, function, project, activity, or programme looking to achieve?
 The CIL charging schedule for the borough as set out below:

Charging zones	Uses			All other uses
	Residential (C3)	Office (B1a/b)	Student accommodation	
	HMO (C4)		A class uses (including retail clubs)	Nil
			Health and fitness leisure centres	
			Hostels	
			Night clubs	
			Laundrettes	
			Taxi businesses	
			Amusement centres & Casinos	
North		£100/m ²	Nil	
Central A†	£200/m ²	£80/m ²		
Central B		Nil		
South	£400/m ²			
White City East‡	Nil			
Earls Court & West Kensington Opportunity Area‡	Nil			

† The Central A Charging Zone boundary is the same as the Hammersmith Town Centre boundary on the council's adopted

Proposals Map.

‡ It should be noted that, whilst a £0/m² (nil) rate is proposed at White City East and Earls Court & West Kensington Opportunity Area, this does not mean that the council will not receive significant financial contributions from developments in these areas as S106s will continue to be used.



Section 03

Documents and data reviewed

Analysis of relevant data and/or undertake research

NATIONAL DOCUMENTS

The following national documents have been considered for the purposes of preparing the CIL charging schedule:

Document	Publisher	Date
Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991 and others)	HM Government	May 1990
Planning Act 2008	HM Government	Nov 2008
The CIL Regulations 2010 (as amended 2011, 2012, 2013, 2014)	HM Government	2010-2014
Localism Act 2011	HM Government	Nov 2011
National Planning Policy Framework (NPPF)	DCLG	Mar 2012
National Planning Practice Guidance (NPPG): Local Plans	DCLG	Mar 2014
National Planning Practice Guidance (NPPG): Planning Obligations	DCLG	Mar 2014
National Planning Practice Guidance (NPPG): Viability	DCLG	Mar 2014
National Planning Practice Guidance (NPPG): CIL	DCLG	May 2014

In addition to these, other national documents have also been considered for the purposes of considering equalities issues:

CIL: Initial Impact Assessment	DCLG	Nov 2007
CIL: Impact Assessment	DCLG	Nov 2008
CIL: Impact Assessment	DCLG	Dec 2008
CIL: Partial Impact Assessment	DCLG	Jul 2009
CIL: Final Impact Assessment	DCLG	Feb 2010
Explanatory Memorandum to the CIL Regulations	DCLG	Mar 2010
Localism Bill: CIL – Impact Assessment	DCLG	Jan 2011
Explanatory Memorandum to the CIL (Amendment) Regulations 2011 No.987	DCLG	Mar 2011
Explanatory Memorandum to the CIL (Amendment) Regulations 2014 No.385	DCLG	Feb 2014

Localism Bill CIL Impact Assessment

The Localism Bill CIL Impact Assessment provides a general overview at a national level of the impact of CIL. Page 1 states:

“The Community Infrastructure Levy was introduced as an alternative to planning obligations. It provides a simpler, fairer and more transparent system of standard charges to unlock additional funding for infrastructure and respond to the needs of local communities. The planning obligations system by which developers contribute funding for infrastructure is often slow and unpredictable, based on ad hoc negotiations conducted in private. Research shows the burden of funding is unfair, falling primarily on major residential developments.”

It also describes a further benefit of CIL as ensuring “funding for vital infrastructure projects for communities that might otherwise not be delivered and thereby help to deliver further development and the benefits associated with this” (page 3). Page 8 lists several advantages of CIL over the current system of planning obligations including: simplicity; predictability; transparency; fairness; and efficiency.

REGIONAL DOCUMENTS

The following regional documents have been considered for the purposes of preparing the CIL charging schedule:

Document	Publisher	Date
The London Plan: Spatial Development Strategy for Greater London	GLA	Jul 2011
Mayor of London CIL Charging Schedule	GLA	Apr 2012
London Implementation Plan 1	GLA	Jan 2013
CIL Instalments Policy	GLA	Mar 2013
Use of Planning obligations in the funding of Crossrail and the Mayoral CIL SPG (Crossrail SPG)	GLA	Apr 2013
The London Plan: Spatial Development Strategy for Greater London: Revised Early Minor Alterations: Consistency with the National Planning Policy Framework	GLA	Oct 2013
Draft Further Alterations to The London Plan (FALP)	GLA	Jan 2014
Long Term Infrastructure Investment Plan for London: Progress Report	GLA	Mar 2014

London Planning Statement SPG	GLA	May 2014
Draft Social Infrastructure SPG	GLA	Jun 2014

In addition to these, other regional documents have also been considered for the purposes of considering equalities issues for the CIL charging schedule:

Report to the Mayor of London: Mayoral CIL: Approval of Charging Schedule	GLA	Feb 2012
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LOCAL DOCUMENTS

The following local documents have been considered for the purposes of preparing the CIL charging schedule:

Document	Publisher	Date
Community Strategy 2007-2014	LBHF	Sep 2007
Park Royal Opportunity Area Planning Framework (OAPF)	GLA / LBHF / LB Ealing / LB Brent	Jan 2011
Core Strategy Development Plan Document (DPD)	LBHF	Oct 2011
Earls Court Viability Study: Development Infrastructure Funding Study	DVS	November 2011
Earls Court and West Kensington Opportunity Area Joint Supplementary Planning Document (SPD)	GLA / LBHF / RBKC	Mar 2012
South Fulham Riverside Delivery and Infrastructure Funding Study	CgMs; Cushman & Wakefield; Jacobs	Mar 2012
South Fulham Riverside Supplementary Planning Document (SPD)	LBHF	Jan 2013
White City Development Infrastructure Funding Study	AECOM; Deloitte	May 2013
Old Oak: A Vision for the Future	GLA / LBHF / LB Ealing / LB Brent	Jun 2013
Development Management Local Plan (DM LP)	LBHF	Jul 2013

Planning Guidance Supplementary Planning Document (PG SPD)	LBHF	Jul 2013
White City Opportunity Area Planning Framework (OAPF)	GLA / LBHF	Oct 2013
Local Plan Review: Issues and Options for Review	LBHF	Jul 2013
Monitoring Report April 2012 to March 2013	LBHF	Aug 2014

In addition to these, other local documents have also been considered for the purposes of considering equalities issues for the CIL charging schedule:

Opportunity for All: Single Equality Scheme 2009-12	LBHF	February 2010
Core Strategy DPD EqIA	LBHF	July 2011
DM DPD EqIA	LBHF	July 2013
PG SPD EqIA	LBHF	July 2013

The CIL charging schedule has been drafted taking into account the context set by all of the above documents. In particular, the Core Strategy, DM DPD and PG SPG have all had individual EqIAs undertaken.

The Equality Act 2010

The Council is no longer required to produce equality schemes (e.g. those for race, disability, gender). The Council adopted its response to the new requirements (S153 of the Act) in December 2011. The Council gave feedback to the public at a public meeting on its Single Equality Scheme ('SES') 2009-2012 in July 2012. The objectives of the SES were based on the same Community Strategy objectives as the Core Strategy. The CIL charging schedule is based on these same broad objectives. While the SES is now complete, it is relevant insofar as it has had outcomes for equality groups in mind and informed the Council's strategic planning policy.

LOCAL DEMOGRAPHICS OF EQUALITY TARGET GROUPS

A summary of the demographic situation in relation to each of the equality groups is given below. This provides a starting point for the analysis of likely impacts of the DCS on these groups. **Demographics of Equality Target Groups**

A summary of the demographic situation in relation to each of the equality groups is given below. This provides a starting point for the analysis of likely impacts of the DM LP on these groups. Data includes the 2011 Census.

Population

The population of the borough is relatively young and ethnically diverse. It is also a highly mobile population with about half of all households having moved in the previous five years. In 2011, nearly half of the population (46.8%) was between 20 and 40 years old which was significantly higher than the London (37.3%) and the national (28.5%) averages.

The borough has a high proportion of single people (55.9%) compared to 34% in England & Wales, and 37.5% of all households consisted of one person households in 2011.

It is projected by the GLA (taking account of the borough's housing target of an additional 615 dwellings per annum) that the population will increase from 182,400 in 2011 to 209,000 in 2031, (a 14.6% increase). This compares to a 22% increase for Inner London as a whole.

Between 2010 and 2031, the population aged 20 to 49 is expected to grow by 6.5%, the population aged 50 to 64 by 37%, the population aged 65 to 79 by 15% and the population over 80 by 23%.

Households will increase by 9% from 76,400 households in 2008 to 83,130 in 2033 (Source: DCLG). It is projected that the main growth in number of households will be in 'one person' households (21% up to 2033), while the number of 'co-habiting couples' households will decrease by nearly 11% between 2008 and 2033.

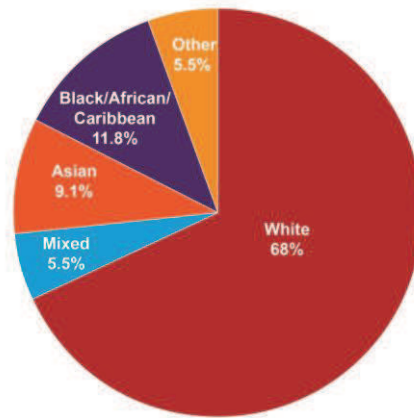
Race

According to the Census 2011, 32% of the borough's population in 2011 belonged to ethnic groups other than white. This represents an increase of nearly 10% since 2001. The main ethnicity in the borough was 'white people' (68 %) followed by people from 'black African' origin (5.7%) and the 'other'¹ group.

In 2011, the white population represented 80% of the economically active population followed by the Black African ethnic group (4.4%) and the 'other group' (3.90%).

¹ The other group refers to the two ONS 2011 Census Ethnic Category: 'other Asian or any other ethnic group'.

Figure 1: Ethnic groups in Hammersmith & Fulham, Census 2011



Source: Office for National Statistics

Disability

The rate of physical disability registrations for Hammersmith and Fulham as a whole is 37.3 registrations per 1,000 population. The Single Equalities Scheme (SES) from 2009-12 indicates that around 15% of residents in Hammersmith and Fulham have a disability. College Park and Old Oak has the highest rate of physical disability registrations in the borough (53.95). The five wards with the highest rates are all in the north of the borough; College Park and Old Oak, Wormholt and White City, Shepherd's Bush Green, Hammersmith Broadway and Askew. Palace Riverside has the lowest rate of registrations in the borough. Physical disability registration is voluntary so the figures do not give a complete picture of disability within Hammersmith & Fulham. In 2011, 12.6% of the borough population had limited day-to-day activities in the borough.

We recognise that people with disabilities and those that support them may be represented in one or more of the other equality groups. The other related group that is usually referenced is age, in particular, we recognise that people with disabilities who can experience difficulty accessing services and accessing the built environment are often children and young people, older people, and those who may provide care for older and younger disabled people. As disability covers a broad spectrum, we also recognise that adaptations for people with mobility impairments may not make the built environment accessible for people with sensory impairments, and that people with mental health or long-term limiting illnesses may have different requirements from their environment. It is for these reasons that we actively engaged with the Hammersmith and Fulham Disability Forum, the local user group

representing disabled people.

Figure 2: Number of people registered with a disability



Source: Community Services registrations

Gender

In 2011, there were more women in the borough than men (there were also more women than men in London).

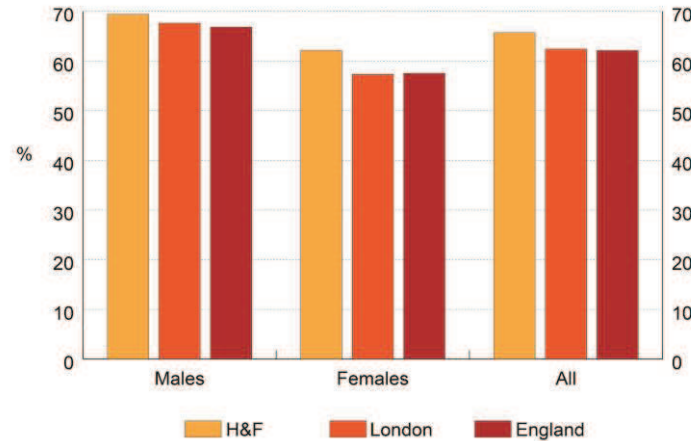
The Single Equalities Scheme (SES) indicates that there are more female headed households in the borough which represents a key equality gap for Hammersmith and Fulham.

Women are less economically active than men representing respectively 70% and 78% in 2011. These figures are higher than the London figures of 66% for women and 77.5% for men (Source: Census 2011).

Hammersmith & Fulham has a marginally higher proportion of male residents in employment (69.4%) than the London (67.6%) and national averages (66.8%). The proportion of female residents in employment (62.1%) is also higher than the London (57.3%) and national averages (57.5%).

For commentary regarding transgendered or transitioning people, see 'sexual orientation (and transgender)' below. For the assessment of policies, transgendered or transitioning people are represented in the gender category (see section 05).

Figure 3: Employment in Hammersmith and Fulham, Census 2011



Source: Office for National Statistics

Religion

The religious profile of the borough is less diverse than in London as a whole. In 2011, 54.1% of residents in the borough were Christians, 10% Muslim and 23.8% stated that they had no religion.

This partly reflects the ethnic profile of the borough, with a higher White population who are predominantly Christian and a lower Asian population who have a more diverse religious profile.

The policies in the DM LP are not aimed specifically at religious groups, but it is noted that members of this population will also be represented through one or more other equality strands and that race and religion are often linked, meaning that benefits will be experienced by this group in more subtle ways. For example, through increased employment opportunities, better transport and quality of built environment. Further, places of worship are supported in the DM LP policies D1 and D2 that are concerned with community services and arts, culture and leisure respectively.

Age

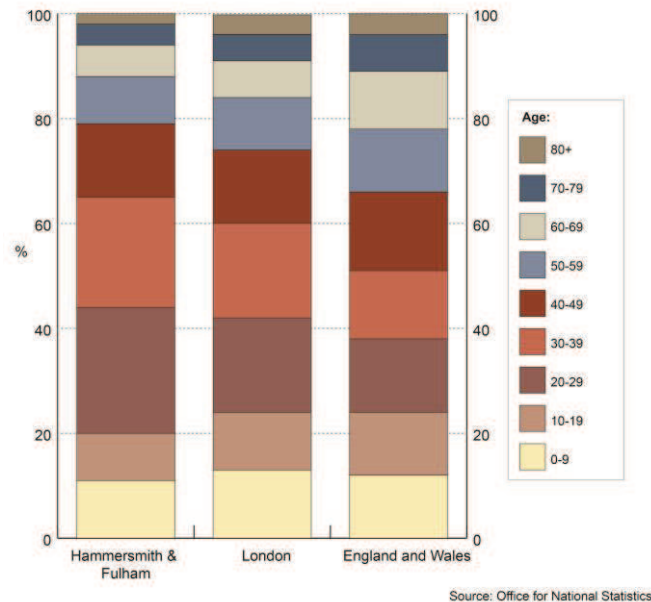
In 2011, the borough had a higher proportion of young adults aged 25-39 (35.7%) than London (28%) and England and Wales (20%). Conversely, the proportion of children and young adults (0-24) in the borough was

lower than in London (26.7% compare to 32.2%) and England and Wales (30.7%).

12.7% of the population is aged 60 or over, which is slightly lower than the London (15.2%) and England and Wales (20.3%) averages.

According to the H&F Carer's Strategy 2005-2010 and Experian Mosaic Data for the borough, older residents in the borough are more likely to live alone.

Figure 4: Age structure (% of total population, Census 2011)



Sexual Orientation (and transgender)

The nature of issues facing LGB people can be similar to transgendered or transitioning people as well, hence the council often use the term LGBT (lesbian, gay, bisexual and transgender). This is relevant when assessing impacts and looking at populations, for there are no official statistics on sexual orientation or gender identity, as these are not routinely captured by public bodies, and are not captured by the census. However:

'In 2005, the Department for Trade and Industry published a figure of 6% as the percentage of LGBT people in the general population..... the number of LGBT people in London is thought to be anywhere between 6% and 10% of the total population, increased by disproportionate levels of migration. This equates to an urban population of between 450,000 and 750,000' (Kairos in Soho, *London's LGBT Voluntary Sector Infrastructure Project*, 25:2007).

To put this in a local context so far as is possible, although there are no accurate statistics for the numbers of lesbian, gay and bisexual residents in the borough, the 2011 census recorded that 568 people (or 1.1% of couples), aged 16 and over, were living as same sex couples in Hammersmith and Fulham. In 2011, there were 299 same sex civil partnerships in the borough.

This gives us some of the picture but within the parameters of the DTI figures, we note that these local statistics may hide single LGB people, or LGB people who have not entered into civil partnerships. We do not have specific data on transgendered or transitioning people. The policies in the DM LP are not aimed specifically at LGBT people but it is noted that members of this population will also be represented through one or more other equality strands, meaning that benefits will be experienced by this group in more subtle ways. For example, through increased employment opportunities, better transport and quality of built environment.

Socio-economic

In 2010, Hammersmith & Fulham is ranked as the 55th most deprived local authority in England, in the country and there are significant pockets of deprivation.

The 2011 Census shows that Hammersmith & Fulham is a polarised borough with relatively high proportions of residents who are either high earners or low earners. Census measures also show very high degrees of polarisation compared to other local authorities in educational attainment and occupation levels.

H&F has high proportions of working age residents in higher-paid jobs. In 2011, 14.6% were managers and senior officials compared to 11.6% in London and 10.8% in England and Wales.

27% were in professional positions: this has increased significantly from 2001 when only 19.6% fell within this occupation group. Conversely, the Associate and Technical occupations category has decreased slightly from 23.5% in 2001 to 22.1% in 2011.

Also, in 2011, 6.7% of the population were in the 'elementary occupations' category compared to 9.6% in London and 11.1% in the UK.

In terms of economic inactivity, 26% of the 16-74 population in 2011 was inactive compared to an average of 28.3% in London.

New research

It is considered that no new research is required for this EqIA.

Section 04	Undertake and analyse consultation							
<p>Consultation</p>	<p>The draft CIL charging schedule was subjected to two statutorily prescribed stages of public consultation as follows:</p> <table border="1" data-bbox="580 408 1711 671"> <thead> <tr> <th data-bbox="580 408 1144 448">Consultation dates</th> <th data-bbox="1144 408 1711 448">Stage of development of CIL</th> </tr> </thead> <tbody> <tr> <td data-bbox="580 448 1144 560">September 2012 – October 2012</td> <td data-bbox="1144 448 1711 560">1st stage public consultation on the Preliminary Draft Charging Schedule (PDCS)</td> </tr> <tr> <td data-bbox="580 560 1144 671">August 2014 - October 2014</td> <td data-bbox="1144 560 1711 671">2nd stage public consultation: Draft Charging Schedule (DCS)</td> </tr> </tbody> </table> <p>The CIL consultations received comments from a wide range of people including, the local community, businesses, neighbouring boroughs, the Mayor of London, developers and the property industry and infrastructure providers.</p>		Consultation dates	Stage of development of CIL	September 2012 – October 2012	1 st stage public consultation on the Preliminary Draft Charging Schedule (PDCS)	August 2014 - October 2014	2 nd stage public consultation: Draft Charging Schedule (DCS)
Consultation dates	Stage of development of CIL							
September 2012 – October 2012	1 st stage public consultation on the Preliminary Draft Charging Schedule (PDCS)							
August 2014 - October 2014	2 nd stage public consultation: Draft Charging Schedule (DCS)							
<p>Analysis</p>	<p>Formal representations on the DCS and the supporting evidence base documents were submitted to an independent examiner as part of the independent public examination and are publicly available for inspection on the council's website and other locations.</p> <p>Representations on the Neighbourhood CIL and the Equalities Impact Assessment (EqIA), which are separate to the formal DCS consultation, were not submitted to the independent examiner as they did not form part of the independent public examination.</p>							

Section 05

Analysis of impact and outcomes

Analysis

PROTECTED CHARACTERISTICS AND THE PUBLIC SECTOR EQUALITY DUTIES (PSED)

This EQIA analyses the likely impacts of the CIL charging schedule on statutorily identified protected characteristics, human rights and children's rights. It will also assess the CIL charging schedule against the public sector equality duties (PSED) in S149 of the Equality Act 2010 which states that in the exercise of our functions the council must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited under the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

Having due regard for advancing equality involves:

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

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

PSED ANALYSIS

The analysis includes a rating of the relevance of the policies to the protected characteristics listed as:

High (H)	The policy, strategy, function, project, activity, or programme is relevant to all or most parts of the general duty, and/or to human/children's rights
	There is substantial or a fair amount of evidence that some groups are (or could be) differently affected by it
	There is substantial or a fair amount of public concern about it
Medium (M)	The policy, strategy, function, project, activity, or programme is relevant to most parts of the general duty, and/or to human/children's rights
	There is some evidence that some groups are (or could be) differently affected by it
	There is some public concern about it
Low (L)	The policy, strategy, function, project, activity, or programme is not generally relevant to most parts of the general duty, and/or to human/children's rights
	There is little evidence that some groups are (or could be) differently affected by it
	There is little public concern about it
Not Applicable (N/A)	Not applicable

The impacts of the policy on the protected characteristics are also analysed and rated as:

Positive (+)	The EIA shows the policy is not likely to result in adverse impact for any protected characteristic and does advance equality of opportunity, and/or fulfils PSED in another way
Neutral	The EIA shows the policy, strategy, function, project or activity is not likely to result in adverse impact for any protected characteristic and does not advance equality of opportunity, and/or fulfils PSED in another way
Negative (-)	The EIA shows the policy, strategy, function, project or activity is likely to have an adverse impact on a particular protected characteristic(s) and potentially does not fulfil PSED, or the negative impact will be mitigated through another means

Proposed CIL charges / zones impact				
Residential (C3); HMO (C4); £100-400/m²	Although the proposed charge for residential uses varies across the borough, this is based on evidence that residential development viability varies across the borough, so there should be no overall detrimental impact on delivery of residential development across the borough.			
	Age	Minimal impact on the availability of accommodation across the borough for any age group.	L	Neutral
	Disability	Minimal impact on the availability of accommodation across the borough for any level of ability/disability.	L	Neutral
	Gender reassignment	Minimal impact on the availability of accommodation across the borough for all people whether experiencing gender reassignment or not.	L	Neutral
	Marriage and Civil Partnership	Minimal impact on the availability of accommodation across the borough for all people whether single-person, couple or family.	L	Neutral
	Pregnancy and maternity	Minimal impact on the availability of accommodation across the borough for all people whether experiencing pregnancy, maternity, parenthood or not.	L	Neutral
	Race	Minimal impact on the availability of accommodation across the borough for any race, including where race/culture may have an influence on household size.	L	Neutral
	Religion/belief (including non-belief)	Minimal impact on the availability of accommodation across the borough for any religion/belief/non-belief, including where religion/belief/non-belief may have an influence on household size.	L	Neutral
	Sex	Minimal impact on the availability of accommodation across the borough for either sex.	L	Neutral
	Sexual Orientation	Minimal impact on the availability of accommodation across the borough for any sexual orientation.	L	Neutral

	Office (B1a/b) £0-£80/m²	Although the proposed charge for office uses varies across the borough, this is based on evidence that office development viability varies across the borough, so there should be no overall detrimental impact on delivery of office development across the borough. Where a £0/m ² charge is applied to such development, S106 contributions can still be sought (if in accordance with S106 tests, pooling restrictions and policy) to ensure any necessary supporting infrastructure or mitigating measures are delivered.		
	Age	Minimal impact on employment opportunities across the borough for any age group, including the working population.	L	Neutral
	Disability	Minimal impact on employment opportunities across the borough for any level of ability/disability.	L	Neutral
	Gender reassignment	Minimal impact on employment opportunities across the borough for all people whether experiencing gender reassignment or not.	L	Neutral
	Marriage and Civil Partnership	Minimal impact on employment opportunities across the borough for all people whether single-person, couple or family.		
	Pregnancy and maternity	Minimal impact on the employment opportunities across the borough for all people whether experiencing pregnancy, maternity, parenthood or not.	L	Neutral
	Race	Minimal impact on the employment opportunities across the borough for any race.	L	Neutral
	Religion/belief (including non-belief)	Minimal impact on the employment opportunities across the borough for any religion/belief/non-belief.	L	Neutral
	Sex	Minimal impact on the employment opportunities across the borough for either sex.	L	Neutral
	Sexual Orientation	Minimal impact on the employment opportunities across the borough for any sexual orientation.	L	Neutral
	All other uses £0/m²	The proposed charge for all other uses is zero and so there should be no detrimental impact on delivery of such development. Where a £0/m ² charge is applied to such development, S106 contributions can still be sought (if in accordance with S106 tests, pooling restrictions and policy) to ensure any necessary supporting infrastructure or mitigating measures are delivered.		

	Age No impact on employment opportunities for any age group, including the working population.	N/A	Neutral
	Disability No impact on employment opportunities for any level of ability/disability.	N/A	Neutral
	Gender reassignment No impact on employment opportunities for all people whether experiencing gender reassignment or not.	N/A	Neutral
	Marriage and Civil Partnership No impact on employment opportunities for all people whether single-person, couple or family.	N/A	Neutral
	Pregnancy and maternity No impact on employment opportunities for all people whether experiencing pregnancy, maternity, parenthood or not.	N/A	Neutral
	Race No impact on employment opportunities for any race.	N/A	Neutral
	Religion/belief (including non-belief) No impact on employment opportunities for any religion/belief/non-belief.	N/A	Neutral
	Sex No impact on employment opportunities for either sex.	N/A	Neutral
	Sexual Orientation No impact on employment opportunities for any sexual orientation.	N/A	Neutral
	The following uses:	The proposed charge for all other uses is based on development viability evidence, so there should be no overall detrimental impact on delivery of other uses development across the borough.	
£80/m²	Age Minimal impact on any age group.	L	Neutral
	Disability Minimal impact on any level of ability/disability.	L	Neutral
	Gender reassignment Minimal impact for all people whether experiencing gender reassignment or not.	L	Neutral
	Marriage and Civil Partnership Minimal impact for all people whether single-person, couple or family.	L	Neutral

		Pregnancy and maternity Minimal impact for all people whether experiencing pregnancy, maternity, parenthood or not.	L	Neutral
		Race Minimal impact for any race.	L	Neutral
		Religion/belief (including non-belief) Minimal impact for any religion/belief/non-belief.	L	Neutral
		Sex Minimal impact for either sex.	L	Neutral
		Sexual Orientation Minimal impact for any sexual orientation.	L	Neutral
	White City East	The proposed charge for White City East and Earls Court & West Kensington Opportunity Area is zero and is based on development viability evidence, so there should be no overall detrimental impact on delivery of development in these areas. Where a £0/m ² charge is applied to such development, S106 contributions can still be sought (if in accordance with S106 tests, pooling restrictions and policy) to ensure any necessary supporting infrastructure or mitigating measures are delivered.		
	Earls Court & West Kensington Opportunity Area	Age Minimal impact on any age group.	L	Neutral
	£0/m²	Disability Minimal impact on any level of ability/disability.	L	Neutral
		Gender reassignment Minimal impact for all people whether experiencing gender reassignment or not.	L	Neutral
		Marriage and Civil Partnership Minimal impact for all people whether single-person, couple or family.	L	Neutral
		Pregnancy and maternity Minimal impact for all people whether experiencing pregnancy, maternity, parenthood or not.	L	Neutral
		Race Minimal impact for any race.	L	Neutral
		Religion/belief (including non-belief) Minimal impact for any religion/belief/non-belief.	L	Neutral

		Sex Minimal impact for either sex.	L	Neutral
		Sexual Orientation Minimal impact for any sexual orientation.	L	Neutral
Potential CIL-funded infrastructure schemes*				
Drainage & Flooding, Highways & Transport		Infrastructure which may potentially be funded by CIL includes sustainable urban drainage, schemes which provide better transport access to jobs/services, improved public transport services and step-free access.		
		Age Positive impact on all age groups, but in particular the young, young adult or elderly age groups who may have more limited mobility.	M	+
		Disability Positive impact on all levels of ability/disability, but in particular disabled people with particular mobility and/or transport access needs.	M	+
		Gender reassignment Positive impact on people whether experiencing gender reassignment or not.	L	+
		Marriage and Civil Partnership Positive impact on people whether single-person, couple or family.	L	+
		Pregnancy and maternity Positive impact for all people whether experiencing pregnancy, maternity, parenthood or not, but in particular, those with particular mobility and/or transport access needs arising from pregnancy and caring for babies/children.	M	+
		Race Positive impact for all races.	L	+
		Religion/belief (including non-belief) Positive impact for all religions/beliefs/non-belief, but in particular those requiring transport access to religious centres or places of worship.	M	+
		Sex Positive impact for either sex.	L	+
		Sexual Orientation Positive impact for any sexual orientation.	L	+
Waste Street	&	Infrastructure which may potentially be funded by CIL includes schemes which provide waste facilities, energy, environmental health, noise and air quality improvements.		

Enforcement, Energy & Environmental Health	Age Positive impact on all age groups, but in particular the young or elderly age groups who may be more vulnerable to environmental health impacts.	M	+
	Disability Positive impact on all levels of ability/disability, but in particular disabled people who may be more vulnerable to environmental health impacts.	M	+
	Gender reassignment Positive impact on people whether experiencing gender reassignment or not.	L	+
	Marriage and Civil Partnership Positive impact on people whether single-person, couple or family.	L	+
	Pregnancy and maternity Positive impact for all people whether experiencing pregnancy, maternity, parenthood or not, but in particular pregnant women who may be more vulnerable to environmental health impacts.	M	+
	Race Positive impact for all races.	L	+
	Religion/belief (including non-belief) Positive impact for all religions/beliefs/non-belief.	L	+
	Sex Positive impact for either sex.	L	+
	Sexual Orientation Positive impact for any sexual orientation.	L	+
	Economic development, adult learning & skills	Infrastructure which may potentially be funded by CIL includes schemes which provide access to jobs, training, (small) business engagement and adult learning. It should be noted, however, that this infrastructure category is likely to have only a few schemes which qualify for CIL for legal reasons and may continue to be provided predominantly by S106s.	
Age Positive impact on all age groups, but in particular young adults and the working age population.		M	+
Disability Positive impact on all levels of ability/disability, but in particular disabled people who may benefit from specialist training or business engagement.		M	+

		Gender reassignment Positive impact on people whether experiencing gender reassignment or not.	L	+
		Marriage and Civil Partnership Positive impact on people whether single-person, couple or family.	L	+
		Pregnancy and maternity Positive impact for all people whether experiencing pregnancy, maternity, parenthood or not.	L	+
		Race Positive impact for all races, but in particular those whose first language may not be English and may require support in terms of training, business engagement and/or adult learning to help access jobs.	M	+
		Religion/belief (including non-belief) Positive impact for all religions/beliefs/non-belief.	L	+
		Sex Positive impact for either sex.	L	+
		Sexual Orientation Positive impact for any sexual orientation.	L	+
		Infrastructure which may potentially be funded by CIL includes schemes which provide third sector hubs, disability services accommodation, community space and libraries.		
	Culture, Community Investment, Libraries & Archives	Age Positive impact on all age groups, but in particular, the young and the elderly who may have a greater need for such services.	M	+
		Disability Positive impact on all levels of ability/disability, but in particular disabled people who may have a greater need for such services.	M	+
		Gender reassignment Positive impact on people whether experiencing gender reassignment or not.	L	+
		Marriage and Civil Partnership Positive impact on people whether single-person, couple or family, but in particular those seeking marriage or civil partnership who may have a greater need to access appropriate venues for ceremonies.	M	+

		Pregnancy and maternity Positive impact for all people whether experiencing pregnancy, maternity, parenthood or not, but in particular those who may have a greater need for such services.	M	+
		Race Positive impact for all races, but in particular those who may have a greater need for such services.	M	+
		Religion/belief (including non-belief) Positive impact for all religions/beliefs/non-belief, but in particular those who may have a greater need for such services which may be related to religion/belief/non-belief.	M	+
		Sex Positive impact for either sex.	L	+
		Sexual Orientation Positive impact for any sexual orientation.	L	+
	Children's Services, Early Years, Schools & Youth	Infrastructure which may potentially be funded by CIL includes schemes which provide nurseries, schools and special education.		
		Age Positive impact on all age groups, but in particular the young, young adults, or those seeking adult education.	M	+
		Disability Positive impact on all levels of ability/disability, but in particular disabled people who may require specialist educational services to meet their needs.	M	+
		Gender reassignment Positive impact on people whether experiencing gender reassignment or not.	L	+
		Marriage and Civil Partnership Positive impact on people whether single-person, couple or family.	L	+
		Pregnancy and maternity Positive impact for all people whether experiencing pregnancy, maternity, parenthood or not.	L	+
		Race Positive impact for all races.	L	+
		Religion/belief (including non-belief) Positive impact for all religions/beliefs/non-belief.	L	+

	Sex Positive impact for either sex.	L	+
	Sexual Orientation Positive impact for any sexual orientation.	L	+
Adult Social Care & Health	Infrastructure which may potentially be funded by CIL includes schemes which provide adult social care, mental health and primary care services.		
	Age Positive impact on all age groups, but in particular the young or elderly age groups who may have a greater need for health services.	M	+
	Disability Positive impact on all levels of ability/disability, but in particular disabled people who may have a greater need for health services.	M	+
	Gender reassignment Positive impact on people whether experiencing gender reassignment or not, but in particular those experiencing gender reassignment who may have a greater need for health services to assist with reassignment.	M	+
	Marriage and Civil Partnership Positive impact on people whether single-person, couple or family.	L	+
	Pregnancy and maternity Positive impact for all people whether experiencing pregnancy, maternity, parenthood or not, but in particular those who may have a greater need for health services.	M	+
	Race Likely to have a positive impact for all races, but in particular those who may have a greater need for particular health services.	M	+
	Religion/belief (including non-belief) Positive impact for all religions/beliefs/non-belief.	L	+
	Sex Positive impact for either sex.	L	+
	Sexual Orientation Positive impact for any sexual orientation.	L	+
Emergency services &	Infrastructure which may potentially be funded by CIL includes schemes which provide policing, community safety hubs and CCTV.		

community safety	Age	Positive impact on all age groups, but in particular the young or elderly age groups who may be more vulnerable to crime or the fear of crime.	M	+
	Disability	Positive impact on all levels of ability/disability.	L	+
	Gender reassignment	Positive impact on people whether experiencing gender reassignment or not.	L	+
	Marriage and Civil Partnership	Positive impact on people whether single-person, couple or family.	L	+
	Pregnancy and maternity	Positive impact for all people whether experiencing pregnancy, maternity, parenthood or not.	L	+
	Race	Positive impact for all races, but in particular those groups (including minority ethnic groups) who may be more likely to experience or fear racism and/or hate crime(s).	M	+
	Religion/belief (including non-belief)	Positive impact for all religions/beliefs/non-belief, but in particular those groups who may be more likely to experience or fear hate crime(s) based on their religion.	M	+
	Sex	Positive impact for either sex.	L	+
	Sexual Orientation	Positive impact for any sexual orientation, but in particular those groups who may be more likely to experience or fear hate crime(s) based on their sexual orientation.	M	+
	Leisure & Parks	Infrastructure which may potentially be funded by CIL includes schemes which provide leisure and sport facilities, parks/park improvements and play spaces / improvements.		
	Age	Positive impact on all age groups with regard to health benefits, but in particular the young who benefit from play space provision.	M	+

Disability Positive impact on all levels of ability/disability with regard to health benefits, but in particular disabled people who may require specialist leisure/sport infrastructure or benefit from access improvements in parks.	M	+
Gender reassignment Positive impact on people whether experiencing gender reassignment or not.	L	+
Marriage and Civil Partnership Positive impact on people whether single-person, couple or family.	L	+
Pregnancy and maternity Positive impact for all people whether experiencing pregnancy, maternity, parenthood or not.	L	+
Race Positive impact for all races.	L	+
Religion/belief (including non-belief) Positive impact for all religions/beliefs/non-belief.	L	+
Sex Positive impact for either sex.	L	+
Sexual Orientation Positive impact for any sexual orientation.	L	+

*From the Infrastructure Schedule, a background document to the CIL charging schedule. Note that the purpose of the Infrastructure Schedule is to demonstrate an aggregate funding gap for infrastructure across the borough, primarily for CIL purposes and *not* to represent a detailed spending plan for infrastructure schemes which S106 or CIL monies can be spent on. Identification of schemes in the Infrastructure Schedule does not mean that they will necessarily have CIL monies spent on them – this is dependent on the public consultation, examination, and the circumstances at the time, including prioritising infrastructure schemes. It follows that schemes have been suggested here *as indicative examples of schemes which CIL may be spent on* only for the purposes of assessing equality impacts. Some categories of infrastructure, for example economic development, adult learning and skills, are likely to have only a few schemes which qualify for CIL for legal reasons and may continue to be provided predominantly by S106s. The proposed consultation also includes consultation on the Neighbourhood CIL where suggestions can be put forward for CIL expenditure, which will also be considered by the council in due course.

HUMAN RIGHTS

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

No

It is worth noting that the amendments to the CIL legislation assessed in the Localism Bill CIL Impact Assessment were deemed by the government to “not have an adverse impact on human rights” (page 25). Further the explanatory memorandum for the 2104 amendments to the CIL Regulations 2010 states that the amendments “are compatible with the [European] Convention [on human] rights” (para.6).

CHILDREN’S RIGHTS

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

No

OTHER ANALYSES

It is also considered important to consider the potential impacts of the proposed CIL charges and zones in the CIL charging schedule for other general groups as set out below.

Affordable housing	<p>It should be noted that a significant factor influencing viability of residential development schemes is the provision of affordable housing for different tenures. The Viability Study document which supports the CIL charging schedule demonstrates that the proposed CIL charges can be achieved without having an overall impact on delivering policy-compliant levels of affordable housing.</p> <p>It is acknowledged that affordable housing can help advance equality issues for protected characteristics and groups.</p>	L	Neutral
Social groups	<p>The Localism Bill CIL Impact Assessment considers that CIL “is unlikely to have an adverse impact on any social group” (page 25).</p> <p>The Report to the Mayor of London on the Mayoral CIL states that “It is considered that the proposals will not have a significant adverse impact on any particular social group or community” (6.6).</p> <p>Further to the PSED analysis above, it is considered that the proposed CIL charges and zones in the CIL charging schedule. will not have any significant</p>	L	Neutral

	adverse impacts on any social groups, and in fact will have a positive impact when potential CIL-funded infrastructure schemes are considered.		
Health	<p>The Localism Bill CIL Impact Assessment suggests that CIL will not “have an adverse impact on health” (page 25).</p> <p>Further to the PSED analysis above, it is considered that the proposed CIL charges and zones in the CIL charging schedule. will not have any significant adverse impacts on health, and in fact will have a positive impact when potential CIL-funded infrastructure schemes are considered.</p>	L	Neutral
Charities	<p>CIL (Amendment) Regulations 2014 Explanatory Memorandum “The impact on... charities or voluntary bodies is limited to those who develop land or own land that is developed. The changes improve flexibility in the application of the levy and update and add to both discretionary and mandatory reliefs from the levy” (para.10.1).</p> <p>It is acknowledged that charities can help advance equality issues for protected characteristics and groups.</p> <p>The mandatory exemption from CIL for charitable purposes will be applied as part of any borough CIL, as per the CIL regulations, and no difference in approach is proposed through the CIL charging schedule.</p> <p>The council may propose at a later date to introduce a policy to allow the additional discretionary charitable relief although that is not currently part of this particular decision-making process for the CIL charging schedule.</p>	L	Neutral
Businesses / Developers / Landowners	<p>The Localism Bill CIL Impact Assessment considers that CIL will provide a number of benefits to businesses, developers and landowners, including:</p> <ul style="list-style-type: none"> • Simplicity; • Reducing risk and providing upfront certainty about liability; • Speeding up the development process; • Avoiding only the minority of (typically larger) developments contributing to the infrastructure needed to support growth as with the existing system of 	L	Neutral

		<p>planning obligations; and</p> <ul style="list-style-type: none"> • Avoiding rewarding developers' ability to negotiate as with the existing system of planning obligations. <p>It goes on to conclude "We expect that any additional upfront costs on developers should be offset by the benefits..." (page 20); "We do not anticipate the Community Infrastructure Levy having an adverse impact upon fair and open business competition" and "This impact assessment therefore assumes that there will be a neutral effect overall in terms of the administrative burdens on developers" (page 24).</p> <p>CIL (Amendment) Regulations 2014 Explanatory Memorandum states that "The impact on business... is limited to those who develop land or own land that is developed. The changes improve flexibility in the application of the levy and update and add to both discretionary and mandatory reliefs from the levy" (para.10.1).</p>		
	<p>Small and Medium Sized Businesses</p>	<p>The CIL Regulations Explanatory Memorandum states that the CIL legislation "applies to small businesses in the same way that it applies to larger businesses" (11.1).</p> <p>Both the CIL Regulations Explanatory Memorandum and the Localism Bill CIL Impact Assessment emphasise the provisions in the CIL Regulations which are partly intended to help small businesses, namely:</p> <ul style="list-style-type: none"> • The 100sqm threshold under which developments generally don't give rise to a CIL liability, to ensure small developments do not pay CIL; • The £50 CIL liability threshold under which CIL liability is deemed to be zero, to avoid administrative costs associated with paying small amounts of CIL; and • The ability for charging authorities to introduce discretionary instalments policies to help with any cash flow issues. <p>The council may propose at a later date to introduce a policy to allow instalments although that is not currently part of this particular decision-making process for the DCS.</p>	L	Neutral

		<p>The Localism Bill CIL Impact Assessment acknowledges that “as the Community Infrastructure Levy is payable on almost all new developments, there will be a small administrative burden on some developers who did not previously contribute towards infrastructure through section 106 agreements” (page 12). However, it goes on to state that “we would ultimately expect these costs, for small and big businesses alike, to be passed back to landowners through reduced prices for land” (page 24). It should also be noted that the 2014 amendment regulations introduced exemptions for residential annexes, residential extensions and self-builders.</p>		
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Section 06	Reducing any adverse impacts			
Outcome of Analysis	<p>The proposed CIL charges in the CIL charging schedule are not considered to have any negative impacts on equality. When assessed, it has an overall a positive impact, particularly relating to the potential CIL-funded infrastructure schemes.</p> <p>It is therefore not anticipated that any specific actions will be needed to remove or mitigate against the risk of unlawful discrimination. However, despite this, the council will undertake the following actions set out in Section 07 Action Plan.</p>			

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Section 07	Action Plan																
Action Plan	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Issue identified</th> <th style="width: 20%;">Action (s) to be taken</th> <th style="width: 15%;">When</th> <th style="width: 15%;">Lead officer</th> <th style="width: 15%;">Expected outcome</th> <th style="width: 15%;">Date added to business/service plan</th> </tr> </thead> <tbody> <tr> <td>Need to ensure EqIA is robust</td> <td>Ensure EqIA considered and consulted on in further stages of consultation</td> <td>See Section 01</td> <td>Sid Jha</td> <td>More information and analysis on equalities impact</td> <td>N/A</td> </tr> </tbody> </table>					Issue identified	Action (s) to be taken	When	Lead officer	Expected outcome	Date added to business/service plan	Need to ensure EqIA is robust	Ensure EqIA considered and consulted on in further stages of consultation	See Section 01	Sid Jha	More information and analysis on equalities impact	N/A
Issue identified	Action (s) to be taken	When	Lead officer	Expected outcome	Date added to business/service plan												
Need to ensure EqIA is robust	Ensure EqIA considered and consulted on in further stages of consultation	See Section 01	Sid Jha	More information and analysis on equalities impact	N/A												

Impact of CIL on cashflow of (small) businesses	Consider pros/cons of introducing a discretionary instalments policy	Prior to CIL Charging Schedule taking effect (see Section 01)	Sid Jha	Decision on whether or not to introduce a discretionary instalments policy	N/A
Impact of CIL on charities where charities undertaking development for investment purposes	Consider pros/cons of introducing a discretionary charitable relief policy	Prior to CIL Charging Schedule taking effect (see Section 01)	Sid Jha	Decision on whether or not to introduce a discretionary charitable relief policy	N/A
Impact of CIL on Discounted Market Sale (DMS) housing delivery	Consider pros/cons of introducing a discretionary social housing relief policy	Prior to CIL Charging Schedule taking effect (see Section 01)	Sid Jha	Decision on whether or not to introduce a discretionary social housing relief policy	N/A
Impact of CIL on sites with exceptional viability circumstances, such as abnormal on-site costs and significant S106 contributions	Consider pros/cons of introducing an exceptional circumstances policy	Prior to CIL Charging Schedule taking effect (see Section 01)	Sid Jha	Decision on whether or not to introduce an exceptional circumstances policy	N/A
Impact of CIL on borough development / viability and delivery of infrastructure	Monitor as part of Annual Monitoring Reports (AMRs)	In relevant AMRs after the CIL Charging Schedules takes effect (see Section 01)	Sid Jha / Sandrine Mathard	Information and analysis on impact of CIL	N/A

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Section 08	Agreement, publication and monitoring	
Chief Officer sign-off	Name:	Nigel Pallace
	Position:	Executive Director, Transport and Technical Services
	Email:	nigel.pallace@lbhf.gov.uk
	Telephone No:	0208 753 3000
Key Decision Report	Date of report to Council:	20 May 2015
	Equalities issues included:	Yes.

Agenda Item 6

	<p>London Borough of Hammersmith & Fulham</p> <p>CABINET</p> <p>1 JUNE 2015</p>
<p>PROPERTY ASSET DATA MANAGEMENT – PROPOSED CALL OFF</p>	
<p>Report of the Cabinet Member for Finance: Councillor Max Schmid</p>	
<p>OPEN REPORT</p> <p>A separate report on the exempt part of the Cabinet agenda provides exempt information.</p>	
<p>Classification - For Decision</p> <p>Key Decision: Yes</p>	
<p>Wards Affected: None</p>	
<p>Accountable Executive Director: Nigel Pallace, Chief Executive</p>	
<p>Report Author: Maureen McDonald-Khan, Director – Building & Property Management</p>	<p>Contact Details: Tel: 020 8753 4701 E-mail: Maureen.McDonald-Khan@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1. The current contract for the provision of a property asset data management (PADM) system for H&F's Transport and Technical Services (TTS) expired in April 2015. This report sets out proposals for the procurement of a new asset management system for H&F.
- 1.2. The annual revenue budget costs for Transportation and Technical Services is £58,482.00 per annum. The annual revenue saving to Transportation and Technical Services is approximately £22,000.
- 1.3. A PADM system is a crucial resource for H&F. It enables the Council to meet CIPFA reporting requirements, statutory capital asset transparency requirements and to manage the operational and investment property portfolios.
- 1.4. The proposals set out in this report are to replace the system used by TTS and to implement a system for H&F's Housing Division (HD) by calling off on the pan-London Managed Services Lot 3 framework agreement with the Technology

Forge Limited. The proposed solution will also become the preferred corporate solution for PADM systems for H&F.

- 1.5. The Technology Forge Limited currently provides a PADM system for TTS. To call-off under the framework agreement would allow TTS to upgrade to a more advanced version of the existing system and add additional online reporting functionality at a reduced cost. It will also ensure continuity in the provision of an important service, which is due to expire in May 2015.
- 1.6. It is recommended that the Hammersmith and Fulham Bridge Partnership Ltd (HFBP) are instructed to enter into a contract on behalf of the Council with the Technology Forge Limited.
- 1.7. This proposal is made in the context of the Shared Services Asset Management and Property programme, which seeks to align the management of property assets with shared objectives, and to ensure that land and buildings provide optimal value to the organisations and communities they serve.
- 1.8. This proposal is aligned with the findings of the 'Critical Friends Board Report' by ensuring that H&F retains sovereignty of ownership of data and management of property portfolios; facilitating the use of good practice in processes and ICT systems; and using a framework contract and methodology that can be adopted by other Local Authorities.
- 1.9. Westminster City Council (WCC) called off on the PADM framework agreement in May 2014 and completed the first phase of implementation (system installation) in September 2014. The Royal Borough of Kensington and Chelsea (RBKC) are expected to call off on the framework in autumn 2015.
- 1.10. A new procurement process for a PADM system, without going through the framework agreement, would involve a 6 to 12 month period at considerable cost. H&F have already incurred the costs for the procurement of the framework agreement, which have been shared with tri-borough partners.

2. PROPOSAL AND RECOMMENDATIONS

- 2.1 To approve LBHF calling-off Lot 3 of the Managed Services Programme Framework Agreement for the provision of Property Asset Data Management Systems and Services, and entering into a call-off contract with Technology Forge Limited for a term of five-years with an option to extend for a further 3 years at an annual cost of £84k in year 1 and £74k per annum thereafter.
- 2.2 That approval be given to LBHF to enter into a form of agreement with HFBP to contract manage the above call-off contract on its behalf in accordance with the IT Service Contract. ..
- 2.3 That authority be delegated to the Cabinet Member for Finance in consultation with the Executive Director of Transport and Technical Services to exercise the option to extend the above call-off contract in line with the provisions set out in the call-off contract.

3. REASONS FOR RECOMMENDATIONS

- 3.1. The current contract for the provision of a property asset data management (PADM) system for H&F is due to expire in May 2015. It can be extended to support the implementation of the new system.
- 3.2. An asset management system is a crucial resource for H&F, enabling the Council to meet CIPFA reporting requirements, statutory capital asset transparency requirements and to manage the operational and investment property portfolios. It is used to capture, manage and report on property assets in which the Council has an interest.
- 3.3. An accurate and robust asset register is essential for the management of the property portfolio and is the primary source of information for the capital asset register within Finance. The current estimated value of the H&F investment and operational property portfolios is £541m (excluding housing).
- 3.4. The Technology Forge Limited provide TTS's current PADM system and to call-off under the framework agreement would allow TTS to upgrade to a more advanced version of the existing system and add additional online reporting functionality at the same cost. It will also ensure continuity in the provision of an important service, which is due to expire in May 2015. It will enable the continuation of management and reporting on the core property asset register for H&F. In addition, it will support the strategic management of the operational and investment property portfolios.
- 3.5. It is proposed that the solution will become the preferred corporate PADM for H&F, allowing costs to be shared across departments. This means that a number of services will have their property asset data and information on one system. H&F's HD have completed an evaluation programme and have confirmed that the proposed PADM solution will meet their business requirements. The annual licence, service and support costs for the system that are set out in this report will be initially shared between the TTS and HD departments. In addition, work has started with Legal Services and Schools management services to confirm that the system will meet their business requirements.
- 3.6. The key to strategic housing asset management and the most effective use of available funds is visibility of all asset information and cost data. The Council does not currently have this information easily available for its housing stock as information is held on multiple databases and in some cases in paper records. Technology Forge will give the Housing Department a single view of all Housing Assets including all our long leasehold interests, stock condition data and statutory compliance (Health and Safety) data. Technology Forge will provide Housing with real time data and financial projections and therefore provide the basis for easier scenario modelling, planning and monitoring. This will not only inform the Planned Maintenance and Capital Programme, but will also inform (once the latest Stock Condition data is loaded), the Strategic Housing Stock Options Appraisal. The system is also easier to maintain than the current databases and can be interfaced with the Council's Housing Repairs and Planned Maintenance contractor; officers can also maintain it on a day to day basis through using handheld devices. There is the facility to load photographs and certificates, so it brings the benefits of an electronic data management system reducing the need for paper documents to be stored.

- 3.7. H&F have already incurred costs for the procurement of the framework agreement as the procurement costs were shared between the tri-borough partners. Any further procurement costs that might be incurred from a new procurement exercise would be in addition to those already incurred.
- 3.8. Expertise and knowledge within the relevant service areas recognises that the Technology Forge Limited is a market leader in the provision of PADM systems. In addition, past experience of the Technology Forge's services has demonstrated that their solution meets the Council's business requirements for a property asset data management system.
- 3.9. The implementation of the framework solution will underpin and help to progress efforts to align asset registers, improve the quality of asset data, and promote best practice and standards. Future collaborative work on property would be significantly assisted with asset data stored consistently and on the same system. The continuation of separate arrangements will add a time and cost penalty to any future Shared Services activity for property services.
- 3.10. A virtual Shared Services data team and respective team model is being put in place. It is expected that there will be a lead for each borough and a manager with responsibility for ensuring good practice and effective data standards.
- 3.11. The pan-London framework contract is open to seventeen other London Local Authorities who are named in the contract. This means that there is the potential to align data and to be able to report on property portfolios for other London Local Authorities. In addition, the virtual Shared Services data team model may have the potential to be developed as a 'centre of excellence' and to be expanded to offer services to other Local Authorities or partner organisations (e.g. NHS).
- 3.12. The solution will streamline the processes through which asset information is shared with the Shared Services Agresso finance system and facilities management services provided through the Link and Amey. It will underpin work to facilitate the Working from Anywhere Programme as well as discussions on the co-location of services.
- 3.13. The framework agreement provides an efficient common mechanism, which allows all three Councils to procure an aligned PADM solution.
- 3.14. The letting of the framework agreement was achieved through a robust and competitive process. The solution provided through the framework meets and exceeds H&F's requirements; it is functionally advanced, and is well supported and maintained.

4. BACKGROUND

- 4.1. The pan-London framework agreement forms Lot 3 of the four Lots of the Managed Services Programme (MSP), which includes Finance & HR (Lot 1), E-sourcing (Lot 2) and Business Intelligence (Lot 4).
- 4.2. The three boroughs currently operate separate systems and approaches for Property Asset Data Management. Work has advanced on the convergence of

approaches and processes, and will be progressed through this proposal to achieve a Shared Services property information architecture.

5. PROPOSAL AND ISSUES

- 5.1. The Tech Forge solution and property asset data would be supplied, maintained and hosted directly by the Technology Forge Limited. H&F TTS currently use an earlier version of the Tech Forge system which is provided by HFBP.
- 5.2. The scope of the framework is initially limited to the property portfolios for operational corporate properties (e.g. town hall buildings and other buildings used to provide services), investment properties (tenanted non-operational properties; e.g. HRA, shops, transformer chambers, way-leaves, third sector properties etc...) and Housing Department properties.
- 5.3. The Shared Services Legal services and Schools management functions are intending to be able to use the PADM system to manage property data and information. Work has started with the service to ensure that the system will meet their business requirements. Discussions have also started with the LINK Team (Shared Services intelligent client function for the facilities management contract) and Amey (facilities management provider), regarding potential future developments to meet their requirements. Future business case proposals are anticipated to meet these needs.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. This proposal is for the call off on the framework, which will put in place a contract between LBHF and Technology Forge Limited.
- 6.2. The alternative option would be for H&F to undertake a new procurement process for a PADM system through HFBP. This would mean that H&F would incur additional procurement costs, when it has already shared procurement costs with WCC and RBKC for the framework agreement. The procurement costs would depend on the complexity of the system and the business requirements but are anticipated to be significant. In contrast the framework agreement provides an efficient and compliant way to procure a solution which meets all requirements.
- 6.3. Existing business knowledge of the market and historic procurement exercises have shown that the Technology Forge Limited's PADM solution is an industry respected market leader and that the supplier has been able to meet the growing needs of PADM services across the UK.
- 6.4. H&F were closely involved in the development of requirements specifications and the letting of the framework agreement, which was achieved through a robust and competitive process with four potential suppliers taking part in the procurement process. The Tech Forge solution was found to be the one offering the best value for money and best meeting the business requirements.

Options	Arguments Against	Arguments For
1) MSP Lot 3 Framework Call Off	<ul style="list-style-type: none"> • The annual revenue and implementation costs (see below) and a brief period of change to allow for implementation. 	<ul style="list-style-type: none"> • Establish a corporate PADM solution for H&F. • Ensure maintenance of important PADM data and information. • Ensure continuity and minimise change for LBHF (minimal change for users, data migration etc...). • Necessary ICT expertise in place to manage the contract on a day-to-day basis. • H&F have already invested in procurement processes for the MSP Lot 3 along with Shared Services partners. • Functional advances. • Shared Services/bi-borough partnership <ul style="list-style-type: none"> ○ Asset register alignment ○ Interface to Finance and HR systems ○ Interface to Facilities Management systems ○ Enable reporting and Business Intelligence analysis to support strategic Shared Services decisions ○ Best practice alignment ○ Resource /capability potential • Retain existing systems developments made by the Technology Forge Limited to meet H&F requirements. • Functional advances

<p>2) Re-Tendering via HFBP</p>	<ul style="list-style-type: none"> • Additional and significant costs for re-tendering. • H&F have already invested in the procurement and implementation of the framework agreement. • Soft market data shows it is very unlikely that an alternative product, which meets requirements at a significantly lower cost, would be available. • Divergence from a Shared Services approach would create difficulties with the integration of Shared Services management and decision-making, and mean that H&F incur additional costs to interface ICT systems. • Lose existing systems developments made by TF to meet H&F requirements. 	<ul style="list-style-type: none"> • Allow the consideration of options not considered during the procurement of the framework agreement in 2012/13.
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7. CONSULTATION

- 7.1. It is intended that the PADM system will be a 'back-office' system, which is largely used by internal staff to manage data and to report on property assets.
- 7.2. Extensive consultation has taken place with internal staff across the tri-borough Councils. A project team has been setup to support implementation and has been working with a number of colleagues across the Councils, including colleagues in Finance and facilities management services.
- 7.3. In addition, project highlight reports have been submitted to the Shared Services Asset Management Property Board and the Managed Services Programme Board. With reports to other Boards provided when required, including Finance managers' meetings at LBHF and RBKC.

8. EQUALITY IMPLICATIONS

- 8.1. This proposal involves the upgrade of an existing ICT system. An Equality Impact Assessment has been considered not to be required for the changes that this report proposes.
- 8.2. It is intended that the PADM system will continue to be a 'back-office' system used by internal staff and there is no intended impact on staffing or current resources.

9. LEGAL IMPLICATIONS

- 9.1. It is understood that LBHF are able to access the Pan-London Managed Services Lot 3 Framework Agreement for the provision of Property Asset Data Management Systems and Services dated 21 March 2013 (the Framework Agreement). The proposed call-off contract should be carried out in accordance with Regulation 19 of the Public Contracts Regulations 2006 (as amended) and the Framework Agreement.
9.2 The Council's IT requirements are provided by HFBP under a service contract dated 01 November 2006 ("the IT Service Contract"). Under the IT Service Contract, HFBP contract manages the Council's suppliers for the provision of IT software. As such a management contract in respect of the Services will be entered into accordingly.

9.3 Legal Services will be available to assist with finalising and completing the necessary contract documentation.

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

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1. The tables below outline the expected costs of the system and associated services over the five year period of the proposed contract.
- 10.2. The annual service costs and implementation costs of the contract would be shared between H&F's TTS and HD. The tables below show that the annual cost of the contract would be approximately £73k, with a cost of £84k in the first financial year. The total contract value if H&F call off on the framework agreement is expected to be £375k.

- 10.3. The annual cost of the current service for H&F's TTS is £58,482 for financial year 2013/14. This cost has been subject to annual index linked increases.
- 10.4. Table A below outlines the annual revenue budget costs for H&F's TTS and HD to call off on the framework agreement. It shows a reduction in the annual budget expenditure for TTS of approximately £22k per annum. This will exclude the first year of the contract, as there will be a period of parallel running of the old and the new systems.
- 10.5. The costs of the second option outlined above (re-tendering via HFBP) are expected to be similar to those set out below, but additional procurement costs would be incurred.
- 10.6. The continuation of separate arrangements for property asset data management systems will add a time and cost penalty to any future Shared Services activity. Previous Shared Services property activity has resulted in additional cost and time delays from the need to analyse and align property data across the three Councils.
- 10.7. The supplier (Tech Forge) costs of implementation of the framework agreement system and services are £30k for H&F. This will be in return for services relating to data migration, training, testing and for establishing the necessary interfaces to ICT systems that hold property related information.
- 10.8. The shared services change costs set out below show the projected costs of resources required to manage the implementation of the proposed solution and to complete associated detailed business analysis work.
- 10.9. An initial evaluation of the system by H&F's HD concluded that the solution would meet their business requirements. There are additional modules that HD may need to purchase. The anticipated additional cost is £7k but the business need will be tested during the implementation stage and will be subject to the framework agreements change control process.
- 10.10. The funding for H&F's TTS implementation costs will be met by IT reserves and the annual costs from existing revenue budget.
- 10.11. The funding for H&F's HD costs will be met from the IT Projects Budget as will any on-going costs. It is expected that they will then be consolidated into the Application Charges budget at the start of the year.
- 10.12. Implications verified/completed by: Gary Hannaway (Head of Finance for Transport and Technical Services); tel.: 020 8753 6071 and Daniel Rochford (Head of Finance for Housing Division); tel.: 020 8753 4023.

11. RISK MANAGEMENT

- 11.1. Implementation of the proposed system is dependent on a number of interfaces with ICT systems holding related property information. This includes systems for finance, facilities management, and external services for property valuations and property insurance valuations. There is a level of uncertainty in the complexity and volume of work required to build and maintain interfaces. The detailed information required to design and build interfaces is currently being captured and will be finalised during the implementation stage.
- 11.2. The work to align data standards and structures across the tri-borough Councils is a substantial volume of work. Resources with existing specialist knowledge and expertise have been made available to ensure that the quality of property data is at the required standard and meets CIPFA requirements.
- 11.3. The MSP Lot 3 forms part of a Managed Service and as such the Council should reflect this in its Business Continuity response plans. An assessment of the criticality of the system to the Council should also be made in conjunction with the Bi-Borough Business Continuity Officer. Business Continuity is noted on the Bi-Borough Enterprise wide Risk Register, risk number 5. Information risk should also be considered to ensure the integrity and security of data remains robust and that its availability to the Council is maintained during transition. Information risk is also noted on the Bi-Borough Enterprise wide Risk Register, risk number 9, maintaining reputation and service standards.
- 11.4. Implications verified/completed by: Michael Sloniowski (Bi-Borough Risk Manager); tel.: 020 8753 2587.

12. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 12.1. On 21 March 2013 Westminster City Council (WCC) awarded a framework agreement for the provision of Property Asset Data Management (PADM) systems and services. The opportunity was published on 18 January 2012 in the Official Journal of the European Union (OJEU) under reference: 2012/S 12-019431. The framework agreement was awarded on 21 March 2013 and a Contract Award Notice was published in OJEU on 17 May 2013 (ref: 2013/S 095-161527).
- 12.2. The agreement with the Technology Forge Limited (Tech Forge) was made on behalf of Westminster City Council, the London Borough of Hammersmith and Fulham, the Royal Borough of Kensington and Chelsea, and seventeen other named Local Authorities.
- 12.3. Within the four year period of the Lot 3 framework agreement named authorities may "call off" contracts of up to five years in length, with the right to extend for three one-year periods. Where possible the tri-borough Authorities will agree co-terminus contract expiry dates with the supplier.
- 12.4. H&F have a strategic ICT contract with the Hammersmith and Fulham Bridge Partnership (HFBP) for the provision and supply of ICT services (hardware, software & telecoms). The services, expertise and specialist knowledge that relate to ICT services are part of the HFBP organisation. This includes those relating to ICT procurement, contract management and the provision of ICT systems

(including external applications). It is expected that the contract will need to be entered into between Hammersmith & Fulham Bridge Partnership Ltd (HFBP) (acting on behalf of the Council) and Technology Forge Limited. The direct contract between the Technology Forge Limited and HFBP will ensure that the contract and services can be managed effectively. H&F's contract with HFBP is due to expire in October 2016, it is anticipated that any existing agreements or contracts will be novated to the future provider of such services.


- 12.5. Implications verified / completed by: Alan Parry (TTS 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.	None		

LIST OF APPENDICES : (contained in the exempt report):

Appendix A - Annual Revenue Costs
Appendix B - Implementation Costs

	<p>London Borough of Hammersmith & Fulham</p> <p>CABINET</p> <p>1 JUNE 2015</p>
<p>AGREEMENT FOR THE DIRECT AWARD OF DAY SERVICES FOR PEOPLE WITH DEMENTIA</p>	
<p>Cabinet Member for Health and Adult Social Care: Councillor Vivienne Lukey</p>	
<p>OPEN REPORT</p> <p>A separate report on the exempt part of the Cabinet agenda provides exempt information.</p>	
<p>Classification - For Decision</p> <p>Key Decision - Yes</p>	
<p>Wards Affected: All</p>	
<p>Accountable Executive Director: Liz Bruce – Executive Director of Adult Social Care</p>	
<p>Report Author: Steven Falvey</p>	<p>Contact Details: Tel: 020 8753 5032 E-mail: steven.falvey@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1. Hammersmith and Fulham Council's Adult Social Care department currently commission two day services for people with dementia, these are: St Vincent's Day Centre run by Alzheimer's Society and Activity Plus run by Housing and Care 21. The contracts that govern current arrangements ended in 2009 and December 2013 respectively.
- 1.2. Following a previous review of the services, the Council is looking to re-model and expand its existing day service provision into an integrated Dementia Resource Centre offering a range of building based support, flexible community outreach, information and advice services, and a dementia café.

- 1.3. It was originally envisaged that the award of these contracts would have come into effect in late 2013. However the procurement process, which would have also included two services for people living with dementia in the Royal Borough of Kensington and Chelsea, was delayed due to a range of on-going technical and property related issues.
- 1.4. This report seeks approval to waive Council's Contract Standing Orders (Under CSO3) of the requirement to seek competitive bids and approval for the direct award of two contracts for the provision of dementia day services.
- 1.5. The award of these contracts is required to ensure contracts are in place and to deliver service continuity whilst a strategic review and re-tendering of dementia day services, across Hammersmith and Fulham (H&F) and neighbouring boroughs is completed. The outcome of the review, led by the Hammersmith and Fulham Clinical Commissioning Group (H&F CCG), will inform the procurement approach.
- 1.6. The total cost to H&F over the 18 month contract period would be (in accordance with current arrangements) £668,785. However negotiations with providers have commenced. To date, Alzheimer's Society has offered up 4.3% savings, which equates to £13,743 per annum across the contract.
- 1.7. As of April 2015 there will be a statutory obligation under the Care Act 2014 for Local Authorities to provide a diverse range of services that prevent, delay or reduce care needs. These voluntary sector preventative services are key to ensuring that the Council is compliant with the Act. It is envisaged that future demand and activity will increase during the extension period.
- 1.8. The report requests authority from Cabinet (in accordance with paragraph 20.1.2 of Contract Standing Orders) to approve the direct award of two contracts for dementia day service provision for 18 months from 1 June 2015 to 30 November 2016. The services and values are set out in Table 1 below.

2. RECOMMENDATIONS

- 2.1. That a waiver of the Council's Contract Standing Orders be approved in order to directly award two contracts from 1 June 2015 to 30 November 2016 to the incumbent service providers. Table 1 sets out details of the services and values for the contract period.

Table 1: Contact Values

Service Provider	Service Name	Description	Annual Contract Cost	Proposed Contract Cost	Total Contract Value
Alzheimer's Society	St. Vincent's Day Centre	Day Services for People with Dementia	£319,600	£305,857	£458,785

Housing and Care 21	Activity Plus	Community Based Outreach Service	£140,000	£140,000	£210,000
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- 2.2. That both contracts include a break clause, which would allow the Council to terminate the agreement with 3 months written notice.

3. REASON FOR DECISION

- 3.1 The recommendations are sought to ensure contracts are in place and to ensure continuity of service whilst a H&F CCG led strategic review of dementia day services across H&F and neighbouring boroughs is undertaken. The purpose of the review is to look at whether there are any synergies for wider development of care pathways, sharing of good practice, expertise and possibly resources. The outcome of the review will lead to new contracts being in place from 1 December 2016.
- 3.2 Please also refer to Appendix 1 (contained in the exempt report on the exempt Cabinet agenda).
- 3.3 Negotiations with the service providers to identify savings, in return for the award of these contracts have commenced:
- Housing and Care 21 have offered to freeze the costs set out in Table 1 above for the duration of the 2 year contract term.
 - Alzheimer's Society has offered a saving of 4.3% of the annual contract value. This equates to £13,743 per annum across the contract.
- 3.4 With regards to these negotiations it should also be noted that Alzheimer's Society have recently seen a reduction in their H&F Third Sector Investment Fund allocation for the period December 2014 – May 2016. The organisation had requested £59,105 per annum to continue to provide a full time Dementia Support Worker, offering information and advice, casework and facilitation of a dementia café, but was awarded £15,000. This has seen this element of their service reduce from five days per week to one.
- 3.5 These services (St Vincent's Day Centre and Activity Plus) are working with increasingly complex dementia customers. Although the prevalence of dementia within age bands is not expected to change, the improved survival from other diseases such as heart disease and stroke means that more people are also surviving into old age. The increase in complexity of customer needs makes it additionally difficult to achieve a reduction in costs and still provide a good quality service.
- 3.6 The Care Act 2014 places a statutory duty on local authorities to provide a diverse range of services that prevent, delay or reduce care needs. The services provided by both providers are key to the Council's compliance with that duty. It

is envisaged that future demand and activity will increase during the term of the proposed contracts. These contracts will allow for stability during the implementation of the Care Act and enable officers to review its impact.

- 3.7 Both providers have a long track record of delivering quality specialist dementia services in Hammersmith and Fulham. The services are working well, achieving good outcomes with no cause for concern, and support the Council's strategy of enabling people to remain living in their own homes, whilst supporting family and carers in their caring role.
- 3.8 The market for providers of dementia day services is relatively small. Housing and Care 21 also provide similar dementia outreach services in one of the Council's partner boroughs.

4. INTRODUCTION AND BACKGROUND

- 4.1 Building based day service provision to people with dementia is currently provided by a longstanding national organisation, Alzheimer's Society. The service provides a range of care, personalised support, activities, and information and advice for up to 21 people with a moderate dementia. Currently 100 customers are registered with the service, 10 are aged under 65, 56 between the ages of 65 -74, and 34 aged 85 and over. A range of support is also offered to carers and families. The service is located centrally on Queen Caroline Street and currently shares premises with St. Vincent's Day Hospital and St. Vincent's House Nursing Home.
- 4.2 Housing and Care 21 provides community based outreach to sheltered housing residents and people with young age onset dementia. The aim of the Activity Plus service, delivered from Olive House at Imperial Wharf, is to support people to access activities of their choice, which enables them to be meaningfully occupied and provided with stimulation. The service also enables carers to have a break.
- 4.3 A previous review of dementia day services, undertaken during 2013, recommended that the existing day services should be remodelled into a 'one-stop shop'. Under these proposals service eligibility criteria would be widened to include people with more complex needs.
- 4.4 It was originally envisaged that the award of these contracts would have come into effect in late 2013. However the procurement process, which would have also included two services for people living with dementia in the Royal Borough of Kensington and Chelsea, was delayed due to a range of on-going technical and property related issues. These included:
- *Available floor space* – Prior to agreeing service levels confirmation was needed about floor space available to the day service, this was dependent on internal discussions within the West London Mental Health Trust.

- *Location of and type of equipment to manage people who may have additional needs* - As it is expected that the service will be able to meet the needs of people at all stages of a dementia illness, provision was considered for hoists to support personal care within the day care setting. This required research and discussion with the service provider (building and suppliers) in order to confirm the possibility.
- *Transport* – Alzheimer’s Society currently provides transport to users of the day service using their own buses, and charges users directly to cover running costs. Under any new contract it is unlikely that a new provider will have their own transport, and costs would need to be found from the existing budget.

4.5 Alzheimer’s Society has worked closely with commissioners to develop the service further and accept referrals of a range of increasingly complex people. At their request a local dementia steering group was established in February 2015. The remit of this bi-monthly group is to improve partnership working, share best practice and identify gaps in service provision across all local dementia services. Membership consists of providers and representatives from Commissioning, Health, Public Health and operational teams.

4.6 Officers are now looking to widen the scope of the tender exercise to also include neighbouring boroughs where there may be opportunities to joint procure. The scoping exercise will look at whether there are any synergies for wider development of care pathways, sharing of good practice, expertise and possibly resources. It is possible that greater efficiencies will be achieved through economies of scale e.g. reduced back office and management costs.

5. PROPOSALS AND ISSUES

5.1 The proposal is to directly award two contracts to the incumbent service providers to ensure contract compliancy and continuity of service whilst a strategic review of dementia day service provision is undertaken. The award of these contracts will also ensure stability during the implementation of the Care Act from 1 April 2015, enabling officers to review the impact on these and other preventative services. When the longer term impact of the Act is evident the Council can consult with the wider market. It is anticipated the new contracts will be in place by 1 December 2016.

5.2 Proposed strategic review and procurement timetable for dementia day service provision.

Task	Target Completion
Undertake strategic review	June 2015 – January 2016
Commissioning and procurement strategy recommendations approved/authority to tender	February 2016
Prepare tender	March 2016
Issue tender	April 2016

Receive final submissions (tender closes)	May 2016
Evaluate tenders	June 2016
Contract award approved	July 2016
Implementation Period including 30 day TUPE consultation period	September 2016 – November 2016
Contract(s) start Date	1 December 2016

Please note that the bi-monthly H&F Dementia Steering Group will continue to convene during this period.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1 **OPTION ONE:** Directly award contracts to the Alzheimer’s Society and Housing and Care 21 contracts until 30 November 2016. This is the recommended option as it will enable a strategic review of day services for people with dementia and proposed retender of day services for people with dementia. It will also ensure that the Council becomes contract compliant and allow for service delivery.
- 6.2 **OPTION TWO:** Do not award the contracts. This would create a gap in service provision and would be destabilising for the vulnerable adults accessing these specialist services, and their carers. Alternative service provision would need to be found. In addition, without these services in place the Council would be unable to comply with its obligations to provide preventative services as set out in the Care Act 2014.

7. CONSULTATION

- 7.1 The current service providers have been consulted and have been advised of the proposed continuation of service. They are also key stakeholders on the H&F dementia steering group, which will be updated and consulted regularly during the contract period.

8. EQUALITY IMPLICATIONS

- 8.1 The proposal to directly award contracts for day services for people with dementia will on the whole have a positive impact. It is not anticipated that the services received by people with dementia and their carers will vary significantly from what is currently offered by awarding these contracts. Eligibility for access to these services is not affected under this process; rather, it is hoped that by working collaboratively with the providers and focusing on outcomes, residents will receive better quality of service provision. Please refer to section 4.6 above.

9. LEGAL IMPLICATIONS

- 9.1 The dementia related services described in this report are classified as Social and Other Specific Services under the Public Contracts Regulations 2015 (the Regulations) and are below the threshold of Euros 750,000 thereunder for such services. This means that the Council is fulfilling its requirements under the Public Contracts Regulations 2015 and is permitted to undertake appropriate procedure to arrange delivery of such services.
- 9.2 The report mentions that the Council has statutory obligations to continue to deliver such dementia related services under the Care Act 2014 while service requirements are assessed to undertake competitive bidding. Accordingly, it is justifiable to seek a waiver of the Contract Standing Orders to extend the current contracts as proposed.
- 8.3 Legal implications verified by Babul Mukherjee, Solicitor (Contracts)

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1 Budgetary allocation figures relating to these contracts are set out in tables below.
- 10.2 The proposal to award two direct contracts for the provision of Dementia Day services to the Alzheimer's Society and Housing and Care 21 will cost £305,857 and £140,000 respectively per annum with effect from 1 June 2015 and £458,785 and £210,000 respectively over the lifetime of the new contract to the 30 November 2016.
- 10.3 These costs can be met from the existing Community Commissioning general fund budget. Although negotiations are underway to achieve savings or efficiencies, there are no medium term financial strategy monetary savings proposals associated with this proposal.
- 10.4 Financial implications verified by Cheryl Anglin Thompson – cheryl.anglin-thompson@lbhf.gov.uk - 0208 753 4022

Table 1 – Alzheimer’s Society

	2015/16 (12 months)		2016/17 (6 months)		Current Contract End Date	Proposed Contract Award Date To
	Confirmed budget £	Costs of proposal £	Confirmed budget £	Costs of proposal £		
<i>Revenue Implications</i>						
Current Budgets						
Council Revenue budget*	316,900		158,450		2009	30/11/16
SUB TOTAL REVENUE BUDGET	316,900		158,450			
Costs of Service		305,857		152,793		
TOTAL REVENUE COST	316,900	305,857	158,450	152,793		
CUMULATIVE SAVINGS		13,743		6,871		

Table 2 – Housing and Care 21

	2015/16 (12 months)		2016/17 (6 months)		Current Contract End Date	Proposed Contract Award Date To
	Confirmed budget £	Costs of proposal £	Confirmed budget £	Costs of proposal £		
<i>Revenue Implications</i>						
Current Budgets						
Council Revenue budget*	140,000		70,000		31/12/13	30/11/16
SUB TOTAL REVENUE BUDGET	140,000		70,000			
Costs of Service		140,000		70,000		
TOTAL REVENUE COST	140,000	140,000	70,000	70,000		
CUMULATIVE SAVINGS		TBC		TBC		

11. RISK MANAGEMENT

- 11.1 This report recommends the direct award of two contracts as set out in section 2 for 18 months from 1 June 2015 to 30 November 2016.
- 11.2 If the contracts are not directly awarded there will be a no provision of preventative day services for people with dementia and risk number 8, compliance with laws and regulations as noted on the three boroughs corporate risk register, putting resident's health and wellbeing at risk. The likelihood of the Council meeting a range of local authority and health authority strategic objectives (see section 3 of this report) would also be significantly reduced.
- 11.2 Risk of challenge to the extension, relating to risk number 4 market testing on the three boroughs corporate risk register has been considered and endorsed by legal services.
- 11.4 Negotiations to achieve continued value for money, efficiencies and improved quality from the incumbent providers during the proposed contract period have been carried out and contribute positively to management of corporate risk number 1, budget risk, as set out at 3.3 and 3.4. The risk of directly awarding contracts for service that may not meet the needs of residents, or strategic objectives of the local authority and health authority over the next 18 months has therefore been mitigated in accordance with maintaining service continuity, risk number 6 on the risk register. Procurement risk management remains the responsibility of the procuring department who manage risk within a departmentally agreed framework.
- 11.5 Implications verified/completed by : Michael Sloniowski,
Michael.Sloniowski@lbhf.gov.uk, 020 8753 2587

12. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 12.1 Ensuring that services are governed by appropriate contractual arrangements is critical to reducing compliance risk. As such the recommendation to award contracts to the two incumbent service providers is preferential to the current arrangements.
- 12.2 It is felt that the recommended contract terms of 18 months will allow officers a suitable and sufficient length of time to undertake a strategic review of services and a competitive tender process.
- 12.3 H&F Contract Standing Orders (CSO) 12.3 states that an invitation to tender should be made, and a minimum of five tenders sought, for contracts with a value of £173,934 or greater. The proposals contained in this report are for direct awards of £458,785 and £210,000 and therefore a waiver for the Contract Standing Orders is required.

- 12.4 CSO 3.1 states that a prior written waiver to the Contract Standing Orders for contracts with an estimated value of £100,000 or more may be agreed by the appropriate Cabinet Member and the Leader of the Council if they are satisfied that a waiver is justified.
- 10.5 CSO 3.2 states that all waivers with an estimated value of £20,000 and more, and the reasons for them, must be detailed in a report to the Cabinet or the appropriate Cabinet Member. In accordance with the thresholds in CSO12.3 this report for the award of contracts with a value of £100,000 will be presented to Cabinet for approval.
- 10.6 Procurement implications verified by Charles Stephens, ASC Procurement Manager, 07739 316840, charles.stephens@lbhf.gov.uk

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
	None		

Director name: Liz Bruce
Director title: Executive Director of Adult Social Care

Contact officer(s):

Steven Falvey, Adult Social Care Senior Commissioner (Community)

Tel 020 8753 5032 email: steven.falvey@lbhf.gov.uk

Janet Dawson, Procurement and Contracts Officer -Adult Social Care,

Tel 020 7361 3223 email : janet.dawson@rbkc.gov.uk

List of Appendices:

Appendix 1 - Proposed Relocation Feasibility Study (contained in the exempt report on the exempt Cabinet agenda).

NOTICE OF CONSIDERATION OF A KEY DECISION

In accordance with paragraph 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Cabinet hereby gives notice of Key Decisions which it intends to consider at its next meeting and at future meetings. The list may change between the date of publication of this list and the date of future Cabinet meetings.

NOTICE OF THE INTENTION TO CONDUCT BUSINESS IN PRIVATE

The Cabinet also hereby gives notice in accordance with paragraph 5 of the above Regulations that it intends to meet in private after its public meeting to consider Key Decisions which may contain confidential or exempt information. The private meeting of the Cabinet is open only to Members of the Cabinet, other Councillors and Council officers.

Reports relating to key decisions which the Cabinet will take at its private meeting are indicated in the list of Key Decisions below, with the reasons for the decision being made in private. Any person is able to make representations to the Cabinet if he/she believes the decision should instead be made in the public Cabinet meeting. If you want to make such representations, please e-mail Katia Richardson on katia.richardson@lbhf.gov.uk. You will then be sent a response in reply to your representations. Both your representations and the Executive's response will be published on the Council's website at least 5 working days before the Cabinet meeting.

KEY DECISIONS PROPOSED TO BE MADE BY CABINET ON 1 JUNE 2015 AND AT FUTURE CABINET MEETINGS UNTIL JULY 2015

The following is a list of Key Decisions which the Authority proposes to take at the above Cabinet meeting and future meetings. The list may change over the next few weeks. A further notice will be published no less than 5 working days before the date of the Cabinet meeting showing the final list of Key Decisions to be considered at that meeting.

KEY DECISIONS are those which are likely to result in one or more of the following:

- Any expenditure or savings which are significant (ie. in excess of £100,000) in relation to the Council's budget for the service function to which the decision relates;
- Anything affecting communities living or working in an area comprising two or more wards in the borough;
- Anything significantly affecting communities within one ward (where practicable);
- Anything affecting the budget and policy framework set by the Council.

The Key Decisions List will be updated and published on the Council's website on a monthly basis.

NB: Key Decisions will generally be taken by the Executive at the Cabinet.

*If you have any queries on this Key Decisions List, please contact
Katia Richardson on 020 8753 2368 or by e-mail to katia.richardson@lbhf.gov.uk*

Access to Cabinet reports and other relevant documents

Reports and documents relevant to matters to be considered at the Cabinet's public meeting will be available on the Council's website (www.lbhf.org.uk) a minimum of 5 working days before the meeting. Further information, and other relevant documents as they become available, can be obtained from the contact officer shown in column 4 of the list below.

Decisions

All decisions taken by Cabinet may be implemented 5 working days after the relevant Cabinet meeting, unless called in by Councillors.

Making your Views Heard

You can comment on any of the items in this list by contacting the officer shown in column 4. You can also submit a deputation to the Cabinet. Full details of how to do this (and the date by which a deputation must be submitted) will be shown in the Cabinet agenda.

LONDON BOROUGH OF HAMMERSMITH & FULHAM: CABINET 2014/15

Leader:	Councillor Stephen Cowan
Deputy Leader:	Councillor Michael Cartwright
Cabinet Member for Children and Education:	Councillor Sue Macmillan
Cabinet Member for Economic Development and Regeneration:	Councillor Andrew Jones
Cabinet Member for Finance:	Councillor Max Schmid
Cabinet Member for Health and Adult Social Care:	Councillor Vivienne Lukey
Cabinet Member for Housing:	Councillor Lisa Homan
Cabinet Member for Social Inclusion:	Councillor Sue Fennimore
Cabinet Member for Environment, Transport & Residents Services:	Councillor Wesley Harcourt

Key Decisions List No. 33 (published 30 April 2015)

KEY DECISIONS LIST - CABINET ON 1 JUNE 2015

The list also includes decisions proposed to be made by future Cabinet meetings

Where column 3 shows a report as EXEMPT, the report for this proposed decision will be considered at the private Cabinet meeting. Anybody may make representations to the Cabinet to the effect that the report should be considered at the open Cabinet meeting (see above).

* All these decisions may be called in by Councillors; If a decision is called in, it will not be capable of implementation until a final decision is made.

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet <i>(other relevant documents may be submitted)</i>
1 June (date to be confirmed)				
Cabinet	1 Jun 2015	<p>London Borough of Hammersmith & Fulham Cycling Strategy</p> <p>The Cycling Strategy sets out how the London Borough of Hammersmith & Fulham will improve the quality and extent of provision for cyclists, encourage more people to use bicycles, increase the number of journeys made by cycle, and improve public health outcomes.</p> <p>In order to achieve this, the Cycling Strategy develops an Action Plan that can be used to direct funding in a way that responds to the cycling needs of Hammersmith and Fulham residents / businesses.</p> <p>The Cycling Strategy is not a statutory document. However it has been identified as playing a crucial role in reducing congestion on our roads, relieving pressure on the public transport system, and improving the health of residents and visitors.</p>	Cabinet Member for Environment, Transport & Residents Services	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet	1 Jun 2015	<p>Property Asset Data Management Lot 3 pricing model - proposed call-off</p> <p>Seeking approval to a proposed call-off contract.</p>	Cabinet Member for Finance	A detailed report for this item will be available at least five working days before the date of the meeting and
	Reason: Expenditure more than		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
	£100,000	<p>PART OPEN</p> <p>PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	<p>Contact officer: Maureen McDonald-Khan Tel: 020 8753 4701 maureen.mcdonald-khan@lbhf.gov.uk</p>	<p>will include details of any supporting documentation and / or background papers to be considered.</p>
Cabinet	<p>1 Jun 2015</p> <hr/> <p>Reason: Expenditure more than £100,000</p>	<p>Request from Serco for novation of waste contract</p> <p>To enter into a novation and variation agreement for the Waste Collection and Street Cleansing Contract to Serco Environmental Services Limited, subject to the Council being no worse off</p> <p>PART OPEN</p> <p>PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	<p>Cabinet Member for Environment, Transport & Residents Services</p> <hr/> <p>Ward(s): All Wards</p> <hr/> <p>Contact officer: Lyn Carpenter Tel: 0208 753 5710 lyn.carpenter@lbhf.gov.uk</p>	<p>A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.</p>
Cabinet	<p>1 Jun 2015</p> <hr/> <p>Reason: Expenditure more than £100,000</p>	<p>Approval to establish a framework for the provision of new temporary accommodation and enter into a Development Agreement to develop Lavender Court</p> <p>The report is aimed at improving services for homeless people. It seeks to establish a framework for</p>	<p>Cabinet Member for Housing</p> <hr/> <p>Ward(s): All Wards</p> <hr/> <p>Contact officer: Matin Miah Tel: 0208753 3480 matin.miah@lbhf.gov.uk</p>	<p>A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or</p>

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (<i>other relevant documents may be submitted</i>)
		<p>the provision of new, good quality temporary accommodation and to award a contract for the redevelopment of Lavender Court.</p> <p>PART OPEN</p> <p>PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>		background papers to be considered.
Cabinet	<p>1 Jun 2015</p> <p>Reason: Income more than £100,000</p>	<p>Land adjoining 95 Goldhawk Road</p> <p>Disposal of surplus land.</p> <p>PART OPEN</p> <p>PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	<p>Cabinet Member for Housing</p> <p>Ward(s): Hammersmith Broadway</p> <p>Contact officer: James Adam Tel: 020 8753 2833 James.Adam@lbhf.gov.uk</p>	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
Cabinet	<p>1 Jun 2015</p> <p>Reason: Expenditure more than £100,000</p>	<p>Agreement for direct award of contracts for the provision of day services for people with dementia</p> <p>The report requests authority from Cabinet (in accordance with paragraph 20.1.2 of Contract Standing Orders) to approve the direct award of two contracts for</p>	<p>Cabinet Member for Health and Adult Social Care</p> <p>Ward(s): All Wards</p> <p>Contact officer: Steven Falvey Tel: 020 8753 5032 Steven.Falvey@lbhf.gov.uk</p>	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (<i>other relevant documents may be submitted</i>)
		<p>dementia day service provision for 18 month from 1 May 2015 to 31 October 2016.</p> <p>PART OPEN</p> <p>PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>		background papers to be considered.
Cabinet	<p>1 Jun 2015</p> <hr/> <p>Reason: Expenditure more than £100,000</p>	<p>Carers Hub Hammersmith & Fulham</p> <p>Report to extend the Carers Hub Service with Carers Network.</p> <p>PART OPEN</p> <p>PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	<p>Cabinet Member for Health and Adult Social Care</p> <hr/> <p>Ward(s): All Wards</p> <hr/> <p>Contact officer: Selina Douglas Tel: 0208 753 6235 selina.douglas@lbhf.gov.uk</p>	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
Cabinet	<p>1 Jun 2015</p> <hr/> <p>Reason: Expenditure more than £100,000</p>	<p>Transition of the HFBP ICT Service Desk, Data Centres and distributed computing to new service providers</p> <p>At the end of the HFBP service contract the Council will need to transition all ICT services to other suppliers. By changing the service desk earlier than contract expiry,</p>	<p>Cabinet Member for Finance</p> <hr/> <p>Ward(s): All Wards</p> <hr/> <p>Contact officer: Jackie Hudson Tel: 020 8753 2946 Jackie.Hudson@lbhf.gov.uk</p>	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
		<p>H&F will be able to reduce the effort, costs and risk and align to the one team Tri-borough. This paper recommends an early transition from the current service desk provider to the new service desk provider by calling off the Tri-borough framework contract which has the benefit of providing a consistent user experience for staff.</p> <p>PART OPEN</p> <p>PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>		background papers to be considered.
Cabinet	<p>1 Jun 2015</p> <p>Reason: Expenditure more than £100,000</p>	<p>Travel, Care and support arrangements</p> <p>Report summarising outcomes from consultation and recommendations for future passenger transport service arrangements.</p> <p>PART OPEN</p> <p>PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	<p>Cabinet Member for Children and Education, Cabinet Member for Health and Adult Social Care</p> <p>Ward(s): All Wards</p> <p>Contact officer: Mike Potter, Rachael Wright-Turner Tel: 020 7745 4112, Tel: 020 7745 6399 mpotter@westminster.gov.uk, Rachael.Wright-Turner@rbkc.gov.uk</p>	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (<i>other relevant documents may be submitted</i>)
Cabinet	1 Jun 2015	<p>Fulham Palace</p> <p>Boiler System Replacement .</p> <p>PART OPEN</p> <p>PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	Cabinet Member for Environment, Transport & Residents Services	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure more than £100,000		Ward(s): Palace Riverside	
Cabinet	1 Jun 2015	<p>Sexual and Reproductive Health Recommissioning</p> <p>Approval to proceed to recommissioning report to reprocore community sexual health services across H&F, RBKC and WCC.</p>	Cabinet Member for Health and Adult Social Care	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure more than £100,000		Ward(s): All Wards	
Cabinet	1 Jun 2015	<p>Hammersmith & Fulham Community Infrastructure Levy - CIL Regulation 123 list</p> <p>Cabinet approval is sought for the final 'CIL regulation 123 list.' ('the r123 list') needed for the implementation of the borough's Community Infrastructure Levy. Cabinet has previously approved a draft version of the r123 list in August 2014 as part of the wider public consultation on the draft Community Infrastructure Levy charging schedule.</p> <p>The r123 list is prepared under regulation 123 of the Community Infrastructure Levy Regulations</p>	Cabinet Member for Economic Development and Regeneration	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Affects 2 or more wards		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (<i>other relevant documents may be submitted</i>)
		<p>2010 (as amended). The list details the infrastructure projects or types of infrastructure that the council intends can be funded wholly or partly by CIL.</p> <p>The r123 list forms an important part of the borough CIL. It enables S106 planning obligations to be sought in parallel with the borough Community Infrastructure Levy ('CIL'). S106 planning obligations cannot be sought for items that are listed in the r123 list as these items will be funded by CIL. This ensures that developers do not pay twice for the same infrastructure via both CIL and S016 obligations.</p> <p>If a r123 list is not approved and published, the council will not be able to use S106 planning obligations to secure any infrastructure.</p>		

6 July (date to be confirmed)

Cabinet	6 Jul 2015	<p>Corporate Plan 2015-18</p> <p>A new Corporate Plan for H&F, setting seven key priorities and new corporate objectives to deliver on over the next three years.</p>	Leader of the Council	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet	6 Jul 2015	<p>Procurement of a Homecare service for the London Borough of Hammersmith and Fulham (H&F); Royal Borough of Kensington and Chelsea (RBKC) and Westminster City Council (WCC)</p> <p>Seeking Cabinet agreement to the awarding of three new contracts for the provision of Homecare services in the London Borough of</p>	Cabinet Member for Health and Adult Social Care	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be
	Reason: Expenditure more than £100,000		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (<i>other relevant documents may be submitted</i>)
		<p>Hammersmith and Fulham.</p> <p>PART OPEN</p> <p>PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>		considered.
Cabinet	<p>6 Jul 2015</p> <p>Reason: Expenditure more than £100,000</p>	<p>Cardiovascular Disease Prevention Service Procurement</p> <p>Approval to proceed requested for the procurement of the Cardiovascular Disease Prevention Service.</p> <p>PART OPEN</p> <p>PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	<p>Cabinet Member for Health and Adult Social Care</p> <p>Ward(s): All Wards</p> <p>Contact officer: Christine Mead Tel: 020 7641 4662 cmead@westminster.gov.uk</p>	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
Cabinet	<p>6 Jul 2015</p> <p>Reason: Expenditure more than £100,000</p>	<p>Pay & Display Infrastructure</p> <p>A review of the current arrangement and justification for the upgrade of the current pay & display arrangement across the borough.</p> <p>PART OPEN PART PRIVATE</p>	<p>Cabinet Member for Environment, Transport & Residents Services</p> <p>Ward(s): All Wards</p> <p>Contact officer: Edward Stubbing Tel: 020 8753 4651 Edward.Stubbing@lbhf.gov.</p>	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (<i>other relevant documents may be submitted</i>)
		Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	uk	background papers to be considered.