

Cabinet Members' Decisions


made between July and September 2015

Date Issued: 15 September 2015

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	<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">CABINET MEMBER DECISION</p> <p align="center">JULY 2015</p>
<p align="center">AUSTRALIA ROAD CORRIDOR AND SUDS SCHEME – PROGRESS UPDATE</p>	
<p>Report of the Cabinet Member for Environment, Transport and Residents Services: Councillor Wesley Harcourt</p>	
<p>Open Report</p>	
<p>Classification – For Decision</p>	
<p>Key Decision: No</p>	
<p>Wards Affected: Wormholt and White City</p>	
<p>Accountable Executive Director: Mahmood Siddiqi, Bi-Borough Director of Transport and Highways</p>	
<p>Report Author: Neil Hartley, Project Engineer</p>	<p>Contact Details: Tel: 020 8753 1972 E-mail: neil.hartley@lbhf.gov.uk</p>

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 20 July 2015.....

1. EXECUTIVE SUMMARY

- 1.1. The purpose of this report is to provide a progress update on the implementation of the Australia Road Corridor and Sustainable Drainage Systems (SuDS) scheme. Construction of the scheme began on 11 March 2015 and is currently scheduled to be completed in mid September 2015.
- 1.2. This report also seeks conditional approval to honorifically name the southern section of Australia Road, between India Way and Canada Way as the Bridget Joyce Square. According to Mr. Michael Pettavel, the Head Teacher of Randolph Beresford Early Years Centre, Ms. Joyce *“was a member of our staff who worked for LBHF with children for over 50 years, before sadly dying last year of cancer. She was a remarkably committed*

childcare worker who made a significant difference to the lives of many, many young children.”

- 1.3. The report also provides an update on an additional £85,000 of funding for the scheme from the Greater London Authority which is currently being negotiated.

2. RECOMMENDATIONS

- 2.1. That conditional approval be given to honorifically name the southern section of Australia Road, between India Way and Canada Way as the Bridget Joyce Square.
- 2.2. That subject to a legal agreement between the London Borough of Hammersmith and Fulham (LBHF) and the Greater London Authority (GLA), approval be given to spend an additional £85,000 of dedicated Green Infrastructure Sustainable Drainage Systems (GI SuDS) funding on this scheme for five items which were removed or reduced from the scheme during the value engineering process.
- 2.3. That the Cabinet Member for Environment, Transport and Residents Services and the ward members for Wormholt and White City confirm a date in early August when they would be available to attend an official opening / unveiling of the scheme.

3. REASONS FOR DECISION

Naming of the scheme

- 3.1. During consultation of the scheme, ideas were sought for an appropriate name of the area. The name would be honorific in the sense that it would not legally change the name of any road or address, nor split Australia Road in two.
- 3.2. Mr. Michael Pettavel, the Head Teacher of Randolph Beresford Early Years Centre, made the following suggested naming the area after Bridget Joyce who *“was a member of our staff who worked for LBHF with children for over 50 years, before sadly dying last year of cancer. She was a remarkably committed childcare worker who made a significant difference to the lives of many, many young children.”*
- 3.3. Any approval granted would be conditional upon:
 - Undertaking a background check to confirm the suitability of the person in question,
 - Receiving consent from the next of kin, and
 - Receiving the final approval from the emergency services in relation to the creation of a new honorific place name.

Additional funding

- 3.4. A condition of the additional funding received from the Greater London Authority is that this amount is specifically allocated to items that add significant value to the scheme, which otherwise would have been removed or reduced. The items covered by the additional funding are:
- Post-implementation monitoring equipment,
 - More durable construction materials (stainless steel and fibreglass channels within the basin walls),
 - Feature “rain cascades” to bring water from the roof of the school and adventure buildings into the raingardens,
 - Educational signage and literature, and
 - Expert supervision during construction

Unveiling / official opening

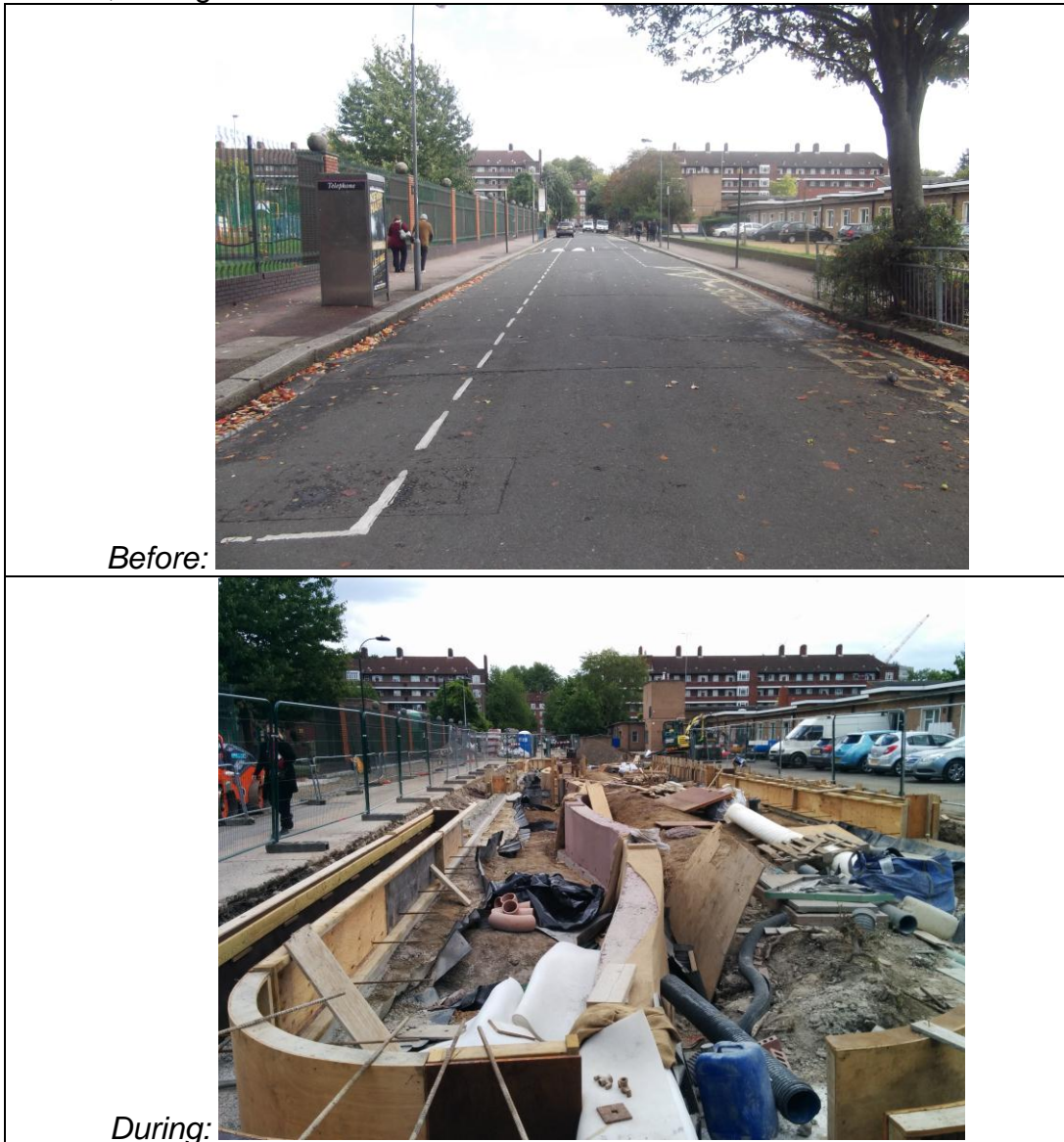
- 3.5. The high profile scheme is the largest investment that LBHF has made to date in SuDS and creates a green oasis in the heart of the White City Estate. It would be ideal if ward members and the Cabinet Member are present at the official unveiling or opening of the scheme.

4. INTRODUCTION AND BACKGROUND

- 4.1. The Australia Road Corridor and SuDS scheme was first conceived as part of the White City Neighbourhood scheme in mid-2013. The scheme will convert the southern section of Australia Road between India Way and Canada Way into a pedestrian and cyclist space with limited vehicular access for emergency and maintenance vehicles. Sustainable drainage systems (SuDS) play a prominent role in the design.
- 4.2. During the design process, extensive consultation was undertaken with key stakeholders including Randolph Beresford Early Years Centre, White City Residents’ Association and Team White City. Approval to commence construction of the scheme was received in February 2015, with actual construction commencing on site 11 March 2015.
- 4.3. The scheme will provide many benefits to the community including:
- A safer environment and improved accessibility for children and residents to Randolph Beresford Early Years Centre, the adventure playground, and the community playground.
 - An opportunity to implement SuDS within the borough to help reduce rain water entering the combined sewer system and reduce the peak discharge during rainfall events.
 - A new community events space / piazza that will become a focal point for residents.
 - Improved air quality and street quality.
 - Improved well-being of children by providing a space for safe active play.
 - An educative tool for local schools on the sustainable use of water and local ecology.

- A scheme which will support regeneration of the White City area.

4.4. The following photos show Australia Road, looking east from India Way, before, during and after construction:





5. PROPOSALS, ISSUES AND CONSULTATION

- 5.1. This section of the report only details the proposals, issues and consultation undertaken after the previous Cabinet Member's Decision report (Australia Road Corridor and SuDS scheme, 6 February 2015).

Naming of the scheme

- 5.2. Following on from the consultation period, key stakeholders were asked if they had any ideas for the names of the new area. Mr. Michael Pettavel, the Head Teacher of Randolph Beresford Early Years Centre, made the following suggestion in an email dated 27 May 2015:

"I would like to propose the "Bridget Joyce Piazza / Square", Bridget was a member of our staff who worked for LBHF with children for over 50 years, before sadly dying last year of cancer. She was a remarkably committed childcare worker who made a significant difference to the lives of many, many young children. She never asked for any recognition, but was part of the "invisible" backbone of our society. I would very much like the area named in her memory as recognition of the "little" people, without whom we would have a much poorer community."

- 5.3. The London Fire Brigade have been initially been consulted, on behalf of all the emergency services, to gauge whether they would be amenable to the honorific naming the area after Ms. Bridget Joyce. The honorific name was proposed rather than a full legal name change in order to prevent Australia Road being split into two, and residents and businesses being required to change their address.
- 5.4. The next of kin of Ms. Bridget Joyce has been notified of the possibility of an honorific naming and was supportive of the idea in an email dated 9

June 2015, saying *“I am really pleased and honoured and of course I give my permission... she [Ms. Bridget Joyce] would be so pleased, as am I and all of her family and friends.”*

- 5.5. As part of any naming process a background check will need to be undertaken to confirm that suitability of the person proposed. This background check should in no way be interpreted as reflection of the character of the person being considered.

Additional funding

- 5.6. On 27 February 2015, LBHF received a letter from the GLA stating that our expression of interest for GI SuDS funding had been successful. Since this time LBHF have been able to negotiate £85,000 of funding for the following items which would otherwise would have been removed or reduced:
- **Basin ‘letter boxes’**, which provide a conduit for any overland surface water flow from the highway through the walls to the basins. The use of stainless steel and fibreglass for these letter boxes will provide a robust and long-lasting material that will complement the operational and visual design of the scheme.
 - **Rain cascades to raingardens** – the cascades will provide a clear visual statement of how rainwater from the roof of nearby buildings including a school and adventure playground buildings are diverted into the raingardens. Three new downpipe and rain cascade designs will provide a visual link allowing people to see the flow of water from roof level to the ground whilst also dealing with the practical issues of reducing the risk of the public gaining access to the school and playground roofs. These dynamic features would not be possible without additional funding.
 - **Monitoring equipment** – detailed monitoring will quantify the reduction in rainwater entering the combined sewer system as a result of the Project. This data will be provided via the installation of pressure sensors, flow meters and an associated data interface. A robust dataset verifying the reduction in flows to the combined sewer system will be available for use by a number of other interested parties including the GLA, other London Boroughs, academics and local schools.
 - **Expert supervision** – funding the involvement of a SuDS specialist with a proven track record of implementing innovative, retrofit SuDS schemes in addition to the regular site engineer supervision will greatly contribute towards the success of the project. This will help avoid pitfalls experienced in previous schemes where failure to deliver SuDS measures to the specification stated in the design has compromised performance in terms of surface water management.

- **Education Literature** – this is an important but often overlooked element of SuDS projects. LBHF will produce a minimum of 3 education boards to be located on the site as a permanent fixture. The education boards would serve a number of functions including explaining the scheme and the SuDS processes on the site. In addition eight local schools will be engaged about the scheme with a view to educate the local pupils and residents about the benefits of SuDS to help encourage support for similar schemes elsewhere in the borough.

Unveiling / official opening

- 5.7. The high profile scheme is the largest investment that LBHF has made to date in SuDS and creates a green oasis in the heart of the White City Estate. It would be ideal if ward members and the Cabinet Member are present at the official unveiling or opening of the scheme.
- 5.8. The unveiling / official opening would be organised by the Communications Department in conjunction with Transport and Technical Services.

6. EQUALITY IMPLICATIONS

- 6.1. An equality impact assessment was completed as part of the previous Cabinet Member's Decision report (Australia Road Corridor and SuDS scheme, 6 February 2015).
- 6.2. Implication verified/completed by: Neil Hartley, Project Engineer, 020 8753 1972.

7. LEGAL IMPLICATIONS

- 7.1. The legal implications of the whole scheme were covered in the previous Cabinet Member's Decision report (Australia Road Corridor and SuDS scheme, 6 February 2015).
- 7.2. The proposed naming of the area would be an honorific name changes only and would have no legal standing. For example, the honorific name change would not split Australia Road in two nor require any resident or business to change their address.
- 7.3. The additional funding agreement between the Greater London Authority and the London Borough of Hammersmith for GI SuDS will be subject to a full legal and financial review prior to being signed.
- 7.4. Implications verified/completed by: Neil Hartley, Project Engineer, 020 8753 1972.

8. FINANCIAL AND RESOURCES IMPLICATIONS

- 8.1. The financial and resources implications of the whole scheme were covered in the previous Cabinet Member's Decision report (Australia Road Corridor and SuDS scheme, 6 February 2015). As stated above in 8.2, the additional funding agreement for GI SuDS will be subject to a full legal and financial review prior to being signed.
- 8.2. Implications verified/completed by: Neil Hartley, Project Engineer, 020 8753 1972.

9. IMPLICATIONS FOR BUSINESS

- 9.1. There are no businesses immediately adjacent to the site nor will any businesses be directly affected by the construction work as a short (less than 450m) signed diversion route is currently in place.
- 9.2. Once completed, the scheme will provide an events plaza with electrical and water connections able to be used by local businesses for events, subject to receiving consents from the highway authority.
- 9.3. Implications verified/completed by: Neil Hartley, Project Engineer, 020 8753 1972.

10. RISK MANAGEMENT

- 10.1. The risk management implications of the whole scheme were covered in the previous Cabinet Member's Decision report (Australia Road Corridor and SuDS scheme, 6 February 2015).
- 10.2. Implications verified/completed by: Neil Hartley, Project Engineer, 020 8753 1972.


11. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 11.1. The procurement implications of the whole scheme were covered in the previous Cabinet Member's Decision report (Australia Road Corridor and SuDS scheme, 6 February 2015).
- 11.2. Implications verified/completed by: Neil Hartley, Project Engineer, 020 8753 1972.

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.	<i>Australia Road Corridor and SuDS Scheme</i> (6 February 2015), Cabinet Member's Decision Report. (published)	Neil Hartley, (ext. 1972)	TTS, Room 114, 37 Pembroke Road

	London Borough of Hammersmith & Fulham CABINET MEMBER DECISION September 2015
ICO UNDERTAKING: FUNDING REQUIRED FOR RESOURCES	
Report of the Cabinet Member for Finance : Councillor Max Schmid	
Open Report	
Classification - For Decision Key Decision: No	
Wards Affected: All	
Accountable Executive Director: Nigel Pallace	
Report Author: Ciara Shimidzu – Acting Head of Information Management	Contact Details: Tel: 020 8753 3895 E-mail: ciara.shimidzu@lbhf.gov.uk

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 11 September 2015.....

1. EXECUTIVE SUMMARY

- 1.1. H&F have signed an ICO Undertaking committing the Council to provide data protection induction training to all their staff, permanent and non-permanent, by 01 December 2015. It also requires the creation of regular refresher training and a performance monitoring system to ensure ongoing compliance. To comply, H&F need additional staffing and system resources. Indicative costs of up to £95,000 (certainly £66,340 as estimated below) which can be funded from the Human Resources Reserve.

- 1.2. Shared ICT Services have devised a phased plan (see Appendix 1) focusing on H&F's immediate compliance requirements in the first instance (Phase 1) and develop a longer term, learning and development approach that is implemented across all three Councils (Phase 2). The estimated costs cover H&F's immediate compliance requirements for Phase 1 and initiating Phase 2 only.

2. RECOMMENDATIONS

- 2.1. Cabinet Member to approve funding from Human Resources Reserve and cover the costs of H&F's immediate compliance requirements, in the first instance, and initiate the longer term approach:
 - 2.1.1. To cover the costs of an expert recruited to deliver the H&F requirements of the ICO Undertaking in the first instance and initiate the longer term project at £650 per day, 3 days per week for 13 weeks (to Friday 03 December) £25,350;
 - 2.1.2. To cover the license costs for H&F to use WCC's data protection modules from their e-learning platform with H&F paying a 1/3 share of an annual £1,500 support cost, £500; and
 - 2.1.3. To cover the license costs for H&F to use RBKC's Net Consent at £8.14 per license for 3,500 H&F users (£28,490) plus first year of annual support (£12,000).

The total, estimated cost to date is £66,340. There is a risk of overspend, hence the higher figure of £95,000 cited above, in the staff costs.

3. REASONS FOR DECISION

- 3.1. Not complying with the requirements of the ICO Undertaking risks further enforcement action against H&F which is likely to be a monetary penalty of up to £500,000.
- 3.2. Shared ICT Services have devised a phased plan (see Appendix 1) focusing on H&F's immediate compliance requirements which are then extended across all three councils to provide a foundation of data protection and information security understanding across all staff in the shared services. These staff are legitimately sharing and processing both staff and service user personal data on behalf of a partner council and need to be aware of the risks involved. Both phases will form part of the preparation for the implementation of Office 365 in 2016.

4. INTRODUCTION AND BACKGROUND

- 4.1. Between July and December 2014, H&F reported two data protection breaches to the Information Commissioner's Office (ICO). In both incidents staff had disclosed sensitive personal data to a third party as a result of wrongly addressing letters, one delivered by hand and one by email. One of the incidents caused significant damage and distress to the data subjects involved.

- 4.2. On 06 June 2015, the ICO issued H&F with an Undertaking for the Council to improve data protection learning and development and increase the numbers of staff signed up to the Personal Commitment Statement (PCS). At the time of the ICO investigation, 65% of H&F's permanent staff had signed the PCS and completed the mandatory training. By 31 March 2015, this had increased to 77%.
- 4.3. The ICO have advised H&F to make their "best efforts" to comply with the requirements of the Undertaking and to ensure the ICO are advised of any issues the organisation face in achieving full compliance, such as organisational and system changes. HR have advised there is, on average, a 15% turnover of permanent staff so Shared ICT Services propose a target of 90% across all staff as reasonable to drive departmental take-up. A turnover figure is not available for non-permanent staff.
- 4.4. In the hiatus between the Managed Services implementation and the decommissioning of the HR system, Trent, management reporting on compliance currently is difficult. The initial phase will need to use a manual system for recording compliance across H&F (the Council) which will be completed by each of the divisions and monitored by Shared ICT Services who will report up to the management teams and Business Board to chart progress. This process may merge with a Net Consent roll-out across H&F during the initial phase.
- 4.5. To ensure H&F makes its best efforts, the Council must engage with the ICO's Good Practice Team by 01 December 2015 who will then assess whether H&F have done enough to comply with the Undertaking and decide whether any further action is necessary, such as a voluntary and compulsory audits in H&F or a monetary penalty.

5. PROPOSAL AND ISSUES

- 5.1. Appendix 1 provides an outline project plan for the phased approach to be delivered by Shared ICT Services, proposed by the Shared Services Board. This phased approach will maximise the benefits of improved staff knowledge, which will be of particular use to, but not specifically, the Office 365 implementation and the handling of personal data across the three councils. In summary:
- Phase 1 – deliver on H&F's compliance requirements of the ICO Undertaking by 01 December 2015 in partnership with Human Resources, Organisational Development and the ASC, Children's Services and Public Health Information Governance Group
 - Phase 2 - extend and develop the ICO Undertaking's requirements in H&F across the Royal Borough of Kensington and Chelsea (RBKC) and Westminster City Council (WCC) by bringing forward implementation of the Learning and Development workstream of the Shared Services Information Management

Strategy, in partnership with Human Resources and Organisational Development.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. The following recommendation was made to both the H&F Business Board and the Shared Services Board in July and August respectively:
- Introduce a mandatory data protection induction and refresher training programme across the three Councils, initially targeting H&F staff to meet the Undertaking's timescales, then to shared service departments and all other departments
 - Agree the single Personal Commitment Statement (PCS) across all three Council and mandate sign-up as part of the process
 - SSB and departmental management teams (DMT) to receive a quarterly update on Information Governance matters, including information security, PCS and training performance by Council and department to monitor compliance
 - A cross-Council awareness raising and communications campaign.
- 6.2. This recommendation was rejected by both the H&F BB and the SSB for the following reasons:
- Sufficient progress was not achievable by the 01 December 2015, the ICO Undertaking's deadline.
 - H&F needs a phased approach that not only satisfies the ICO Undertaking's requirements but implements a learning programme which addresses the behavioural change required to make data protection a live subject for all staff and to be delivered in partnership with Human Resources, Organisational Development, Adult Social Care and Children's Services.

7. CONSULTATION

- 7.1. The H&F Business Board was consulted on 03 July 2015 and SSB was consulted on 05 August 2015. The Information Governance and Caldicott Support Manager for ASC and Children's Services has been actively engaged from the outset to ensure the outputs align with learning and development requirements of the social care shared services.

8. EQUALITY IMPLICATIONS

- 8.1. N/A

9. LEGAL IMPLICATIONS

- 9.1 Local Authorities and other public bodies have wide-ranging duties under the Data Protection Act 1998, which include the 7th data protection

principle which requires public bodies to have appropriate measures in place to prevent data being compromised.

- 9.2 Data Protection breaches may reach the ICO as the result of self-referral (as in the case of the two H&F breaches referred to in paragraph 4.1) or as the result of complaint by a data subject. In either case the ICO has a variety of enforcement powers which can include monetary penalties of up to top £500,000.
- 9.3 Over the last two years there have been 89 Undertakings entered into by public bodies, the majority being connected to breaches of the 7th data protection principle. H&F entered into an undertaking with the ICO on 15th June 2015 as detailed in paragraph 4.2. The recommendations at paragraph 2.1 are steps required towards achieving compliance with the terms of the undertaking.
- 9.4 Not approving the required funding to carry out the steps in paragraph 2.1 would leave H&F in a very vulnerable position when the ICO reviews compliance on or after 1st December 2015, with enforcement by the ICO by way of issuing H&F with a monetary penalty a significant risk.
- 9.1. Implications completed by: Kevin Beale, Principle Solicitor, 020 8753 2740.

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1. There is sufficient funding in Human Resources Reserve to provide up to £95,000 (certainly £66,340) of funding for the extension of Data protection training and staff inductions.
- 10.2. Implications verified by: Andrew Lord, Head of Finance, 020 8753 2531.

11. IMPLICATIONS FOR BUSINESS

- 11.1 There are no implications on businesses in the Borough.

12. RISK MANAGEMENT

- 12.1. Information risk and its management are noted on the Shared Services risk register, risk number 7 and is currently rated as a high risk. The proposal seeks to mitigate the risks sufficiently to remove the immediate threat of enforcement action however information risk will not be eliminated entirely and a further sustained improvement, with sufficient resources, will be required beyond this initiative in line with the agreed Shared Services Information Management Strategy.
- 12.2. Implications completed by: Michael Sloniowski, Shared Services Risk Manager, 020 8753 2587.

13. PROCUREMENT AND IT STRATEGY IMPLICATIONS

13.1 No procurement implications.

13.2 Implications completed by: Alan Parry, Interim Head of Corporate Procurement, 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:

Appendix 1: Project Scope – phases 1 and 2

Appendix 1						
		Milestones (aligned to the ICO Undertaking requirements)	Tasks	Progress	Lead officer	Partners
Phase 1: Interim Approach (H&F) Objective: Compliance with the ICO Undertaking requirements for H&F	1	"Target staff training and PCS sign-up to all those H&F employees who have not done so by 31 March 2015"	Obtain Cabinet Member approval for the project and funding	In Progress	Ciara Shimidzu	
			Recruit an expert to deliver on Phase 1		Ciara Shimidzu	
			Undertake a gap analysis using the last compliance report from Trent on 31 March 2015 and all staff listed on Active Directory as of 31 August 2015	In Progress	To be recruited (Ciara Shimidzu in interim)	Information Management Team (H&F)
			Create a list of staff who haven't signed the PCS/completed the training to date, broken down by service, circulated to the Service Management Teams for actioning and a procedure to follow		To be recruited	H&F Service Teams
	2	"The completion of mandatory data protection induction training (including the signing of the Personal Commitment Statement), in relation to both the requirements of the Act and the data controller's policies concerning the use of personal data, is appropriately enforced in respect of all employees including temporary and contract employees. Completion of such training shall be recorded."	Align the learning and development outputs with those achieved by Adult Social Care and Children's Services as part of their Information Governance Programme	In Progress	To be recruited (Ciara Shimidzu in interim)	Tri Borough Information Governance and Caldicott Support
			Use existing H&F PCS		To be recruited	Information Management Team (H&F)
			Signed PCS' to be held by the service and logged manually by a dedicated officer		To be recruited	H&F Service Teams
			The service to monitor completion and report to the ICO Undertaking Lead Officer who will then report to H&F Business Board monthly		To be recruited	H&F Service Teams
			Use WCC's e-learning platform to deliver the data protection module	In Progress	To be recruited (Ciara Shimidzu in interim)	H&F Service Teams
			Regular reports to be run from the WCC e-learning platform, monitored by the service and reported to the ICO Undertaking Lead Officer who will then report to H&F Business Board monthly		To be recruited	H&F Service Teams

	3	"The data controller shall, by 1 December 2015, set up a refresher programme to ensure that data protection training shall be updated and refreshed at regular intervals, not exceeding 2 Years. However, the data controller should also identify and formally document the training requirements of	To be incorporated into Phase 2 below			
	4	"The data controller should ensure that attendance at data protection training sessions is monitored and that appropriate	See 2 above			
	5	"The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage"	A three Council wide staff awareness and communications plan targeting key data protection and information security messages initially and then aligned to Phase 2 below	In Progress	Ciara Shimidzu	Communications Team
			Completion of Phase 2 - see 7 below			
Phase 2: The Long Term Approach (H&F, RBKC and WCC) Shared Services IM Strategy - Learning and Development workstream, data protection Objective: Embed data protection principles into staff behaviour, operational and strategic work, thereby ensuring compliance with ICO Undertaking across all three Councils	6	Agree a strategy with Human Resources and Organisational Development	Build data protection into the corporate induction programme across the three Councils	In Progress	Head of IM	Debbie Morris
			Develop e-learning programme of bite-size modules using training skills analysis to date (with IM)	In Progress	To be recruited (Ciara Shimidzu in	HR/OD
			Develop a refresher programme		To be recruited	HR/OD
			Agree a three Council PCS or equivalent	In Progress	To be recruited (Ciara Shimidzu in	Shared ICT Services
			Develop a three Council monitoring procedure using Net Consent and Agresso	In Progress	To be recruited (Ciara Shimidzu in interim)	MSP and Shared ICT Services - Information Security
	7	Implement a three Council IM staff awareness and communications plan		In Progress	Head of IM	Communications Team



London Borough of Hammersmith & Fulham

CABINET MEMBER DECISION

SEPTEMBER 2015

USING INVEST TO SAVE: ADDITIONAL PRIVATE HOUSING OFFICER IMPROVE STANDARDS IN THE PRIVATE RENTED SECTOR

Report of the Cabinet Member for Housing

Report of the Cabinet Member for Environment, Transport and Residents Services

Open Report

Classification - For Decision

Key Decision: No

Wards Affected: All

Accountable Director: Nicholas Austin, Director for Environmental Health

Report Author:

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AUTHORISED BY:

The Cabinet Members have signed this report.

DATED: 4 September 2015

1. EXECUTIVE SUMMARY

A third of residents in the Borough now live in the private rented sector. There is an increased commitment as outlined in the new Housing Strategy to improve the sector through exploring the introduction of additional and selective licensing, the introduction of a landlord's charter and robust enforcement.

There are currently 284 licensed House's in Multiple Occupation (HMOs) within the Borough providing homes to at least 1,400 residents. Predictive analysis undertaken by the business intelligence team has identified at least 200 potential HMOs that could be operating without a mandatory license in the Borough.

Licensable HMOs operating illegally can be hazardous in terms of fire safety, damp, ventilation, overcrowding and poor management. Two hundred HMOs would equate to a minimum of 1,000 residents who are potentially at risk of harm. In addition, it could also be a potential loss of income to the council of £240,000 over 5 years.

The report sets out the rationale for an additional officer resource for the private housing team for an initial period of a year to support the delivery of the housing strategy and proactively target unlicensed HMOs. It is hoped that the costs will be offset by future income that will be generated as part of the licensing process.

Each property identified by the officer as requiring a license will generate minimum income of £1,200 every 5 years (subject to current legislation) once processed by the wider team.

It is hoped that during the 12 month period around 50 will be identified which will generate in the first cycle a potential income of nearly £60,000 or £120,000 over 10 years.

2. RECOMMENDATIONS

- 2.1. That additional resources of £55K are approved initially for one year on an invest to save basis to indentify and license unlicensed Houses in mulitple occupation to protect tenants and generate additional income for the Council.

3. REASONS FOR DECISION

- 3.1. The recommendation is based on the requirement to deliver the aims of improving the private rented sector as set out in the corporate strategy, delivery plan and housing strategy.

4. INTRODUCTION AND BACKGROUND

- 4.1. The private housing team is a shared service currently with 8.4 full time equivalent officers designated to LBHF.
- 4.2. The councils private housing team enforce the Housing Act 2004 in private rented properties. Where serious (Category 1) hazards are identified, for example, deficient fire or gas safety systems, inadequate heating, damp, overcrowding and absence of natural light, the council is duty bound to take enforcement action.
- 4.3. In addition, the team licenses mandatory houses in multiple occupation HMOs (HMOs where there are five or more households in a property that is three or more storeys).
- 4.4. The team licensed 30 HMOs (bringing an income of £48,134) last year, a total of 279 habitable rooms. There are currently 284 licensed HMOs in the Borough.
- 4.5. A mandatory license lasts for five years and is charged on average £1,200 to cover officer time and administration.
- 4.6. The private rented sector now accounts for a third of the housing in the Borough. Last year, April 2014 to March 2015, the private housing service received just over 900 requests for service, a 46% increase on the previous year. Category 1 Hazards (e.g. fire, electrical and gas safety) were identified in 87 properties, 43 of which were due to excess cold (inadequate insulation and heating).
- 4.7. A number of recent prosecutions indicate that there appears to be an increasing number of landlords providing accommodation that is outside legal minimum standards.

5. PROPOSAL AND ISSUES

- 5.1. Currently, there are 284 licensed HMOs in the Borough. The majority of these are well managed by responsible landlords who have approached the council for a license. It is the unlicensed HMOs that the council is unaware of that are of concern.
- 5.2. HMOs are considered high risk as the property will house at least five people but invariably significantly more who are accommodated over at least three floors. In the event of a fire there is often only a single means of escape and if there is no adequate fire detection or fire doors the tenants will be at risk of serious harm.
- 5.3. Such premises often have poor kitchen and bathroom facilities that are shared by numerous people. Officers routinely find properties which are overcrowded, without natural light and poorly managed.
- 5.4. The increased demand and competition from tenants to find accommodation that is short in supply means that there is little market driven incentive for poor landlords to maintain minimum safe housing standards. Landlords know that some of our most vulnerable renters have little choice.

- 5.5. In 2004 nationally the most common household type renting were young single persons, in 2014 it is couples with children.
- 5.6. The council's housing strategy sets out the strategic aims to improve the private rented sector and tackle rogue landlords.
- 5.7. As part of this strategy the private housing team is exploring the potential of selective and additional licensing schemes for private landlords to help improve standards and tackle hazardous living conditions.
- 5.8. Analysis of the private rented sector, in conjunction with the Business Intelligence Team, indicates that there could be over 200 HMOs that are unlicensed, potentially housing over a 1,000 residents.
- 5.9. To validate the modelling private housing officers visited 100 properties predicted to be HMOs. Out of 100 properties, 57 were identified as definite HMOs, of which 25 were potentially licensable. Of the remaining 43 properties, 22 were considered possible HMOs that required further investigation indicating that the modelling appears accurate.
- 5.10. It is proposed to engage an additional private housing officer to proactively identify unlicensed HMOs based on the intelligence accumulated to date and collect additional qualitative and quantitative information to support the aims in our housing strategy.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. Engaging an additional officer will allow for proactive targeting of identified hotspots as set out in Appendix 1. The officer will focus on inspecting potential unlicensed HMOs.
- 6.2. The officer will seek to improve the standard of accommodation to maintain homes for residents but where necessary will take enforcement action including prohibiting habitation where it is judged unsafe.
- 6.3. It is estimated that between 40 and 80 additional HMOs could be identified that potentially provide homes to between 200 and 400 residents.
- 6.4. Where an identified premise is licensable, and with works it can continue to operate as such, it will generate a minimum income of £1,200 for a license that will be renewable every five years. It is predicted that between £40,000 and £80,000 will eventually be recouped on a recurring basis that will offset the initial costs of an officer, around £50,000 per annum, in five years whilst protecting a significant number of residents.
- 6.5. In addition, the officer will collect additional evidence to help to validate the model which potentially will be used if Additional and/or Selective licensing are adopted in the future, which will protect a greater range of residents.

7. CONSULTATION

- 7.1. Last year the Authority signed up to the Shelter Campaign 'tackling rogue landlords' to signal its support.
- 7.2. The council's housing strategy was recently subject to wide consultation where there was overwhelming support for the strategic aims of improving the private rented sector including tackling rogue landlords.

8. EQUALITY IMPLICATIONS

- 8.1. The proposal is likely to benefit the most vulnerable who fall outside of social housing and its inherent safeguards.

9. LEGAL IMPLICATIONS

- 9.1. The private housing team is the statutory regulator for enforcing the Housing Act 2004 that places a requirement on the Authority to take enforcement action where a Category 1 hazard exists.
- 9.2. Implications verified/completed by: Joyce Golder, Principal Solicitor, Legal Services, 020 7361 2181

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1. The private housing team were subject to a service review back in October 2013 where savings of £57,500 were identified. Savings were achieved through the restructure of management made possible by shared services and the deletion of a vacant officer post.
- 10.2. Subsequent increase in numbers of persons in the rental sector and changing rental market, over a third in LBHF is now impacting upon the service's ability to deliver within existing resources.
- 10.3. The team generates income from the licensing of HMOs bringing in around £48,000 last year.
- 10.4. An additional officer resource with service overheads is around £50,000 to £55,000. There is insufficient revenue budget to cover this cost and therefore a request is made to fund this from the "invest or save fund".
- 10.5. It is predicted that the costs will be offset within five years through income generated by licensing currently unlicensed HMOs
- 10.6. Implications verified/completed by Andrew Lord, Head of Strategic Planning and Monitoring, Ext 2531.

11. IMPLICATIONS FOR BUSINESS

- 11.1 There are no direct implication for business arising from these proposals. The work undertaken may result in identifying some premises that already require licensing that are not. Where premises with unsatisfactory conditions are identified, enforcement decisions will be taken according to the councils adopted enforcement policy.

12. RISK MANAGEMENT

- 12.1 (The report recommendations contribute positively to the management of budget risk through the potential savings identified, risk number one on the Shared Services risk register. Improving the standard of accommodation and, where necessary, taking enforcement action including prohibiting habitation where accommodation is judged unsafe will improve and protect the health and safety of tenants once more contributing positively to the management of people risk as noted in the risk register.
- 12.2 Implications verified/ by: Michael Sloniowski Shared Services Risk Manager; telephone 020 8753 2587

LOCAL GOVERNMENT ACT 2000

LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

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



London Borough of Hammersmith & Fulham

CABINET MEMBER DECISION

4 SEPTEMBER 2015

ADDITIONAL PRIVATE HOUSING RESOURCES TO IMPROVE STANDARDS IN THE PRIVATE RENTED SECTOR

Report of the Cabinet Member for Housing

Report of the Cabinet Member for Environment, Transport and Residents Services

Open Report

Classification - For Decision

Key Decision: No

Wards Affected: All

Accountable Director: Nicholas Austin, Director for Environmental Health

Report Author:

Richard Buckley

Head of Environmental Health

Contact Details:

Tel: 020 8753 3971

E-mail: Richard.buckley@lbhf.gov.uk

AUTHORISED BY:

The Cabinet Members have signed this report.

DATED: 4 September 2015

1. EXECUTIVE SUMMARY

A third of residents in the Borough now live in the private rented sector. There is an increased commitment as outlined in the new Housing Strategy to improve the sector through exploring the introduction of licensing schemes, the introduction of a landlord's charter and robust enforcement.

This report sets out the rationale for an additional officer resource for the private housing team for an initial period a year to support the delivery of the housing strategy funded from capital to support the borough wide introduction of a landlord accreditation scheme.

2. RECOMMENDATIONS

- 2.1. That additional resources of £55,000 are approved for a year using existing capital funding to support plans to protect tenants and improve the private rented sector.

3. REASONS FOR DECISION

- 3.1. The recommendation is based on the requirement to deliver the aims of improving the private rented sector as set out in the corporate strategy, delivery plan and housing strategy.

4. INTRODUCTION AND BACKGROUND

- 4.1. The private housing team is a shared service currently with 8.4 full time equivalent officers designated to LBHF.
- 4.2. The councils private housing team enforce the Housing Act 2004 in private rented properties. Where serious (Category 1) hazards are identified, for example, deficient fire or gas safety systems, inadequate heating, damp, overcrowding and absence of natural light, the council is duty bound to take enforcement action.
- 4.3. The private rented sector now accounts for a third of the housing in the Borough. Last year, April 2014 to March 2015, the private housing service received just over 900 requests for service, a 46% increase on the previous year. Category 1 Hazards (e.g. fire, electrical and gas safety) were identified in 87 properties, 43 of which were due to excess cold (inadequate insulation and heating).
- 4.4. A number of recent prosecutions indicate that there appears to be an increasing number of landlords providing accommodation that is outside legal minimum standards
- 4.5. The councils revised housing strategy which was widely consulted upon included actions to promote landlord accreditation and investigate the advantages and disadvantages of licensing schemes within Borough.

- 4.6. Officers were asked to identify ways to fund additional resources in priority areas.

5. PROPOSAL AND ISSUES

- 5.1. The increased demand and competition from tenants to find accommodation that is short in supply means that there is little market driven incentive for poor landlords to maintain minimum safe housing standards. Landlords know that some of our most vulnerable renters have little choice.
- 5.2. In 2004 nationally the most common household type renting were young single persons, in 2014 it is couples with children.
- 5.3. The council's housing strategy sets out the strategic aims to improve the private rented sector by the introduction of an accreditation scheme and tackling rogue landlords.
- 5.4. As part of this strategy the private housing team is exploring the use of selective and additional licensing schemes for private rented properties to help improve standards and tackle hazardous living conditions.
- 5.5. Analysis of the private rented sector, in conjunction with the Business Intelligence Team, to determine its correlation with anti-social behaviour, poor landlord management, and need for enforcement has identified a number of areas where the private rented sector may be linked with increased anti social behaviour. These are primarily where there is a dense commercial/residential mix.
- 5.6. It is proposed to engage an additional private housing officer for a minimum period of 12 months to proactively work to support the qualitative and quantitative evidence gathering and the introduction of landlord accreditation. The officer will be funded from existing capital resources of £146,088 previously set aside to run an accreditation scheme.
- 5.7. Spend of the allocated capital amount of approximately £55,000 as revenue will take place so as not to divert existing resources from their enforcement function. In addition, the revenue spend will allow the residual capital funds to be used to set up alternative accreditation / licensing schemes subject to the information collated and the outcome of any formal consultation.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. Engaging an additional officer will allow for proactive targeting of identified areas, collecting the required evidence and supporting the introduction of an accreditation/ licensing scheme across the borough.
- 6.2. The officer will seek to improve the standard of accommodation to maintain homes for residents but where necessary will take enforcement action including prohibiting habitation where it is judged unsafe.

- 6.3. In addition, the officer will collect additional evidence to help to inform the model that could potentially be used if Additional and/or Selective licensing were to be adopted in the future.

7. CONSULTATION

- 7.1. Last year the council signed up to the Shelter Campaign 'tackling rogue landlords' to signal its support.
- 7.2. The council's housing strategy was recently subject to wide consultation where there was overwhelming support for the strategic aims of improving the private rented sector including tackling rogue landlords.

8. EQUALITY IMPLICATIONS

- 8.1. The proposal is likely to benefit the most vulnerable who fall outside of social housing and its inherent safeguards.

9. LEGAL IMPLICATIONS

- 9.1. The Council's duty to protect tenants and improve their private sector renting experience in the borough is outlined in the report. In paragraph 10.4 it is stated that the expenditure being recommended is in line with the capital grant conditions.
- 9.2. There are no other legal implications.
- 9.3. Implications verified/completed by: Joyce Golder, Principal Solicitor, Legal Services, 020 7361 2181

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1. The private housing team were subject to a service review in October 2013 where savings of £57,500 were identified. Savings were achieved through the restructure of management made possible by shared services and the deletion of a vacant officer post.
- 10.2. Subsequent increase in numbers of persons in the rental sector and changing rental market, over a third in LBHF is now impacting upon the service's ability to deliver within existing resources.
- 10.3. The team generates income from the licensing of HMOs bringing in around £48,000 last year.
- 10.4. An additional officer resource with service overheads is around £55,000. There is a capital grant which relates to the London Landlord's accreditation scheme on the balance sheet totalling £146,088. This was provided to Hammersmith and Fulham for the introduction of landlord

accreditation. In the absence of available revenue funding it is proposed that this post be funded from the grant. The expenditure is in accordance with the grant conditions..

- 10.5. Implications verified/completed by Andrew Lord, Head of Strategic Planning and Monitoring, Ext 2531.

11. IMPLICATIONS FOR BUSINESS

- 11.1 There are no direct implication for business arising from these proposals. The work undertaken may result in identifying some premises that already require licensing that are not. Where premises with unsatisfactory conditions are identified, enforcement decisions will be taken according to the councils adopted enforcement policy.

12. RISK MANAGEMENT


- 12.1 The report recommendations contribute positively to the management of budget risk through the potential savings identified, risk number one on the Shared Services risk register. Improving the standard of accommodation and, where necessary, taking enforcement action including prohibiting habitation where accommodation is judged unsafe will improve and protect the health and safety of tenants once more contributing positively to the management of people risk as noted in the risk register.

- 12.2 Implications verified/ by: Michael Sloniowski Shared Services Risk Manager; telephone 020 8753 2587

LOCAL GOVERNMENT ACT 2000

LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

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

	<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">CABINET MEMBER DECISION</p> <p align="center">AUGUST 2015</p>
<p>APPROVAL OF NEW KING'S PRIMARY SCHOOL ACADEMY CONVERSION</p>	
<p>Report of the Cabinet Member for Children and Education</p>	
<p>Open Report</p>	
<p>Classification - For Decision</p> <p>Key Decision: No</p>	
<p>Wards Affected: Town</p>	
<p>Accountable Executive Director: Andrew Christie, Director of Children's Services</p>	
<p>Report Author: Alan Wharton, Head of Asset Strategy (Schools and Children's Services)</p>	<p>Contact Details: Tel: 020 7 641 2911 E-mail: awharton@westminster.gov.uk</p>

AUTHORISED BY:

The Cabinet Member for Children and Education has signed this report.

DATE: 26 August 2015.....

- 1. EXECUTIVE SUMMARY**
- 1.1 In line with the delegated power from Cabinet from the 5th March 2012 the Cabinet Member for Children's Services in consultation with the Director of Children's Services is requested to approve the following recommendations to enable the conversion of New King's Primary School to become an academy.
- 2. RECOMMENDATIONS**
- 2.1 To approve the grant of a 125 year lease of New King's Primary School to enable its conversion to a Converted Academy on 1 September 2015 in accordance with the Academies Act 2010.

- 2.2 To approve the Council entering into a Commercial Transfer Agreement transferring the schools assets, contracts and staff from New King's Primary School to a Converter Academy on 1 September 2015.
- 2.3 To note the proposal for an agreement to provide Children's Centre services.

These recommendations are dependent on the formal funding agreement between the Academy Trust and the Secretary of State.

3. REASONS FOR DECISION

- 3.1. The decision is required to comply with the procedures necessary to give effect to the conversion of New King's Primary School to academy status.

4. INTRODUCTION AND BACKGROUND

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

5. PROPOSAL AND ISSUES

- 5.1 New King's Primary School will become a Converter Academy (not a 'sponsored academy') on 1 September 2015, with a strong partnership with Thomas's London Day Schools. However the Academy will be a separate legal entity.
- 5.2 The standard length of lease for an academy is 125 years at a peppercorn rent. The Council has negotiated terms which broadly follows the DfE form of lease, in accordance with the Academies Act 2010 (but with the Council insuring the property and the school paying the premium).
- 5.3 The School site includes a former caretaker's house. The ground floor of the house has been altered and extended for occupation by a Children's Centre. It is proposed to include this in the 125 year lease to the School, with the Council taking a leaseback of the part of the ground floor in order to deliver a range of children's centre services. The Council will also reimburse a proportion of the property costs in respect of the maintenance of the building to deliver these services. In order to complete the detailed work on the leaseback and a further licence agreement to cover the usage of a room in the main school building for the delivery of children's centre services, a tenancy at will has been issued for a period of 30 days from 1 September to allow negotiations regarding the usage of the house to be completed and in order to protect the Council's interests.

The first floor of the House is self-contained residential accommodation and has separate street access. The flat has been privately let in the past by the School, but it is currently vacant. The School propose to include it in a remuneration package for a new site manager. It is proposed to lease the flat to the school alongside the academy lease. The School is prepared to enter into an undertaking (in the lease) not to use the flat for commercial gain, including private residential letting. The use of the flat will be subject to a permitted user clause restricting use of flat to the approved educational purposes of the Academy and ancillary uses thereto. The lease will also require the Academy to obtain all necessary consents for its use of demised premises, including planning permission whenever required.

- 5.4 In addition, there may be scope for further development on the site. The DfE funding agreement will restrict the use of the school to state funded education. The lease will also regulate any alterations and additions proposed by the Academy.
- 5.5 Parayhouse School is a non-maintained special school which occupies part of New King's School. The lease (excluded from security of tenure provisions) is between the Council and Parayhouse School and expires in September 2016. The rent is transferred to the School. Parayhouse

School is currently negotiating for new premises elsewhere in the Borough. However this will not occur before the conversion takes place. The 125 year lease to the Academy will be subject to the lease to Parayhouse School until September 2016 after which it will revert to the Academy for its use.

- 5.6 Improvement works will be carried out to New King's School, during summer 2015. These include: a new entrance, a new dining hall, an improved Early Year's Section, and some enlarged Key Stage 1 classrooms. These works are financed by a capital contribution of £500,000 from the Council which was agreed before the conversion proposals were submitted. The works are procured by the School and are in progress. The lease will require the school to complete these works so that they do not qualify for 'tenant's improvements' and give rise to 'landlord's compensation'.
- 5.7 The transfer of the staff, assets and contracts is dealt with by way of a Commercial Transfer Agreement which sets out the staff, contracts and assets to be transferred as well as the respective rights, obligations and liabilities of the parties. There is a model form of contract provided by the DfE upon which the commercial transfer agreement between the Council and New King's School has been based.
- 5.8 In typical cases, the Schools Contracts Team is responsible for maintenance and repair of kitchen equipment. In the case of New King's School, the equipment has been purchased by the school and is therefore school property. The Council has agreed a condition that appropriate arrangements are in place for maintenance and repair.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1 There are no alternative options to consider in this case.

7. CONSULTATION

- 7.1 The School has already completed a consultation exercise. There is no further consultation required in this case.

8. EQUALITY IMPLICATIONS

- 8.1. There are no equality implications to consider in this case.

9. LEGAL IMPLICATIONS

- 9.1 Under the Academies Act 2010 (the "Academies Act") the Secretary of State for Education may enter into an Academy funding agreement with an Academy Trust for establishment of an independent school/academy. Local authorities are required to comply with such Secretary of State

decisions to transfer land and assets to the Academy Trust. Further, the Academies Act gives the Secretary of State powers to make transfer schemes relating to land, property, rights or liabilities to the Academy where agreement cannot be reached between the Local Authority and the Academy Trust.

9.2 The Secretary of State for Education pursuant to his powers conferred under the Academies Act has exercised powers to convert New King's Primary School to an Academy. The Academies Act provides that on the conversion date (1 September 2015) the school closes and opens as a sponsored academy under the academy arrangements under section 1 of the Academies Act.

9.3 Under the statutory provisions of the Academies Act, as the Council holds the school land and buildings as freeholder, it is required to negotiate and grant a lease of the land and buildings where it is used wholly or mainly for the purposes of the school. The Council will therefore, grant a lease of the land and buildings occupied by the school to the Academy Trust for a term of 125 years at a peppercorn rent. The lease will be subject to a leaseback of premises to be retained by the Council to maintain the Children's Centre which it manages.

The recommended terms of the Academy lease by the Department for Education together with other terms or variations of the principal terms as deemed appropriate by the Council and the Academy Trust have been agreed and incorporated into the lease.

9.4 Non-compliance would prompt the issue of a Direction and the required decisions would be taken by the Secretary of State for Education.

9.5 The DfE has drawn up a model form of Commercial Transfer Agreement which sets out the terms under which the assets, contracts and staff are transferred from the school or local authority to the new academy.

9.6 Legal Services are liaising with the School's solicitors to finalise and agree the lease and Commercial Transfer Agreement.

Implications verified/completed by: Tolu Akinosun, Solicitor (Contracts), 0208 753 2136 and Rachel Silverstone, Solicitor (Property), 0208 753 2210

10. FINANCIAL AND RESOURCES IMPLICATIONS

10.1. The Director of Finance has been consulted during the preparation of the final documentation for both the lease and commercial transfer agreement, and notes that these decisions are required to enable the conversion of academies, and are based on model national documentation.

It has been agreed to provide a single grant of £95,000 prior to conversion. This had previously been agreed to support a school in financial difficulty. The school is now financially stable and no further support will be provided.

- 10.2. In accordance with guidance for maintained community schools transferring to Academy status, the land must be leased to the academy sponsor on a 125 year (operating) lease for a peppercorn rent. As an operating lease, the Council will continue to be the freeholder and the asset will continue to be recognised on the Council's balance sheet.

Implications verified/completed by: Dave McNamara (Director of Finance and Resources, Children's Services), tel: 020 8753 3404

Andrew Christie
Director of Children's Services


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.	School Organisation and Investment Strategy 2015 (published)	Alan Wharton, Head of Asset Strategy (Schools and Children's Services): 020 7641 2911	Children's Services, Kensington Town Hall

LIST OF APPENDICES:

none

Contact officer(s): Alan Wharton, Head of Asset Strategy (Schools and Children's Services), email: awharton@wetsminster.gov.uk, tel: 020 7641 2911

	<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">CABINET MEMBER DECISION</p> <p align="center">SEPTEMBER 2015</p>
<p>APPOINTMENT OF LA GOVERNOR – RANDOLPH BERESFORD EARLY YEARS CENTRE</p>	
<p>Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION – Councillor Sue Macmillan</p>	
<p>Open Report</p>	
<p>Classification - For Decision</p> <p>Key Decision: No</p>	
<p>Wards Affected: ALL</p>	
<p>Accountable Executive Director: Jane West, Executive Director Finance and Corporate Governance</p>	
<p>Report Author Jackie Saddington Head of Tri-Borough School Governor Services</p>	<p>Contact Details: Tel: 0207 5984782 E-mail: Jackie.saddington@rbkc.gov.uk</p>

AUTHORISED BY:

The Cabinet Member has signed the report.

DATE: 11 September 2015

1. EXECUTIVE SUMMARY

- 1.1 This report records the Cabinet Member's decision to nominate or appoint LA Governors which falls within the scope of her executive portfolio.

2. RECOMMENDATIONS

- 2.1. That the following LA Governor nomination be made:

That Ms Susannah Frieze is nominated for re-appointment to the governing body of Randolph Beresford Early Years Centre, as LA Governor. This will be for a four year term.

3. REASONS FOR DECISION

- 3.1 The Cabinet Member gives the following reasons for the following nomination

Randolph Beresford Early Years Centre re-constituted the governing body on 1 September 2015. Ms Susannah Frieze, has served as the LA governor since 2011 and her term of office finished on 31 August 2015. The governing body has advised the Local Authority that they would like to re-appoint Ms Frieze to the governing body. She is currently the Chair of governors and the governing body value the experience and community knowledge she brings to the governing body which meets the skillset they require.

4. INTRODUCTION AND BACKGROUND

- 4.1 The Council is entitled to nominate or appoint governors to school governing bodies. This power is delegated to the Cabinet Member.

5. PROPOSAL AND ISSUES

- 5.1 As above

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. Not applicable

7. LEGAL IMPLICATIONS

- 7.1 The Council Constitution gives the Cabinet Member for Children and Education the power to appoint LA governors. Item 3.9 ('Educations functions') states the following: "Appointments to school governing bodies".

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

8. FINANCIAL AND RESOURCES IMPLICATIONS

- 8.1. Not applicable.

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

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
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1.	None		
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London Borough of Hammersmith & Fulham

CABINET MEMBER DECISION

SEPTEMBER 2015

APPOINTMENT OF LA GOVERNOR – ST PETER’S CHURCH OF ENGLAND PRIMARY SCHOOL

Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION

Open Report

Classification - For Decision

Key Decision: No

Wards Affected: ALL

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

Report Author

Jackie Saddington Head of Tri-Borough School Governor Services

Contact Details:

Tel: 0207 5984782

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

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 11 September 2015

1. EXECUTIVE SUMMARY

- 1.1 This report records the Cabinet Member’s decision to nominate or appoint LA Governors which falls within the scope of her executive portfolio.

2. RECOMMENDATIONS

- 2.1. That the following LA Governor appointment be made:

That Mrs Alison Chadwyck-Healey is re-appointed as LA Governor for St Peter’s CE Primary School for a four year term with effect from 18 July 2015 to ensure continuous service.

3. REASONS FOR DECISION

- 3.1 The Cabinet Member gives the following reasons for the following appointments:

Mrs Alison Chadwyck-Healey is currently a Local Authority Governor at St Peter's CE Primary School and has been a governor at the school since July 2011. The Chair states she is an active member of the governing body and the governors are keen to retain her experience. Likewise she is keen to remain as the LA governor at the school.

The school will have a new Headteacher from September 2015, a new vicar, a new teacher governor and is also losing an experienced foundation governor. The school is also in the middle of a building project which includes building a new catering kitchen. Mrs Chadwyck-Healey has been instrumental in the development of the catering arrangements and the school would like her to oversee the arrangements as they develop. She is also experienced in admissions and personnel areas of school work where she has supported the Headteacher in staff recruitment. She is trained in Safer Recruitment procedures, Performance Related Pay and event organisation.

The Chair of governors is keen to see Mrs Chadwyck-Healey re-appointed as the governing body view is that she makes a positive contribution to the school and governing body and will provide stability during a time of transition for the school.

4. INTRODUCTION AND BACKGROUND

- 4.1 The Council is entitled to appoint governors to school governing bodies. This power is delegated to the Cabinet Member.

5. PROPOSAL AND ISSUES

- 5.1 As above

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. Not applicable

7. LEGAL IMPLICATIONS

- 7.1 The Council Constitution gives the Cabinet Member for Children and Education the power to appoint LA governors. Item 3.9 ('Educations functions') states the following: "Appointments to school governing bodies".


- 7.2 Implications completed by: Tasnim Shawkat, Bi-Borough Director of Law

8. FINANCIAL AND RESOURCES IMPLICATIONS

- 8.1. Not applicable.

LOCAL GOVERNMENT ACT 2000 - LIST OF BACKGROUND PAPERS

None.

	London Borough of Hammersmith & Fulham CABINET MEMBER DECISION SEPTEMBER 2015
APPOINTMENT OF LA GOVERNOR – THE GOOD SHEPHERD CATHOLIC PRIMARY SCHOOL	
Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION – Councillor Sue Macmillan	
Open Report	
Classification - For Decision Key Decision: No	
Wards Affected: ALL	
Accountable Executive Director: Jane West, Executive Director Finance and Corporate Governance	
Report Author Jackie Saddington Head of Tri-Borough School Governor Services	Contact Details: Tel: 0207 5984782 E-mail: Jackie.saddington@rbkc.gov.uk

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 11 September 2015

1. EXECUTIVE SUMMARY

1.1 This report records the Cabinet Member's decision to nominate or appoint LA Governors which falls within the scope of her executive portfolio.

2. RECOMMENDATIONS

2.1. That the following LA Governor appointment be made:

That Mr Roland Allen is nominated for re-appointment as LA Governor for The Good Shepherd Catholic Primary School for a four year term.

3. REASONS FOR DECISION

- 3.1 The Cabinet Member gives the following reasons for the following appointments:

Mr Roland Allen has served as a Local Authority Governor at The Good Shepherd Catholic Primary School since July 2011.

The Governing Body reconstituted on 14th July 2015. Mr Roland Allen's term of office ended on 17th July 2015. The school very much values his contribution and the skills he brings, particularly in HR and ICT, and the GB has requested that he be reappointed. The chair of governors is Cllr Wesley Harcourt and he fully supports the request.

4. INTRODUCTION AND BACKGROUND

- 4.1 The Council is entitled to nominate or appoint governors to school governing bodies. This power is delegated to the Cabinet Member.

5. PROPOSAL AND ISSUES

- 5.1 As above

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. Not applicable

7. LEGAL IMPLICATIONS

- 7.1 The Council Constitution gives the Cabinet Member for Children and Education the power to appoint LA governors. Item 3.9 ('Educations functions') states the following: "Appointments to school governing bodies".

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

8. FINANCIAL AND RESOURCES IMPLICATIONS

- 8.1. Not applicable.

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

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



London Borough of Hammersmith & Fulham

CABINET MEMBER DECISION

AUGUST 2015

RENAMING OF POPE JOHN CATHOLIC PRIMARY SCHOOL TO ST JOHN XXIII CATHOLIC PRIMARY SCHOOL

Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION

Open Report

Classification - For Decision

Key Decision: No

Wards Affected:

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

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

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AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 7 August 2015

1. EXECUTIVE SUMMARY

The report recommends a variation in the Instrument of Government for the governing body of Pope John Catholic Primary School to allow a change of name of the school.

2. RECOMMENDATIONS

That the Instrument of Government for the governing body of Pope John Catholic Primary School, as set out in Appendix 1 of this report, be made, coming into effect on the 1st September 2015.

3. REASONS FOR DECISION

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

4. BACKGROUND

Regulation 14 (6) of The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 require the governing bodies of all maintained schools to agree any name change.

The name and constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their name, in accordance with The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 and The (School Governance (Constitution) (England) Regulations 2012 by varying their Instrument of Government.

5 UPDATE

At the Full Governing Body meeting of Pope John Catholic Primary School held on 8th July 2015 the governors voted to rename the School to celebrate 50 years since it opened. This complied with the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 which state the governing body must agree to change the name of the school.

The school is celebrating 50 years since it opened this year, along with the parish church of Our Lady of Fatima. The school was named after Pope John XXIII, who was responsible for calling for the Second Vatican Council. The second Vatican council took place from 1962-1965, Pope John XXIII did not live to see the second Vatican council through to its completion and died in 1963. Pope John Catholic Primary School was named after him when it opened fifty years ago.

On 27th April 2014 Pope John XXIII was canonised alongside Pope John Paul II and became known as St John XXIII. To mark the golden jubilee of the school and given that the build for the school expansion to two form entry is under way, the governing body felt it was an appropriate time to change the name of the school in recognition of his canonisation. The school will move to two form entry in September 2016 and the LA has invested heavily in this expansion. Cardinal Vincent Nichols, The Archbishop of Westminster, will be celebrating Mass on Saturday 19th September 2015 to commemorate the golden jubilees of both the parish and the school. It is also proposed that he will lay a commemorative foundation stone in the new building.

Cllr Rory Vaughan is a foundation governor and parent at the school.

6. INSTRUMENT OF GOVERNMENT

Accordingly, they have asked the Authority to vary their Instrument of Government to show the change of name of the school.

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

7 RISK MANAGEMENT

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

8 COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

9. EQUALITY IMPLICATIONS

There are no equality implications.

10. LEGAL IMPLICATIONS

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

Comments supplied by Jackie Saddington

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

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

APPENDIX 1

DIOCESE OF WESTMINSTER

St John XXIII Catholic Primary School

INSTRUMENT OF GOVERNMENT

1. The name of the school is St John XXIII Catholic Primary School.
2. The School was founded by and is part of the Catholic Church. The School is to be conducted as a Catholic School in accordance with Canon Law and the teachings of the Catholic Church, and in accordance with the Trust Deed of the Diocese of Westminster and in particular:
 - (a) religious education is to be in accordance with the teachings, doctrines, discipline and general and particular norms of the Catholic Church;
 - (b) religious worship is to be in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church;and at all times the School is to serve as a witness to the Catholic faith in Our Lord Jesus Christ.
3. The School is a voluntary aided school in the trusteeship of the Diocese of Westminster and is an exempt charity for the advancement of the Catholic religion by such means as the Archbishop may think fit.
4. The name of the governing body is: The Governing Body of St John XXIII Catholic Primary School.
5. The Governing Body shall consist of sixteen governors of which there shall be:
 - (a) nine foundation governors (*of whom two shall, at the time of their appointment, be eligible for election or appointment as parent governors*);
 - (b) three parent governors;
 - (c) the headteacher;
 - (d) one LA governor;
 - (e) one staff governor;
 - (f) one co-opted governor.
6. Foundation governors shall be appointed and may be removed by the Archbishop of Westminster (or any other person exercising Ordinary jurisdiction on his behalf).
7. The term of office for every foundation governor shall terminate on 31st August following the third anniversary of the date of appointment
8. This Instrument of Government comes into effect on the 1st September 2015.

9. This Instrument of Government was approved by the Diocese of Westminster on 21 July 2015 and made by order of Hammersmith and Fulham local authority on.....
10. A copy of this Instrument of Government must be supplied to every member of the governing body (and head teacher if not a governor), and the Archdiocese of Westminster.

