

Cabinet Members' Decisions


made between June and November 2015

Date Issued: 19 November 2015

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<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">CABINET MEMBER DECISION</p> <p align="center">September 2015</p>	
<p>TO APPOINT A CONTRACTOR TO DELIVER SHARED SERVICES DOMESTIC VIOLENCE PERPETRATOR PILOT</p>	
<p>Report of the Deputy Leader : Councillor Michael Cartwright</p>	
<p>Open Report</p>	
<p>Classification - For Decision Key Decision: No</p>	
<p>Wards Affected: All</p>	
<p>Accountable Executive Director: David Page, Director for Safer Neighbourhoods</p>	
<p>Report Author: Pat Cosgrave, Commissioning & Performance Officer, Community Safety Unit</p>	<p>Contact Details: Tel: 020 8753 2810 E-mail: pat.cosgrave@lbhf.gov.uk</p>

<p>AUTHORISED BY:</p> <p>The Cabinet Member has signed this report.</p> <p>DATE: 24 September 2014.....</p>

1. EXECUTIVE SUMMARY

- 1.1. The Mayor's Office for Policing & Crime (MOPAC) invited Council's to bid for project funding from underspends on their 2014/15 London Crime Prevention Fund. This report summarises the Council's successful bid to deliver a pilot scheme to increase the identification of and interventions with perpetrators of domestic abuse in LBHF, RBKC and WCC. Details of the service provision are contained in Section 5 of this report.
- 1.2. The pilot scheme will run from 1st October 2015 to 30th September 2016. The total cost of the pilot scheme is £150,000. This amount will be entirely funded by MOPAC with the funding being allocated equally between the three boroughs (£50,000 per borough). There are no additional cost implications for LBHF.

- 1.3. The report asks that the Cabinet Member agrees to waive Contract Standing Orders (CSOs) under the provisions set out in Section 3 of the council's CSOs, on the grounds that the service to be provided has been investigated and is demonstrated to be such that a departure from the CSOs is justifiable for the reasons set out in Section 3 of this report.
- 1.4. The report asks that the Cabinet Member approves the appointment of the Domestic Violence Intervention Project (DVIP) to deliver the pilot scheme for the reasons set out in Section 3 of this report.
- 1.5. Each council will enter into a separate agreement with DVIP. Each council will appoint an authorised officer to oversee service delivery in their borough and will be able to raise issues directly with the service provider to address any concerns about service delivery. Performance and financial monitoring information will be disaggregated to borough level and reported to the VAWG Shared Services Contract Management Group.

2. RECOMMENDATIONS

- 2.1 To approve a waiver to H&F Contract Standing Orders (under CSO 3) for the requirement to complete a competitive tendering exercise (advertise the opportunity and seek 3 quotations) according to the requirement under CSO's 11.2, and allow the award of a contract to deliver a pilot scheme to increase the identification of and interventions with perpetrators of domestic abuse for reasons set out in section 3 of this report.
- 2.2 That the Cabinet Member approves the appointment of Domestic Violence Intervention Project (DVIP) a registered charity (No. 1083549) to deliver the pilot scheme which will run from 1st October 2015 to 30th September 2016 at a total cost £50,000 to the Council, with the funding being provided by MOPAC.
- 2.3 That the Cabinet Member agrees to delegate the decision to extend the pilot scheme up to a period of 12 months to the Director of Safer Neighbourhoods. This is conditional upon costs not exceeding a further £50,000 (should such funding become available to the Council after September 2016) and that the scheme has delivered the outcomes detailed at section 5 of this report.

3. REASONS FOR DECISION

- 3.1. The waiver of Contract Standing Orders is requested due to the nature of the service being provided. MOPAC, who are funding the project, require that such services be carried out by a "Respect" accredited organisation. Investigation of the market has shown that DVIP is current the only such local accredited organisation. There are twelve accredited organisations elsewhere in the UK but many of these are small projects that have

subsequently achieved accreditation and would not have the capacity to run the pilot.

- 3.2. DVIP already provide domestic violence related services in all three commissioning boroughs. The timeframe in which to bid for funding was so tight, and the service had to commence so soon, that had the commissioning boroughs not bid on the basis of using the existing service provider they would have been unlikely to achieve funding and proceed with the project. To carry out a full procurement exercise would have taken longer than the timeframe within which the funder wished the service to commence.
- 3.3. As a result of DVIP already working locally they have a specialist knowledge of the proposed service user group which would likely be beyond the level of expertise we could have expected from other accredited providers.
- 3.4. The provision for such a waiver is allowed under section 3.1 of the CSOs. As the value of the LBHF contract is £50,000 the delegated person to agree the waiver is the relevant Cabinet Member acting on advice from the Client Director.
- 3.5. The contract shall be recorded on the Council's Contract Register and the bid shall be uploaded onto the CapitalEsourcing system.

4. INTRODUCTION AND BACKGROUND

- 4.1. Tackling Violence Against Women & Girls (VAWG) is a priority for all three councils involved in the Shared Services VAWG Strategic Partnership. LBHF, RBKC and WCC have invested significant time and resources in developing its response to victims of violence and abuse. This includes commissioning a VAWG Integrated Support Service and launching a three-year VAWG Strategy. One of the 7 strategic priorities contained within this is work with perpetrators.
- 4.2. Under the perpetrator strategic priority a three part review has recently been carried out. This focussed on the criminal justice system, the specialist response and the mainstream response to perpetrators across the three boroughs, as well as drawing from national and regional expertise.
- 4.3. This has enabled the mapping of the response of the strategic partnership to perpetrators and identified areas where the work carried out could be enhanced with the development of a bespoke set of interventions within the pre-existing service structure.
- 4.4. The underspend of the MOPAC London Crime Prevention Fund gave the partnership an opportunity to seek funding to develop a pilot scheme to

increase the identification of and interventions with perpetrators of domestic abuse.

5. PROPOSAL AND ISSUES

- 5.1. The pilot scheme that MOPAC have agreed to fund will allow for the provision of additional staff (two full time posts, one 0.8 post) to work across three distinct areas of tackling perpetrators; Criminal Justice Provision, Family Support and Young Perpetrators.

Criminal Justice Worker

- 5.2. This full time post will be co-located within the community safety units at the police stations within each of the boroughs, working two days in LBHF, one day in RBKC and 2 days in WCC. They will work on a one to one basis with targeted perpetrators not engaged in the criminal justice process
- 5.3. This will be an additional service to support existing Domestic Violence Perpetrator Programmes (DVPPs) across the three boroughs and will enable early intervention with perpetrators who would otherwise be offered no opportunity for behaviour change interventions.

Family Support Worker

- 5.4. This part-time post (4 days per week), will offer consultations and training to a range of Children's Services practitioners around all aspects of domestic abuse and provide one to one motivational and assessment work with perpetrators with a view to participation on a full perpetrator programme. Where there are perpetrators not engaging the post will give robust risk assessment and management feedback to referring practitioners. The post holder will be co-located in RBKCs Children's Services (Early Years and Child Protection Team) but will hold regular meetings with the current perpetrator specialists in LBHF and WCC.

Young Perpetrator Specialist

- 5.5. This post will be co-located in the Youth Offending Service and will hold a caseload across the three authorities for perpetrators of peer to peer and child to parent abuse, with links to Child Sexual Exploitation and Serious Youth Violence.
- 5.6. The delivery of this pilot scheme is intended to have the following outcomes:
- 5.5.1 Increased number of perpetrators identified at the earliest stages and supported to change behaviour;

5.5.2 Increase in safety and reduced risk for service users engaged in partner support; and

5.5.3 Increased capacity within the Police, Children's Services and the Youth Offending Service to identify and respond to perpetrators, including young perpetrators.

5.7. The pilot will be linked to an awareness campaign targeted at perpetrators across the three boroughs over the course of the pilot.

6. EQUALITY IMPLICATIONS

6.1. A completed Equality Impact Assessment is available as an appendix to this report

7. LEGAL IMPLICATIONS

7.1. The grounds for waiving Standing Order as recommended in this report is supported. The nature of the specialist service, the terms of the grant bid, the urgency of making arrangements to take advantage of the funding opportunity and the very low risk levels associated with not adhering to the requirement for competition in this case justify the waiver.

7.2. Implications verified/completed by: Andre Jaskowiak, Senior Solicitor, Shared Legal Services, 020 7361 2756

8. FINANCIAL AND RESOURCES IMPLICATIONS

8.1. MOPAC have agreed that £150k of the underspend from 2014/15 can be used to deliver the Shared Services Perpetrators Pilot Programme in 2015/16. The total cost of this pilot is £150k, of which £50k is allocated to LBHF.

8.2. As the programme is fully funded by MOPAC there are no financial implications for the Council. The Council's authorised officer will need to maintain the required performance and financial monitoring information in accordance with the funding agreement.

8.3. Implications completed by: Danielle Wragg, Finance Manager, 0208 753 4287.

9. RISK MANAGEMENT

9.1. There are no strategic risk management implications associated with the report.

9.2. Implications verified by: Michael Sloniowski, Shared Services Risk manager, Telephone 020 8753 2587

10. PROCUREMENT IMPLICATIONS

- 10.1. The Interim Head of Procurement agrees to the recommendations in the report to seek a waiver from the Council's Contract Standing Orders (under CSO 3) to directly award an agreement to Domestic Violence Intervention Project (DVIP) to deliver the pilot scheme to increase the identification of and interventions with perpetrators of domestic abuse. Westminster City Council and Royal Borough of Kensington and Chelsea will also execute separate agreements at the same time.
- 10.2. DVIP is not the only accredited provider, there are 13 organisations nationally that are "Respect" accredited therefore a challenge could come from other accredited providers. RBKC, WCC and LBHF believe that the risk is low and any challenge can only be made by a judicial review.
- 10.3. Implications completed by Joanna Angelides, Procurement Consultant, Tel. No. 0208 753 2586

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 – Equality Impact Assessment



Equality Impact Analysis Tool

Conducting an Equality Impact Analysis

An EqIA is an improvement process which helps to determine whether our policies, practices, or new proposals will impact on, or affect different groups or communities. It enables officers to assess whether the impacts are positive, negative or unlikely to have a significant impact on each of the protected characteristic groups.

The tool has been updated to reflect the new public sector equality duty (PSED). The Duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

- 1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;**
- 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;**
- 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

Whilst working on your Equality Impact Assessment, you must analyse your proposal against the three tenets of the Equality Duty.

General points

1. In the case of matters such as service closures or reductions, considerable thought will need to be given to any potential equality impacts. Case law has established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, it should demonstrably inform the decision, and be made available when the decision is recommended.
2. Wherever appropriate, the outcome of the EIA should be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.
5. If you already know that your decision is likely to be of high relevance to equality and/or be of high public interest, you should contact the Equality Officer for support.
6. Further advice and guidance can be accessed from the separate guidance document ([link](#)), as well as from your service or borough leads:

LBHF
Opportunities Manager:
PEIA@lbhf.gov.uk or ext 3430

Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2015/16 Q2
Name and details of policy, strategy, function, project, activity, or programme	<p>Title of EIA: Domestic Violence Perpetrator Pilot</p> <p>Short summary:</p> <p>In July 2015, The Mayor's Office for Policing & Crime (MOPAC) invited Councils to bid for project funding from underspend on their 2014/15 London Crime Prevention Fund. The Council successfully bid to deliver a pilot scheme to increase the identification of and interventions with perpetrators of domestic abuse in LBHF, RBKC and WCC. The pilot scheme will run for one year.</p> <p>One of the 7 strategic priorities of the Shared Services VAWG Partnership is to work with perpetrators. Under the perpetrator strategic priority, a three part multi-agency review has recently been carried out. This focussed on analysing the local response to perpetrators within the criminal justice system, specialist perpetrators services' response and mainstream/statutory services' response to perpetrators across the three boroughs, as well as drawing from national and regional expertise. Using the recommendations and findings from the review, officers have developed this pilot to meet the gaps and needs immediately identified as part of the review. The pilot is an innovative programme to increase the identification of and interventions with perpetrators of domestic abuse, which will complement the well-established system of services for survivors.</p> <p>Service Provision</p> <p>Criminal Justice Provision: This service will deliver on a 2:1:2 basis (2 days in LBHF, 1 in RBKC, 2 in WCC) with a worker co-located in the community safety units of the three police stations and will work closely with the DV teams already established in these locations (ie with the IMPACT project team in LBHF, which MOPAC financially contributes to). This worker will work on a 1:1 basis with all perpetrators who have been issued a DV Protection Notice/Order and those who have been cautioned or for those for whom no further action will be taken and as a result the case and will not be going through the criminal justice system.</p> <p>This worker will liaise closely with the police officers and existing VAWG specialists (who focus on victims) in order to provide a 360 degree case review and support process. This initiative will require clear and consistent referral criteria to be established in collaboration with the community safety unit managers, together with ongoing training and briefings with police officers to ensure that this service is not used as an alternative to the Court process. It is intended to be an additional service enabling early intervention with perpetrators who otherwise would be offered no</p>

	<p>opportunity for behaviour change interventions.</p> <p>Family Support: This worker will be co-located in RBKC Children’s services (Early Years and Child Protection) in order to increase the consistency of service delivery across the three boroughs and to offer consultations and interactive training workshops to a range of Children’s Services practitioners around all aspects of domestic abuse and the dynamics of power and control within families where violence and abuse is occurring. The worker will provide one to one motivational and assessment work with perpetrators with a view to participation on a full perpetrator programme. Furthermore, robust risk assessment feedback will be given to referring practitioners when perpetrators are deemed unsuitable or unready for the programme, thereby making evidence-based contributions into the risk management of those cases where abusers are not engaging. This may also include reporting to case conferences, undertaking 3-way meetings with the perpetrator and Social Worker, and liaising closely with partner support services to identify methods of effectively supporting women towards greater safety. This worker will also hold regular meetings with the perpetrator specialists co-located in family services in the other two boroughs, to bring together learning and best practice in this area.</p> <p>Young Perpetrators Specialist: This worker will be co-located in the Shared Youth Offending Service and will work across the three authorities for young people who have demonstrated either peer to peer abuse and/or child to parent abuse, with links to CSE and SYV. The worker will also accept referrals from a range of organisations and work with partners from a variety of organisations, including the young people’s workers within the Angelou Partnership, EPIC/CIC, Children’s Services and the police.</p>
Lead Officers	<p>LBHF Name: Kate Delaney / Pat Cosgrave Position: Community Safety Officer/ Commissioning and Performance Officer Email: kate.delaney@lbhf.gov.uk / Pat.Cosgrave@lbhf.gov.uk Telephone No: 020 8753 2810</p>
Lead Borough	LBHF
Date of completion of final EIA	18/09/15

Section 02	Scoping of Full EIA
Plan for completion	Timing: Resources:

Analyse the impact of the policy, strategy, function, project, activity, or programme


Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy will have a positive, neutral or negative impact on equality, giving due regard to relevance and proportionality.


Protected characteristic	Borough Analysis	Impact: Positive, Negative, Neutral
Age	<p>LBHF</p> <p>The pilot will work with cases across all age groups. In particular, one of the three workers in the pilot will be a Young Perpetrators Specialists who will be collocated in the Shared Services Youth Offending Service. This element of the service will focus on peer to peer abuse and child to parent abuse. It will work with age 11-18.</p> <p>The other two areas of the service will work with adults but can refer into the young persons element of the service if they come across someone under the age of 18.</p>	Positive
Disability	<p>LBHF</p> <p>The pilot will work with people with disabilities. Access is one of the VAWG Partnership 7 Strategic priorities and aims to provide high quality services which are accessible and available in a timely way. No specific action is set out the service specification regarding service users with disability.</p> <p>Perpetrators with mental illness may need different support mechanisms in the provision of services to them. Where necessary reasonable adjustments will be made to ensure fair access to the pilot project.</p>	Neutral.
Gender reassignment	<p>LBHF</p> <p>The new service will aim to support those who have had a gender reassignment or considering gender reassignment, to the same standard as all residents. Any change in response/behaviour by perpetrators of domestic violence as a result of the pilot will impact residents, irrespective of gender reassignment. However, there is no specific service tailored to those who have undergone gender reassignment, but where necessary reasonable adjustments will be made to</p>	Neutral

		ensure fair access to the pilot project.	
	Marriage and Civil Partnership	<p>LBHF</p> <p>The family support worker will offer consultations and interactive training workshops to a range of Children's Services practitioners around all aspects of domestic abuse and the dynamics of power and control within families where violence and abuse is occurring. The pilot will work with families with married parents, parents in civil partnerships and non-married parents.</p>	Positive
	Pregnancy and maternity	<p>LBHF</p> <p>The family support worker will offer consultations and interactive training workshops to a range of Children's Services practitioners around all aspects of domestic abuse and the dynamics of power and control within families where violence and abuse is occurring. This will include families where the mother is pregnant if the family has come to the attention of children's services.</p>	Positive
	Race	<p>LBHF</p> <p>The project will be managed by Standing Together who will manage the partnership arrangements between all agencies and provide monitoring data (quantitative and qualitative) to Children's Social Care on a quarterly basis. Take up of the service will be monitored by race, gender, disability and age for any particular patterns and evaluated, depending on the number of people using the service.</p> <p>The pilot will work with individuals and families from all races, taking into account any specific racial or cultural issues as they may arise.</p>	Neutral
	Religion/belief (including non-belief)	<p>LBHF</p> <p>The pilot will work with individuals and families from all religions and beliefs/non-beliefs, taking into account any religious, faith or other beliefs as they may arise.</p>	Neutral

	Sex	<p>LBHF</p> <p>The pilot aims to support perpetrators of domestic violence to reform and therefore will be beneficial for both males and females. Practitioners will be developed to effectively support men and women who are victims of domestic violence. It is anticipated that the majority of perpetrators using the service will be men.</p>	Positive (male and female)
	Sexual Orientation	<p>LBHF</p> <p>The pilot offers a generalised service to support perpetrators or victims of domestic violence. Interventions for Lesbian, gay and bi-sexual users will be tailored by the service provider when necessary.</p>	Neutral.
<p>Human Rights or Children's Rights If your decision has the potential to affect Human Rights or Children's Rights, please contact your Borough Lead for advice</p>			

Section 03	Analysis of relevant data
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	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	<p>Shared Services Perpetrator Review: (DRAFT)</p>  <p>Perpetrator Review Report October 15.doc</p> <p>The notes and presentations that supported this review are available upon request.</p> <p>Mirabal Research:</p> <p>The executive summary to the report can be found here.</p>
New research	If new research is required, please complete this section LBHF: N/A


Section 04	Consultation
	Complete this section if you have decided to supplement existing data by carrying out additional consultation.
Consultation in each borough	<p>Shared Services Perpetrator Review: (DRAFT)</p>  <p>Perpetrator Review Report October 15.doc</p> <p>The notes and presentations that supported this review are available upon request.</p>
Analysis of consultation outcomes for each borough	LBHF

Section 05	Analysis of impact and outcomes
Analysis	<p>The Shared Services Violence against Women and Girls Strategic Board, October 2015, Perpetrator Review, highlighted a number of issues related to the Public Sector Equality Duty, Equality Act 2015, to eliminate unlawful discrimination, advance equality of opportunity and build better relations between different groups with a protected characteristic. In particular, perpetrators will receive help when they ask for it, behavioural or practical and have any vulnerabilities taken into consideration. Objective criteria for accepting perpetrators has been developed and will not discriminate against any group in selection for the project. Further safeguards are built into the project, by developing a system of monitoring covering application and selection for the project and outcomes by the protected characteristics of age, race, gender, and disability. Where necessary issues of sexual orientation, race, gender, disability, age, pregnancy, religion, faith or beliefs, gender reassignment, marriage and civil partnerships will be taken into consideration in the provision of services.</p>

Section 06	Reducing any adverse impacts and recommendations
Outcome of Analysis	<p>Include any specific actions you have identified that will remove or mitigate the risk of adverse impacts and / or unlawful discrimination. This should provide the outcome for each borough, and the overall outcome.</p>

Section 07	Action Plan					
Action Plan	<p>Note: You will only need to use this section if you have identified actions as a result of your analysis</p>					
	Issue identified	Action (s) to be taken	When	Lead officer and borough	Expected outcome	Date added to business/service plan
	To ensure that services are accessible to all and free from discrimination.	Equal Opportunity Monitoring form to be developed			Ensure that any barriers to accessing the service are removed and that any possible issues of discrimination in the service are identified and addressed.	

Section 08	Agreement, publication and monitoring
Chief Officers' sign-off	LBHF Name: Position: Email: Telephone No:
Key Decision Report (if relevant)	LBHF Date of report to Cabinet/Cabinet Member: 23/10/15 Key equalities issues have been included: Yes
Lead Equality Manager (where involved)	LBHF Name: Albert Rose Position: HR Equalities Consultant Date advice / guidance given: Email: albert.Rose@lbhf.gov.uk Telephone No: 4975

<p>London Borough of Hammersmith & Fulham</p> <p>CABINET MEMBER DECISION</p> <p>September 2015</p>	
<p>ADDITIONAL RESOURCES FOR BUSINESS INTELLIGENCE - COUNCIL TAX</p>	
<p>Report of the Cabinet Member for Finance : Councillor Max Schmid</p>	
<p>Open Report</p>	
<p>Classification - For Decision Key Decision: No</p>	
<p>Wards Affected: All</p>	
<p>Accountable Executive Director: Hitesh Jolara - Director for Finance</p>	
<p>Report Author: Steve Barrett Head of Revenues and Benefits</p>	<p>Contact Details: Tel: 020 8753 1053 E-mail: steve.barrett@lbhf.gov.uk</p>

AUTHORISED BY:
The Cabinet Member has signed this report.

DATE: 21 September 2015.....

1. EXECUTIVE SUMMARY

- 1.1. Business Intelligence (BI) projects reviewing Council Tax data have delivered a range of savings to date, and are expected to contribute significantly to the 2016/17 MTFS
- 1.2. It is anticipated that further savings could be realised for 2016/17 if there was a dedicated internal resource in H&F direct of two officers for 6 months, to support current and additional BI work. There is currently no capacity within H&F Direct teams to cover this work.
- 1.3. The three areas of work requiring additional resources to support them are:
 - a) Identifying and confirming additional properties to be included in the council tax valuation list to increase income and New Homes Bonus Grant
 - b) Single Person Discount Review Stage One undertaken by Datatank

c) Single Person Discount Review Stage Two to be undertaken internally using H&F data

- 1.4. The savings to be delivered are expected to be in the region of £205k for 2016/17 and £425¹k from 2017/18 onwards. These are well in excess of the costs of the proposed resource of £45k.

2. RECOMMENDATIONS

- 2.1. To recruit two officers to undertake the additional work, outlined in section 1.3 above, for an initial pilot period of 6 months at a cost of £45k with funding from the Efficiency Projects Reserve.

3. REASONS FOR DECISION

- 3.1. To support the council's MTFS and provide additional income for the council, estimated to be in the region £205k in 2016/17 and £425k from 2017/18 onwards.
- 3.2. The savings to be delivered are expected to be well in excess of the staff costs

4. INTRODUCTION AND BACKGROUND

- 4.1. Business Intelligence (BI) projects reviewing Council Tax data have delivered a range of savings to date and are expected to contribute to the 2016/17 MTFS. Stage 1 of the Single Person Discount Review was reported in the budget challenge meeting in July 2015

5. PROPOSAL AND ISSUES

- 5.1. Two additional areas have been identified where further savings could be made if there was a dedicated internal resource of two officers in H&F Direct to support them. These new areas are in addition to the Single Person Discount Review Stage 1 currently taking place which also requires administrative support to deliver its savings. The two new areas are:

a) an inspector to visit and confirm additional properties to be included in the council tax valuation list, to increase annual council tax income and New Homes Bonus Grant

b) administrative support for a second Single Person Discount Review to be undertaken internally using H&F internal data

¹ The increase in new homes bonus grant is deferred until 2017/18 in accordance with the grant methodology.

- 5.2. The savings to be delivered are expected to be in the region of £205k in 2016/17 and £425k from 2017/18 onwards. These are in excess of the proposed cost of £45k

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. There is no capacity within H&F Direct teams to absorb the additional work and therefore without additional resources these projects could not take place and deliver the savings outlined
- 6.2. The projects are expected to be self funding and could be financed from the Efficiency Projects Reserve

7. CONSULTATION

- 7.1. No consultation is required for this report

8. EQUALITY IMPLICATIONS

- 8.1. There are no equality implications in this report.

9. LEGAL IMPLICATIONS

- 9.1. The proposal is to seek approval of additional funding for recruitment of two temporary posts and such proposal is self funding. There are no legal implications arising from this report.
- 9.2. Implications verified/completed by: Babul Mukherjee, Senior Solicitor, 02073613410.

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1. The proposed savings for each of the BI projects outlined in this report are:

	(£k)
Additional properties for the council tax list to increase annual revenue and New Homes Bonus Grant from 2017/18	220
Single Person Discount Review Stage One from 2016/17	100
Single Person Discount Review Stage Two from 2016/17	105
Total	425

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

11. IMPLICATIONS FOR BUSINESS

11.1 This report relates to council tax and has no implications to businesses in the borough

12. RISK MANAGEMENT

12.1 The risks associated with these projects are monitored through the MTFS process


12.2 There is a risk to the savings associated with New Homes Bonus Grant if the government changes the rules and allocations in the Comprehensive Spending Review. This will be monitored as part of the MTFS process

13. PROCUREMENT AND IT STRATEGY IMPLICATIONS

13.1 Temporary recruitment is considered the most appropriate option for this 6 month pilot and appropriate resources can normally be found in the temporary market.

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

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

<p style="text-align: center;">London Borough of Hammersmith & Fulham</p> <p style="text-align: center;">CABINET MEMBER DECISION</p> <p style="text-align: center;">October 2015</p>	
<p>LEGAL CHARGES FOR SECTION 106 AGREEMENTS – INCREASE TO HOURLY RATE CHARGE</p>	
<p>Report of the Cabinet Member for Finance – Councillor Max Schmid</p>	
<p>Open Report</p>	
<p>Classification - For Decision Key Decision: No</p>	
<p>Wards Affected: All</p>	
<p>Accountable Executive Director: Nigel Pallace, Chief Executive</p>	
<p>Report Author: LeVerne Parker, Chief Solicitor (Planning and Property)</p>	<p>Contact Details: Tel: 020 7361 2180 E-mail: leverne.parker@rbkc.gov.uk</p>

AUTHORISED BY:

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

DATE: 6 October 2015

1. EXECUTIVE SUMMARY

- 1.1. This report recommends an increase in the legal fees charged to applicants/developers for s106 agreements and undertakings required in connection with planning applications.

2. RECOMMENDATIONS

- 2.1 That the hourly rate, to cover the Council's in house legal fees in connection with section 106 agreements and undertakings, be increased to £220 an hour.

3. REASONS FOR DECISION

- 3.1 The proposed increase will align the fees with inflationary cost increases over the period since the hourly rate was last set.

4. INTRODUCTION AND BACKGROUND

- 4.1 The Legal Services Department deal with agreements and undertakings to secure planning obligations under s106 of the Town and Country Planning Act 1990 and other similar agreements under the planning and highways legislation in connection with the grant of planning permission for development. Section 106 agreements are typically required in connection with planning applications which are classified as major or minor applications and not those applications classified as "other" (which include applications from residents or householders to do works to their own properties). Residents and householders are therefore not affected by these proposals when making planning applications relating to their homes.
- 4.2 It is standard practice that the applicant/developer pays the Council's legal fees in preparing and completing the agreement. Legal fees are generally paid before the agreement is completed.

5. PROPOSAL AND ISSUES

- 5.1 The fees are charged on an hourly rate basis. The current charge for s106 agreements and other similar agreements is £200 an hour.
- 5.2 By comparison the hourly rate charge for s106 agreements for the Royal Borough of Kensington and Chelsea are £220 per hour. Westminster City Council charge £260 per hour and, in cases where there is a Planning Performance Agreement, the charge is £320 per hour. The legal costs recovered from developers for work delivered in 2014/15 was £340k.
- 5.3 It is proposed that the hourly rate be increased to £220. In proposing this charge we have taken into account that the current fee was set in 2012/13. This increase will therefore align the fee with inflationary cost increases over that period.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1 The proposed increase in the hourly rate is to align with inflationary cost increases but the decision could be taken to keep the hourly rate at £200 per hour or to set a higher hourly rate. This latter option is not recommended at this stage but can be considered as part of the revenues estimates process.

7. CONSULTATION

- 7.1 The Chief Executive has been consulted on and agrees with the proposed increase.

8. EQUALITY IMPLICATIONS

- 8.1 There are no equality implications.

9. LEGAL IMPLICATIONS

- 9.1 The Council is able to charge fees pursuant to s.93 of the Local Government Act 2003. Where fees and charges are set under s.93 the Council has a duty to secure that, taking one financial year with another, the income from the charges does not exceed the cost of providing the service. *Implications verified/completed by: (LeVerne Parker, Chief Solicitor 020 7361 2180)*

10. FINANCIAL AND RESOURCES IMPLICATION

- 10.1 The financial implications of these charges will be taken into consideration in the revenue estimates process, although these income sources are dependent on demand and cannot be fully predicted.
- 10.2 The full cost of providing the legal service in connection with s106 and other similar agreements can be recovered. *Implications verified/completed by: (Maria Campagna, Finance Manager 020 8753 6014).*

11. IMPLICATIONS FOR BUSINESS

- 11.1 Businesses who make planning applications, which if granted require the completion of a section 106 agreement, will be required to contribute more towards the Council's legal fees

12. RISK MANAGEMENT


12.1 No implications

13. PROCUREMENT AND IT STRATEGY IMPLICATIONS

13.1 No implications

14. 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 September 2015		 hammersmith & fulham
ICT TRANSITION PROGRAMME ADDITIONAL FUNDING		
Report of the Cabinet Member for Finance : Councillor Max Schmid		
Open Report		
For Decision Key Decision: No		
Wards Affected: All		
Accountable Executive Director: Ed Garcez, Chief Information officer		
Report Author: Jackie Hudson Transition Director		Contact Details: Tel: 020 8753 2946 E-mail: jackie.hudson@lbhf.gov.uk

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 28 September 2015.....

1. EXECUTIVE SUMMARY

- 1.1. On 1st June 2015 approval was given for the one-off costs for programme definition and management of up to £783k, to be funded from the 2014/15 Services In Kind fund of £68k with the balance of £715k from the IT Enablers Fund, in a paper entitled phase 1 ICT transition - transfer of ICT to new service providers - programme definition and management.
- 1.2. Additional work has been required to secure shorter term contracts in order to retain flexibility during a period of significant change at the Council, including through the concentration of Council offices.
- 1.3. There have also been increased costs in creating an accurate transition blueprint, scoping and programme management costs.
- 1.4. Consequently the Council needs to fund £94,261 from the IT Enablers Fund for additional work required from HFBP to support this programme.

2. DETAILED BREAKDOWN

- 2.1. The Council worked with HFBP to put a reasonable estimate in place for the work needed to set up and fully scope the programme; to determine the blueprint and deliver programme management for the entire ICT Transition programme of work. A number of events have caused the Council to exceed the original budget estimate.
- 2.2. There has been an increase in the cost from HFBP of supporting H&F in gaining greater flexibility in upcoming contracts, the production of the business case, decision papers and call-off orders, which have had to be re-worked. The call-off is normally a simple process where a list of catalogue items is chosen and agreed but in this instance extra work was needed to ensure the need for short term and early exit were included along with estimated liability for early termination, in order satisfy this Council's specific needs.
 - a. In addition, the design, development and maintenance of the blueprint has required more effort than originally forecast. This is new territory for H&F and, as a standard blueprint template was not available at the outset, it had to be designed and created. Getting the blueprint right up-front reduces the risk of delay and cost increases by giving the transition planning projects a more comprehensive view of what needs to be transitioned. The original estimates assumed that HFBP would be able to make use of a 'template' blueprint (available as part of the Managing Successful Programme's toolset) however no such template was found, requiring HFBP to develop one specifically for H&F during the scoping stage of the service tower mapping project. There is considered to be significant IPR in the work that has been done which does belong to H&F.
 - b. Individual team managers have had to spend more time than originally forecast to prepare for the service tower mapping workshops, gathering information and adding it into the Blueprint. This has helped ensure the quality and efficiency of the discovery workshops which in turn will deliver a high quality Blueprint that will reduce the risk (and therefore the cost) of the delivery stage of the programme by giving the transition planning projects (including new service providers) a more comprehensive view of what needs to be transitioned.
- 2.3. Greater effort has been required to scope and plan the various definition projects because this is the first ICT exit project that HFBP and H&F have undertaken. Second-generation outsourcing is somewhat uncharted so it has taken longer for all the staff involved to understand the approach and plan their projects accordingly. This has also led to an increase in the programme management overhead.

- 2.4. Definition stage programme management where new processes and systems have had to be put in place, more time has been spent working with individual project teams to help them understand the approach and to keep projects aligned with it. Getting the projects scoped correctly will help to reduce the risk of future delays and cost increase during the delivery phase.
- 2.5. An additional reason for the increased cost has been a scope change which asked the team to consider an early Service Desk transition. This was not included in the original estimates and, while it has been removed from the plan now as no longer required, took time over and above the original estimate.
- 2.6. Greater effort has been required to scope and plan the various Definition projects. The original estimates were based on previous experience of HFBP delivery technical delivery projects whereas the reality is that this programme is a key change programme and has required greater time to plan and scope projects up-front. In addition the expectation was that the programme would use existing HFBP processes but in a number of cases (e.g. the document review and approval process) new processes have had to be developed for End of Term.
- 2.7. The following options to reduce the Definition stage costs to nearer the approved Solution Proposal figure of £783k are:
- 2.8. The Council considered options to reduce the variance, but rejected them, they include:
 - Reduce the resource involved in the Service Tower Mapping project which would extend the project delivery timescales. This could have reduced a £21,844 variance but was rejected due to the time constraints on this programme and the fact that this project is on the critical path for the whole programme delivery.
 - Delay work and therefore spend on the core workstreams deliverables. This was rejected as these deliverables are needed by the early transition projects.
 - Reduce the programme management effort on the programme. This was rejected on the basis this would have a negative impact on the quality of the programme outputs and increase the risk of delay and increased cost later on.
- 2.9. The consequence is that the Council needs to fund the extra work incurred.

3. RECOMMENDATIONS

- 3.1. To approve £94,261 one-off towards the additional costs of this ICT transition programme. The source for this is the IT Enablers fund.

4. REASONS FOR DECISION

- 4.1. Approval is needed to fund the additional spend required.

5. EQUALITY IMPLICATIONS

- 5.1. The equality implications arising out of this programme are already being dealt within the programme so there are no new implications in this report.

6. LEGAL IMPLICATIONS

- 6.1. There are no legal implications arising out of this report.
- 6.2. Completed by: Cath Tempest, Senior Solicitor (Contacts and Procurement)

7. FINANCIAL AND RESOURCES IMPLICATIONS

- 7.1. These works relate to phase 1 of the IT transition for which funding of £1.3m was previously approved. The overall funding requirement for phase, and future phases, was identified as £5.7m of which £0.25m will come from the Services in Kind fund and £5.45m from the IT Enablers Fund. The Enablers Fund Balance was £5.4m at the start of 2015/16, and it has an annual budget of £800k. The overall position of the IT Enablers Fund is regularly reviewed to ensure it can meet the approved commitments.
- 7.2. As set out in the report additional costs of £94,261 are now identified regarding phase 1. These increase the overall funding envelope to £5.8m. This increase will be met from the IT Enablers fund.
- 7.3. The Shared Service ICT business plan targets an H&F ICT savings significantly exceeding £4.7m (or 26.5% of the contract value) from 2017/18 onwards. This is dependent on a successful and well-planned transition. It is estimated that the proposals put forward in this report, a change to new service providers, will contribute £2.074m towards the annual savings target. A lower saving of £1.5m - £1.6m was provisionally estimated as part of the overall £4.7m target. The overall savings target will be kept under review

Implications verified/completed by Andrew Lord, Head of Strategic Planning and Monitoring 020 8753 2531.

8. RISK MANAGEMENT

8.1. There are no strategic risk management implications associated with the report proposals.

8.2. Implications completed by: Michael Sloniowski Tri-borough Risk Manager 020 8753 2587

9. PROCUREMENT AND IT STRATEGY IMPLICATIONS

9.1. There are no immediate procurement implications arising from this report, other than obtaining value for money from the additional spend. The ICT and programme management work is being commissioned from H&F Bridge Partnership in line with the Council's Contracts Standing Orders.

9.2. Comments completed by John Francis, Interim Head of Procurement, Chief Executive's Department, 020 8753 2582.

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.	Phase 1 ICT transition - transfer of ICT to new service providers - programme definition and management (published)	Jackie Hudson Transition Director	Shared ICT services HTH 3 rd floor

<p>London Borough of Hammersmith & Fulham</p> <p>CABINET MEMBER DECISION</p> <p>September 2015</p>			
<p>IMPROVEMENTS TO PLAY LANDSCAPING AT HAMMERSMITH PARK</p>			
<p>Report of the Cabinet Member for Environment, Transport & Residents Services: Cllr. Wesley Harcourt</p>			
<p>Open Report</p> <p>Classification: For Decision</p> <p>Key Decision: No</p>			
<p>Wards Affected: Shepherds Bush Green</p>			
<p>Accountable Executive Director: Lyn Carpenter, Bi-Borough Executive Director for Environment, Leisure and Residents Services</p>			
Report Author:	Gareth Davies Parks Project Officer	Contact Details:	T: 0208 753 3660 E: gareth.davies@lbhf.gov.uk

AUTHORISED BY:

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

DATE: 29 September 2015.....

1. EXECUTIVE SUMMARY

- 1.1. To seek approval from the Cabinet Member for Environment, Leisure and Residents Services to grant a waiver to the Council's contract standing orders to procure a single supplier product.
- 1.2. To seek approval from the Cabinet Member for Environment, Leisure and Residents Services to award a contract for works with Playcubed Ltd. for rebuilding and improvement works to the play mounds at Hammersmith Park (as defined in paragraph 5.2 of the report).

2. RECOMMENDATIONS

- 2.1 To approve a waiver under Contract Standing Order 11 for the requirement to (a) advertise the opportunity and (b) seek public quotations using the e-tendering system and the Government's Contracts Finder portal for the reasons set out in section 3 on the report.
- 2.2 To approve the award of a contract for works to Playcubed Ltd. to carry out the relevant playground improvement works to the value of £39,090.

3. REASONS FOR DECISION

- 3.1. Urgent safety related repair works are required to existing play mounds at Hammersmith Park. The mounds are covered using NottsSport play sward and this identical product is required for the repairs. NottsSport require that only approved and company trained installers are contracted to install and repair their surfacing in order that their warranties are not invalidated.
- 3.2. NottsSport were provided with a brief and specification by the Council's project manager and sought three quotations for the work on the Council's behalf. All of the contractors approached have previously undertaken contract work for the Council.
- 3.3. Playcubed Ltd. provided the most competitive return whilst meeting the specification in full, including build quality and aftercare considerations.

4. INTRODUCTION AND BACKGROUND

- 4.1 Three large play mounds (approximately 3m in height) were installed at Hammersmith Park in 2010 as part of the borough's Playbuilder project. This nationwide project encouraged the use of 'natural' play features and finishes. The three mounds – two within the play area which incorporate climbing and agility equipment and one without, with a spiral climbing path – were designed to tie in with the Japanese Garden at Hammersmith Park and represent the three major peaks of Japan.
- 4.2 Unfortunately, the standalone mound has experienced significant settling and movement issues. This has caused the play carpet covering to wrinkle, tear and fall away. This, in turn, has caused further deterioration of the mound, which is now severely eroded and presenting a significant level of risk to users. The two mounds within the play area are beginning to show signs of the same issue, in addition to more general seam splitting, commensurate with the heavy footfall the surfacing experiences due to being underneath the play equipment.
- 4.3 The principal project objective is to rebuild the standalone mound with a more robust construction. The two mounds within the play area will be patch repaired. All three will then have carpet renewal works. This will improve play quality for users and enhance visual appeal.

- 4.4 The work will also ensure that, by restoring surfacing compliant with BSEN1176 (the European safety standard for outdoor fixed play equipment), the Council is able to defend itself adequately against personal injury claims. The works will also eliminate a number of unwanted risks currently associated with the poor condition of the existing surfacing.

5. PROPOSAL AND ISSUES

- 5.1. The manufacturers of one of the UK's most widely-used play and sports carpet systems – NottsSport Ltd. – provided quotations from three of their accredited contractors for works specified by the Parks Projects team. This product has previously been used extensively throughout the borough to good effect. NottsSport carpet is used as the existing surfacing to the mounds.

- 5.2. The following works will be undertaken:

- (i) Standalone mound – remove existing damaged surfacing and dispose of sensitively (where possible, the carpet will be recycled); reconsolidate the mound and install a foundation footing; pour a 200mm thick resin-concrete skin over the mound and allow to cure; affix new play carpet in standard green, with darker green inlay on the spiral pathway to improve access for users with reduced vision. Apply play sand evenly.
- (ii) Mounds within play area – remove existing damaged carpet as necessary; reconsolidate partially collapsed/eroded areas; re-tension areas of existing good quality carpet; patch in new carpet and re-fix all joints; clean mounds of any existing green debris/moss and re-sand.

- 5.3. The key issues relating to the project will be safety management of the construction sites (within existing play areas) and quality of installation.

- (i) Although the works are relatively routine for the contractors and do not pose any significant challenges, it is essential to maintain safe working practices in relation to building works on or around play areas. Works will be managed by appropriately trained personnel and undertaken in such a way as to minimise the risk to the public and operatives alike. The project manager is both NEBOSH qualified and RPII accredited and will ensure that safe systems of work are adhered to, including use of works compounds, using a banksman when vehicles and plant are operating in the public open space and ensuring the appropriate storage of materials and chemicals.
- (ii) Quality will be assessed during the installation phase via regular on site meetings and, post-installation. The product and installation are provided with a seven year guarantee / defects period.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. Four contractors returned quotations for this work. All four are reputable installers of the chosen product, are approved by the product manufacturer, are members of

the Association of Play Industries and are appropriately qualified in terms of relevant industry accreditations. Three of the four have undertaken work for the Council on previous occasions and meet the standards required by the Council. All four are registered with Constructionline.

6.2. A summary of received quotations is as follows:

Contractor	Quotation Reference	Quotation for works
Binghams Ltd	BGS/cpns/2502	£69,542
Groundwork & Leisure Services Ltd	N / A	£42,300
Playcubed Ltd	0115/9092/Rev/GB	£39,090
S & C Slatter Ltd	R14-0234 LBHA141217	£44,950

6.3. Playcubed Ltd. provided the most competitive quotation for the work at £39,090.

7. CONSULTATION

7.1. Formal consultation was not carried out as this project seeks only to repair and enhance the quality of an existing installation.

8. COUNCIL STANDING ORDERS - WAIVER REQUIREMENT

8.1 It is requested that the Cabinet Member grants permission to waiver the CSO requirements in this case in order to expedite works as quickly as possible given the safety management issues presented by the current condition of the mounds.

8.2 The justification for the departure of the requirements of the CSO's is that it is in the Council's overall interest. It is necessary to procure this specific surfacing system in order to match the pre-existing installation. The product manufacturer requires that only appropriately trained and accredited contractors undertake to install their system. Meeting this requirement allows the product manufacturer to provide a seven year warranty on the product and the installation works.

9. EQUALITY IMPLICATIONS

9.1. An Equality Impact Assessment has been completed for this work. The proposed project will have positive impact on equality as the new surfacing will increase play accessibility scoring by using different coloured surfaces and eliminating trip hazards.

10. LEGAL IMPLICATIONS

10.1 The Council's Contract Standing Orders require public quotations to be sought using the e-tendering system and the Government Contracts Finder portal where the contract is below the EU threshold for services, currently £172,514.00. The

Cabinet Member acting on advice of the Director may waive the requirement to seek public quotations where they are of the view a waiver is justified in accordance with section 3 of the Contract Standing Orders. The reasons for requesting a waiver is set out in the body of the report.

- 10.2 It is noted that the Council did not advertise the proposed contract on Contracts Finder; the reasons for this are set out in the body of the report. Regulation 114 of the Public Contracts Regulations 2015 states that a material failure to comply with Part 4 of the Regulations does not itself affect the validity of a public contract. As such, the proposed contract cannot be set aside on grounds of non-compliance.
- 10.3 Implications completed by: Kar-Yee Chan, Solicitor (Contracts), 020 8753 2772

11. FINANCIAL AND RESOURCES IMPLICATIONS

- 11.1. Given that Playcubed Ltd submitted the most competitively advantageous tender, the recommendation to award the contract to them is supported from a financial perspective.
- 11.2. The 2015/16 Capital Programme agreed at full council on 25 February 2015 approved a budget of £500k for the Parks Programme. The service has set aside £45k of this budget to fund this project.
- 11.3. Implications verified/completed by: Danielle Wragg, Finance Manger, 0208 753 4287

12. RISK MANAGEMENT

- 12.1. The ELRS department has a risk management framework that includes identification, tracking, evaluation and reporting on business, programme and project risk. Risks associated with this project would be reported and if they escalate noted on the ELRS risk register. Appropriate and proportionate mitigations will be reviewed and applied where necessary.
- 12.2. There are no strategically significant risks associated with the report.
- 12.3. Implications verified/completed by: Michael Sloniowski, Shared Services Risk Manager, 0208 753 2587.

13. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 13.1. Under the Council's Standing Orders there is a requirement to (a) advertise the opportunity and (b) seek public quotations using the e-tendering system and the Government's Contract Finder portal. On this occasion the manufacturer has obtained the quotations on the Council's behalf and the Council's e-tendering system was not used. Nonetheless, the service department believes it has obtained value for money as it proposes to award the contract for the works to the contractors who submitted the most competitive bid and shall retain a copy of the

bids as an audit trail. In future the service department should call upon the Corporate Procurement Unit to support it in the procurement process and the use of the e-tendering system.

- 13.2. Implications verified/completed by: Joanna Angelides, Procurement Consultant, 0208 753 2586.

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

No.	Description of background papers	Name / extension of holder of file / copy	Department / Location
01	None.		

List of Appendices:

Appendix 1 : Equality Impact Assessment – Hammersmith Park Play Mound Improvements 2014-15

Equality Impact Analysis

Initial Screening Tool with Guidance



Overview

This Tool has been produced to help you analyse the likelihood of impacts on the protected characteristics – including where people are represented in more than one – with regard to your new or proposed policy, strategy, function, project or activity. It has been updated to reflect the new public sector equality duty and should be used for decisions from 5th April 2011 onwards. It is designed to help you determine whether you may need to do a Full EIA. If you already know that your decision is likely to be of high relevance to equality, and/or be of high public interest, you should contact the Opportunities Manager, as s/he may recommend moving directly to a Full EIA.

General points

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

Timing, and sources of help

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

Initial Screening Equality Impact Analysis Tool

Section 01	Details of Initial Equality Impact Screening Analysis
Financial Year and Quarter	2015-16 (throughout)
Name of policy, strategy, function, project, activity, or programme	Hammersmith Park – Refurbishment of Play Mounds
Q1 What are you looking to achieve?	To rebuild and renovate the existing play mounds at Hammersmith Park
Q2 Who in the main will benefit?	<p><i>Analyse the impact of the policy on the protected characteristics (including where people / groups may be in more than one protected characteristic). You should use this to determine whether the policy will have a positive/neutral/negative impact and whether it is of low/medium/high relevance to equality.</i></p> <p><i>You should also use this section when your policy may not be relevant to one or more protected characteristics. If this applies, case law has established that you must give your reasoning. It is not sufficient to state 'N/A' without saying why.</i></p> <p>Information: protected characteristics and PSED <i>The public sector equality duty (PSED) states that in the exercise of our functions, we must have due regard to the need to:</i></p> <ul style="list-style-type: none"> ▪ <i>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited under the Act;</i> ▪ <i>Advance equality of opportunity between people who share a protected characteristic and those who do not; and</i> ▪ <i>Foster good relations between people who share a protected characteristic and those who do not.</i> <p><i>Having due regard for advancing equality involves:</i></p> <ul style="list-style-type: none"> ▪ <i>Removing or minimising disadvantages suffered by people due to their protected characteristics;</i> ▪ <i>Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and</i> ▪ <i>Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low</i> <p><i>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.</i></p>

The project will improve existing standards of accessibility.

Age	There will be no direct impact on any particular age group as a result of the project. All age groups will benefit from the works.	L	N
Disability	The works will have a positive impact for users with reduced vision, due to improved surfacing design, including bold contrasting colours. All users will benefit from improved surface quality and reduced tripping hazards / uneven ground conditions.	M	+
Gender reassignment	The project does not discriminate on the basis of gender. The park is a public open space that anyone has the right to use.	L	N
Marriage and Civil Partnership	The project does not discriminate on the basis of marriage/civil partnership. The park is a public open space that anyone has the right to use.	L	N
Pregnancy and maternity	The project does not discriminate on the basis of pregnancy or maternity. The park is a public open space that anyone has the right to use.	M	N
Race	The project does not discriminate on the basis of race. The park is a public open space that anyone has the right to use.	L	N
Religion/belief (including non-belief)	The project does not affect any religion or belief or alter current provisions. The park is a public open space that anyone has the right to use.	L	N

	Sex	The project does not discriminate on the basis of sex. The park is a public open space that anyone has the right to use.	L	N
	Sexual Orientation	The project does not discriminate on the basis of sexual orientation. The park is a public open space that anyone has the right to use.	L	N

Human Rights and Children’s Rights

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

No

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

No

Q3
Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?

Yes: improved surface design and elimination of uneven ground conditions will reduce the risk of falls and provide a more inclusive playing environment.

Q4
Does the policy, strategy, function, project, activity, or programme actually or potentially contribute to or hinder equality of opportunity, and/or adversely impact human rights?

No

Initial Screening Equality Impact Analysis Guidance

<p>Section 02</p>	<p>Details of Initial Equalities Impact Screening Analysis</p>
<p>Name of policy, strategy, function, project, activity, or programme</p>	<p>A Policy refers to an approved decision, principle plan or a set of procedures by Cabinet, or a Cabinet Member under delegated powers that affects the way that the Council conducts its business both internally and externally. A policy can include: strategies, guides, manuals and common practice.</p> <p>A Strategy refers to a systematic short term or a long term plan of action that is designed to achieve a specific business benefit or goal(s).</p> <p>A Function refers to any actions and/or activities designed to achieve a specific business benefit or goal.</p> <p>A Project defines how a temporary structure or scheme can achieve a specific business benefit or goal(s). A project can be implemented by setting up aims and objectives, resources, communication, budget needs and timelines.</p> <p>An Activity is a specific task (or a groups of tasks) which can also form as part of a 'function'.</p> <p>A Programme is a portfolio of activities and projects that are co-ordinated and managed as a unit such that they realise common outcomes and benefits.</p>
<p>Q1 What are you looking to achieve?</p>	<p>For example this might help to implement outcomes identified in policies such as the Single Equality Scheme, Disability Equality Scheme, other EIAs in your service department, or in another department that your service/service users also interact with and draw down services from, Corporate Plan, LAA Targets, CAA Aims, UDP, or JSNA.</p>
<p>Q2 Who in the main will benefit?</p>	<p>Hereafter, 'policy' means policy, strategy, function, project, activity, or programme</p> <p>Disability Service providers also have an anticipatory duty to make reasonable adjustments for disabled people. These two duties frequently overlap and it is sensible to consider them together. For example, can you:</p> <ul style="list-style-type: none"> ▪ Provide accessible communications? ▪ Change how you collate and use data? ▪ Revise how you involve service users? <p>Analyse the impact of the policy on the protected characteristics with due regard to the Public Sector Equality Duty.</p> <p>Use your reasoning in order to determine whether the policy will be of high, medium or low relevance to the protected characteristics. What do we mean by these terms?:</p> <p>High</p> <ul style="list-style-type: none"> ▪ The policy, strategy, function, project, activity, or programme is relevant to all or most parts of the general duty, and/or to human 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

- The policy, strategy, function, project, activity, or programme is relevant to most parts of the general duty, and/or to human rights
- There is some evidence that some groups are (or could be) differently affected by it
- There is some public concern about it

Low

- The policy, strategy, function, project, activity, or programme is not generally relevant to most parts of the general duty, and/or to human rights
- There is little evidence that some groups are (or could be) differently affected by it
- There is little public concern about it

Use your reasoning to determine whether the impact will be positive, neutral, or negative. There are three possible outcomes:

- **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.

Should your policy not be applicable, you must note this and state why.

Human Rights, Children's Rights

Additionally, demonstrate here that the impact on **Human and/or Children's Rights** arising from the policy has been considered.

Human Rights


Public authorities have an obligation to act in accordance with the European Convention on Human Rights. These are:

- Article 2: [Right to life](#)
- Article 3: [Freedom from torture and inhuman or degrading treatment](#)
- Article 4: [Right to liberty and security](#)
- Article 5: [Freedom from slavery and forced labour](#)
- Article 6: [Right to a fair trial](#)
- Article 7: [No punishment without law](#)
- Article 8: [Respect for your private and family life, home and correspondence](#)
- Article 9: [Freedom of thought, belief and religion](#)
- Article 10: [Freedom of expression](#)
- Article 11: [Freedom of assembly and association](#)
- Article 12: [Right to marry and start a family](#)
- Article 14: [Protection from discrimination in respect of these these rights and freedoms](#)
- Article 1 of Protocol 1: [Right to peaceful enjoyment of your property](#)
- Article 2 of Protocol 1: [Right to education](#)
- Article 3 of Protocol 1: [Right to participate in free elections](#)

(Article 1 of Protocol 13 is: Abolition of the death penalty)

Each of the above links takes you to explanations and examples provided by the EHRC. Further, the [EHRC](#) and the [Ministry of Justice](#) both provide guides for public authorities.

	<p>Children's Rights (UNCRC) All children and young people up to the age of 18 years have all the rights in the Convention. Some groups of children and young people - for example those living away from home, and young disabled people - have additional rights to make sure they are treated fairly and their needs are met.</p> <p>Every child in the UK has been entitled to over 40 specific rights. These include:</p> <ul style="list-style-type: none"> ▪ The right to life, survival and development ▪ The right to have their views respected, and to have their best interests considered at all times ▪ The right to a name and nationality, freedom of expression, and access to information concerning them ▪ The right to live in a family environment or alternative care, and to have contact with both parents wherever possible ▪ Health and welfare rights, including rights for disabled children, the right to health and health care, and social security ▪ The right to education, leisure, culture and the arts ▪ Special protection for refugee children, children in the juvenile justice system, children deprived of their liberty and children suffering economic, sexual or other forms of exploitation <p>The rights included in the convention apply to all children and young people, with no exceptions.</p> <p>The above and more information can be found at Direct Gov.</p>
<p>Q3 Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</p>	<p>Yes/No</p> <p>Use your evidence from Q2 to state why</p>
<p>Q4 Does the policy, strategy, function, project, activity, or programme actually or potentially contribute to or hinder equality of opportunity and/or human rights?</p>	<p>Yes/No</p> <p>If the answer here is 'yes', then it is necessary to go ahead with a Full Equality Impact Analysis. You should also consider a Full Equality Impact Analysis if your decision is likely to be of high relevance to equality, and/or be of high public interest.</p>

<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">CABINET MEMBER DECISION</p> <p align="center">September 2015</p>	
<p align="center">PROJECTS FOR ANNUAL PARKS CAPITAL PROGRAMME 2015/16</p>	
<p align="center">Report of the Cabinet Member for Environment, Transport & Residents Services</p>	
<p>Open Report</p>	
<p>Classification - For Decision Key Decision: Yes</p>	
<p>Wards Affected: All</p>	
<p>Accountable Executive Director: Lyn Carpenter – Executive Director for Environment, Leisure, and Resident Services</p>	
<p>Report Author: Jeremy Plester – Senior Project Manager (Leisure Services)</p>	<p>Contact Details: Tel: 020 7938 8175 E-mail: Jeremy.plester@rbkc.gov.uk</p>

<p>AUTHORISED BY:</p> <p>The Cabinet Member has signed this report.....</p> <p>DATE: 29 September 2015.....</p>

1. EXECUTIVE SUMMARY

- 1.1. This report seeks cabinet member approval to continue to enhance the borough's parks and open spaces as outlined in the Parks and Open Spaces Strategy 2008-2018.
- 1.2. Approval is required to amend the delivery of this strategy in 2015/16 in line with changing operational priorities.

2. RECOMMENDATIONS

- 2.1. To approve the full list of new parks projects (option 3 on the report).

3. REASONS FOR DECISION

- 3.1. The purpose of this report is to provide a spending plan for the annual parks development capital budget of £500k. This budget is a fundamental element of the Parks strategy for addressing historic under-investment in parks and open spaces and to improve quality of parks assets and services for residents.

4. INTRODUCTION AND BACKGROUND

- 4.1. The London Borough of Hammersmith and Fulham is committed to improving the boroughs parks and open spaces. The Parks & Open Spaces Strategy 2008-18 sets out a ten year vision for the continuous improvement of the borough's parks & open spaces which is:

“To improve the quality of life for all people in Hammersmith and Fulham through the provision of award winning parks and open spaces that are clean, green, safe and sustainable”

- 4.2. The Parks Capital Programme addresses the historic under-investment in parks and open spaces and improves the quality of parks assets and services for residents. It provides an annual budget of £500k to be used to directly fund improvement works and be used as seed funding to match or part fund other improvement projects where suitable funding opportunities are made available to us.
- 4.3. The original 2015-2016 programme was approved by Cabinet in April 2013 and included a number of projects which were to be completed during this time. Since this original list was prepared priorities have changed and some new projects have been specifically requested by members. The original programme therefore needs to be amended to reflect the current requirements. The grand total of the capital works does not exceed that originally approved by cabinet in 2013 and each individual project presented here is within the delegated authority level of the cabinet member
- 4.4. Each project will have a formal decision paper written for it when the project team have undertaken the procurement exercise and are ready to award the contracts for the work.

5. PROPOSAL AND ISSUES

- 5.1. Listed below are the projects proposed to be delivered this year (previously committed contracts and ongoing projects already nearing completion are not included for the sake of clarity). All projects will be procured in line with the borough's procurement and governance rules and regulations.

Project	Rationale	Estimated Cost	Funding Source
New / amended projects for annual park capital budget (£500k total for 2015/16)			
Park Development "Cross Cutting"	General asset improvements, Hurlingham park football fence replacement, various Green Flag improvements, benches, bins, SUDS, surfacing, signage, building enhancements.	£200k in total – each project budget is below £100k	Parks Capital Programme 2015/16
Ravenscourt Arches (Phase 2)	Second phase of refurbishment works to the old railway arches. Removal of hoarding, redecoration and general improvements.	£30k	Parks Capital Programme 2015/16
Wormwood Scrubs Kids Gym	Introduction of children's outdoor gym equipment.	£30k	Parks Capital Programme 2015/16
Wormwood Scrubs "Pull Up" Gym	Refurbishment of existing and extremely popular "pull up bar" style gym equipment for adults - adjacent to Linford Christie Stadium. Currently in very poor condition.	£30k	Parks Capital Programme 2015/16
South Park Ecology Garden	Removal of old redundant paddling pool and re-landscaping of area to form outdoor education space and wetland garden. Our contribution of £40k secures a £50k grant from the SITA Trust giving a total project budget of £90k	£90k	£40k Parks Capital Programme 2015/16 plus £50k SITA Grant
Hammersmith Park Play mounds	Refurbishment / repair and stabilisation of these popular play items. Currently in very poor condition.	£45k	Parks Capital Programme 2015/16
Ravenscourt Masterplan	Creation of master plan to tie planned development of park into a grand holistic scheme. Includes investigation into possible "Parks for people" funding in collaboration with the friends group.	£40k	Parks Capital Programme 2015/16
Lighting Improvements (Phase 2)	Continuation of programme of park lighting improvements. Many of the older lighting columns are in definite need of replacement and repair.	£35k	Parks Capital Programme 2015/16
Bishops Park lighting - Electrical supply improvements	Renewal of elements of the electrical infrastructure for the lighting scheme. This is required to properly provide sufficient power to the park lighting scheme which is currently unable to function properly without it.	£25k	Parks Capital Programme 2015/16
Cemetery building improvements	Various minor enhancement works to the cemetery buildings. Currently in very poor condition.	£15k	Parks Capital Programme 2015/16
Gwendwr Gardens (For information -	<u>Already underway.</u> Various improvements to bring the park up to Green Flag Standard.	£103k	£10k Parks Capital Programme

Project	Rationale	Estimated Cost	Funding Source
already approved via cabinet)			2015/16 plus £93k carry forward from 2014/15
Bishops and Ravenscourt Park toilet refurbishment	Various much needed enhancement works to the public toilets in Bishops and Ravenscourt parks.	£45k	Parks Capital Programme - carry forward from 2014/15

- 5.2. The projects listed have been scoped and costs have been estimated. Accurate project costs will be confirmed during the tender process for each project. The timescale for delivery of the projects may alter due to the consultation process or changes to the scope of works. Where timescales vary, expenditure should not exceed the Council's overall financial commitment of £500k per year. The overall programming of projects will be managed and monitored through the capital monitoring process reported to Cabinet on a quarterly basis.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. The above list represents what we believe to be a good balance of priority developments across the portfolio.

Option 1. Do nothing. Many of these developments are urgently required. This option is not recommended.

Option 2. Approve some of these projects. Along with the urgent items, this list takes into consideration operational priorities identified by the service as well as specific development requests from members. This option is not recommended.

Option 3. Approve the full list. This option is recommended.

7. CONSULTATION

- 7.1. For each project, consultation will be undertaken and local communities and other stakeholders will be involved in the development of the proposals as appropriate to scale.

8. EQUALITY IMPLICATIONS

- 8.1. There are no equalities implications.

9. LEGAL IMPLICATIONS

- 9.1. The proposed projects shall be procured in accordance with the Council's Contract Standing Orders and the Public Contracts Regulations 2015. 9.2

Legal Services will be available to assist the client department where instructed.

- 9.2. Implications verified/completed by: Kar-Yee Chan, Solicitor (Contracts), Shared Legal Services, 020 8755 2772.

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1. The Council's original capital budget for park improvement projects in 2015/16 is £500k, which is funded from mainstream council funds. The programme is supplemented by additional funds secured from external sources, which are added to the capital programme as they are confirmed and reported through the quarterly capital monitoring report to Cabinet.

- 10.2. Implications verified/completed by: Danielle Wragg, Finance Manager, 0208 753 4287

11. IMPLICATIONS FOR BUSINESS

- 11.1 There is no impact on business.

12. RISK MANAGEMENT

- 12.1 Capital projects and associated improvement works are noted on the Councils' Strategic Risk Register, risk number 12 – decision making and maintaining reputation and service standards. Market testing risks and procurement are noted as risk number 4. There are no other strategic risks associated with the proposed Capital Programme. Operational risks will need to be assessed and managed on initiation of each project.

- 21.1 Implications verified by: Michael Sloniowski, Shared Services Risk Manager, telephone 020 8753 2587.

13. PROCUREMENT IMPLICATIONS


- 13.1 The report seeks approval to alter the Parks Capital Programme for 2015/16 and as such, there are no immediate procurement implications arising from the report's recommendations.

- 13.2 However, as specific projects are developed and taken forward, procurement advice should be sought and any award should be in accordance with the Council's Contract Standing Orders.

Implications completed by: Joanna Angelides, Procurement Consultant, Tel No. 0208 753 2586

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

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

<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">CABINET MEMBER DECISION</p> <p align="center">September 2015</p>		
<p>NOMINATION OF LA GOVERNOR – HAMMERSMITH ACADEMY</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 Shared Services 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 this report.

DATE: 9 October 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 Grace Oliver is nominated for re-appointment as LA Governor for Hammersmith Academy for a four year term.

3. REASONS FOR DECISION

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

Ms Grace Oliver has been a Local Authority Governor at Hammersmith Academy and her current term of office finished on 31 August 2015. The governing body would like to re-appoint her.

The governors requested the skill set of teaching/educational experience, understanding the role & performance of a good teacher, Safeguarding & child protection, IT & Computing speciality, Holding Head & SLT to account for academic performance & pastoral care.

The Chair of Governors, Mr Peter Lane, supports her re-appointment as she fits the skillset required, has been an excellent governor and he much values & appreciates her contribution.

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

October 2015



NOMINATION OF LA GOVERNOR – SULIVAN 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: 16 October 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 Caroline Langton is nominated for appointment as LA Governor for Sullivan Primary School for a four year term of office.

3. REASONS FOR DECISION

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

The governors requested the skill set of a deep knowledge of Sullivan Primary School and the experience of chairing a governing body. They also wanted the nominee to be willing to Chair the governing body.

Ms Caroline Langton meets the skillset required and the governing body support her nomination.

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 nominate or 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

October 2015



NOMINATION OF LA GOVERNOR – AVONMORE 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: 16 October 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 Cllr Joe Carlebach is nominated for re-appointment as LA Governor for Avonmore Primary School for a four year term of office.

3. REASONS FOR DECISION

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

The governors requested the skill set of HR, recruitment and finance experience. They also asked for someone with governance experience, particularly chairing skills and a knowledge of the local area.

Cllr Carlebach is currently Vice Chair of governors at Avonmore Primary School and meets the skillset required.

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 nominate or 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		

<p style="text-align: center;">London Borough of Hammersmith & Fulham</p> <p style="text-align: center;">CABINET MEMBER DECISION</p> <p style="text-align: center;">OCTOBER 2015</p>	
<p>EARLS COURT – APPOINTMENT OF TCC TO UNDERTAKE RESIDENT ENGAGEMENT</p>	
<p>Report for Cabinet Member of Economic Development and Regeneration</p>	
<p>Open Report</p>	
<p>Classification - For Decision</p>	
<p>Key Decision: No</p>	
<p>Wards Affected: North End</p>	
<p>Accountable Director: Juliemma McLoughlin, Director of Planning and Growth</p>	
<p>Report Author: Tomasz Kozlowski, Head of Regeneration (Earls Court)</p>	<p>Contact Details: Tel: 020 8753 4532 E-mail: tomasz.kozlowski@lbhf.gov.uk</p>

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 16 October 2015

1. EXECUTIVE SUMMARY

- 1.1. This report seeks approval for expenditure to appoint a specialist resident engagement company TCC (The Campaign Company) to work with local residents on West Kensington and Gibbs Green estates, via a new resident focussed consultative group, to help shape a shared vision for the estates over the next 3 months and support future negotiations with the developer to secure greater benefits for estate residents.

2. RECOMMENDATIONS

- 2.1. To seek approval to waive the requirements of Contract Standing Orders and to make a direct award to *The Campaign Company Limited* (TCC) at a fee of up to £33,000, to deliver resident engagement activities
- 2.2. To delegate to the Director of Planning and Growth authority to make any necessary ancillary decisions.

3. REASONS FOR DECISION

- 3.1 The Council faces tight time and capacity constraints within the project, particularly in ensuring residents are given the opportunity to engage fully with the project and to have their views included.
- 3.2 TCC has been identified as being the most suitable agency to undertake this engagement work, due to their specialist expertise of similar projects (Vauxhall Nine Elms & Camden). TCC has the ability to undertake the work at short notice and tie in with the Council's current engagement programme, in addition to being able to operate within a highly charged environment. TCC specialises in developing rapport and building trust with residents through innovative and meaningful engagement and communication, which will help realise a new improved deal for the residents.

4. INTRODUCTION AND BACKGROUND

- 4.1. On the 11th August 2015, the Council received a S34a Right To Transfer Proposal Notice from West Kensington & Gibbs Green Community Homes. Whilst referring the matter to the Secretary of State for determination, the Council, via a letter dated 10th September from the Leader, has invited local residents to join a new West Kensington Gibbs Green Residents Negotiation Task Force, to assist the Council to secure a better deal from the developer (Capco).
- 4.2. It is the Council's intention that a wide range of residents will be selected to represent a diverse mix of people and interests on the estates. It is proposed that the group will assist the Council in securing new terms from the developer, which will include significantly improved compensation and a package of additional benefits for estate residents.
- 4.3. Estate residents have subsequently expressed an interest in joining the new Negotiation Task Force and been encouraged to return completed application forms to the Council by 6th November 2015. TCC will assist the Council to secure resident participation and articulate their future aspirations to enable the Council to secure a better future deal for residents from the developer.

5. PROPOSAL AND ISSUES

- 5.1. The proposed work will consist of two elements; an initial scoping phase over a 4-6 week period, involving a range of activities and outputs to help provide a robust and reliable snapshot of the strength and extent of feeling

and perceptions of the residents and other key stakeholders, followed by a resident workshop with target outputs.

5.2. The scoping activity will consist of the following activities:

- A desk based review
- Stakeholder interviews
- Development of a stakeholder map
- Non invasive door to door survey
- Narrative formation
- Create four focus groups
- Develop a Values Modes profile of residents

5.3. The scoping phase will provide the following outputs:

- An independent assessment and report of the prevailing narratives concerning development
- Assessment of strength, depth and diversity of feeling
- Identification of flashpoint issues, information and misinformation
- Message carriers and channels and respective quality
- Identification of influencers within the community
- Baseline social network analysis
- Initial values profile of the estates
- Initial stakeholder mapping

5.4. The workshop phase will involve key stakeholders and focus on developing core messaging and a set of communication and engagement tools, including:

- Message House (core narrative)
- FAQ's
- Issue grid
- Stakeholder engagement plan

5.5. The cost of this work is up to £33,000.

5.6. TCC have also provided an indicative next phase of work, if required and would be subject to prior approval to avoid project creep, which could include:

- Detailed values insight of the whole community
- Detailed stakeholder grid
- Full communications and engagement strategy
- Further message development (Message House)
- Implementation activities

5.7. It is critical that the proposed work is tailored to and compliments the Council's current resident engagement proposal to initiate a West Kensington and Gibbs Green Residents negotiation task force. Any future work may also need to support any joint communications with the developer, once all parties are in an agreed position.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. The alternative option would be to follow the Council's standing orders and procure an alternative community engagement company via either a framework or prescribed tender procedure. However, it is proposed that the Council's standing orders be waived on this occasion, due to the reasons set out in section 3.1. and 3.2

7. CONSULTATION

- 7.1. Following the previous 3rd September 2012 Cabinet report, the last significant resident consultation undertaken related to the previous phase 1 proposals by the developer in July 2013.
- 7.2. The proposed work by TCC would enable the Council to undertake future resident consultation and secure a better deal for residents from the developer.

8. EQUALITY IMPLICATIONS

- 8.1. This initiative will establish fuller resident engagement and provide an insight to enable the Council to better tailor its responses to local residents needs and provide equality opportunities, particularly for the protected characteristics of age, disability, race, religion and sex.

9. LEGAL IMPLICATIONS

- 9.1. The Council's Standing Orders set out the process for obtaining a waiver of its rules where the value is over £25,000 and below £100,000. A prior written waiver must be obtained from the appropriate Cabinet Member, the details of which must be set out in the award report.
- 9.2. The value of the proposed contract with TCC is below the services threshold and therefore the Public Contracts Regulations 2015 are not directly applicable. However, the Council's Standing Orders will be followed as appropriate.
- 9.3. Legal Services will provide any advice on the contract with TCC as required.
- 9.4. Implications verified/completed by: Alka Kingham-Senior, Senior Solicitor, Contracts and Employment Team, telephone 07818 562798

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1. The cost of this work of up to £33,000 will be funded from the existing budget for Earls Court. It will form part of the cost of disposal for the housing land.
- 10.2. Implications verified/completed by: Kathleen Corbett, Director of Housing Finance and Resources, telephone 0208 753 3031.

11. IMPLICATIONS FOR BUSINESS

- 11.1 It is not envisaged that the proposed work undertaken by TCC will have any negative impact on local businesses in the Borough.

12. RISK MANAGEMENT

- 12.1 The Planning and Growth Service is responsible for the management of risk, including market testing, procurement and management of contract performance risk. It has a risk management system in place that identifies, assesses and manages risks, which are reviewed periodically by their management team. Any information risks will be assessed in accordance with the Council's standard process. No wider strategic risk implications have been identified.

- 12.2 Verified by Michael Sloniowski, Shared Services Risk Manager 0208 7532587.

13. PROCUREMENT IMPLICATIONS

- 13.1 This is a client led proposal, to use a specialist firm of marketing consultants to assist in a consultation exercise with residents. The consultation exercise has a response date of 6th November and there is a need to appoint the consultants to deal with the responses that are now being returned to the Council.


- 13.2 Contract Standing Orders provide for the waiver of their requirements, including making direct awards.

- 13.3 This is relatively low value procurement. There is no breach of the Public Contracts Regulations and the risk of challenge in terms of the appointment is low.

- 13.4 Implications verified/completed by: Alan Parry, Interim Head of Procurement (Job-share). 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		

London Borough of Hammersmith & Fulham CABINET MEMBER DECISION 16 November 2015		 hammersmith & fulham
BUSINESS CASE FOR THE RETENDERING OF THE TERM CONTRACT FOR TREE MAINTENANCE		
Report of the Cabinet Member for Environment, Transport & Residents Services and the Cabinet Member for Housing		
Open Report		
Classification - For Decision Key Decision: No		
Wards Affected: All		
Accountable Executive Director: Mahmood Siddiqi, Director for Transport and Highways		
Report Author: Gavin Simmons, Principal Arboricultural Officer		Contact Details: Tel: 020 8753 3046 E-mail: gavin.simmons@lbhf.gov.uk

AUTHORISED BY:

The Cabinet Member's have signed this report.

DATE: 16 November 2016.....

1. EXECUTIVE SUMMARY

- 1.1. This report briefs the Cabinet Member for Environment, Transport & Residents Services and the Cabinet Member for Housing about the present contractual arrangements for tree maintenance and seeks approval to re-tender the contract.
- 1.2. In accordance with Contract Standing Order 12.2 the Business Case for the re-procurement of any contract where the estimated value is £1,000,000 or greater must be approved by the relevant Cabinet Member(s)

2. RECOMMENDATIONS

- 2.1. Approve the Business Case for re-tendering of the Tree Maintenance Contract as set out in the report.
- 2.2 To note that the final contract award will be subject to cabinet approval as a key decision.
- 2.3 To agree an extension to the existing contract by up to three months to provide a transitional period for the tendering process to be completed.

3. REASONS FOR DECISION

- 3.1. The current tree maintenance contract is due to expire at the end of March 2016. A decision needs to be made whether to re-tender the contract so officers can start the process to select appropriate external specialist contractors to undertake arboricultural works on behalf of the council.
- 3.2. The proposed three month extension is to ensure continuity of a basic service provision, emergency call outs, dealing with dangerous trees and legal nuisance. Very little tree work is normally undertaken in the months April, May and June so the total expected value of works during this period is less than £20,000
- 3.3. The council has a responsibility for the safety and maintenance of approximately 25,000 trees under its direct control; along streets, in parks, cemeteries, housing estates and other on council land.
- 3.4. Tree maintenance requires specialist knowledge, equipment and skills which are not now available in-house.

4. INTRODUCTION AND BACKGROUND

- 4.1. In 2011, following a tender process undertaken by Highways and Engineering, the Council awarded a three year contract to Advanced Tree Services Ltd. The contract commenced in April 2011 and covers all aspects of tree maintenance, including pruning, felling, stump removal, planting and out of hours emergency works.
- 4.2. The contract had an option for two extensions, each of one year. This option was used and two extensions were agreed, the first for the period April 2014 to March 2015 and the second, and final extension, for the period April 2015 to March 2016. On the occasion of the first extension the contractor negotiated a 9.65% uplift on the original 2011 tendered rates; for the second extension he offered to forego any rate increase. Although there is no formal provision for a further extension to the current contract, an additional short term (up to 3 month) arrangement is considered to be low risk (see para 3.2).
- 4.3. The contract is managed by the Arboricultural team within Highways and Transportation. The team's main role is to manage and maintain the council's 9000

street trees. It also uses the contract to provide a service to Housing and until April 2013 to Environment, Leisure and Resident Services (ELRS).

- 4.4. Works raised under the contract are administered by the Arboricultural team through the '*Confirm Engineering*' software package. This is a multi-discipline asset inventory, maintenance and management programme.
- 4.5. As a result of a service review senior officers in ELRS decided to withdraw from the existing management arrangements with the Arboricultural team and take over direct management of the trees within the parks and cemeteries. The change was implemented in April 2013 and since then parks officers have been responsible for commissioning and managing works to the estimated 10000 trees on their sites.
- 4.6. ELRS continue to use the term contractor under the 'umbrella' of the existing contract. Works are commissioned, priced and placed with the contractor on an ad-hoc basis outside of the established contract administration.
- 4.7. Based on figures for 2014/15, the last full year for which data is available, the value of works placed under the contract, including the works commissioned by ELRS, totalled £294,000. This figure is made up as follows:

Highways	177,000
Housing	52,000
Parks & cemeteries	60,000
Other	5,000

5. BUSINESS CASE, PROPOSAL AND ISSUES

- 5.1. All major tree surgery has been undertaken by private sector contractors since the mid 1990's. The residual operations, principally tree planting and minor works, were outsourced in 2008 following the closure of the council's direct services department.
- 5.2. To bring the service back in-house a considerable investment would be needed to establish a team of around seven skilled operatives with the associated specialist plant and equipment.
- 5.3. The council has not carried out formal soft market testing but the commercial arboricultural industry in London is fairly well defined and understood.
- 5.4. Officers have had discussions with counterparts in Royal Borough of Kensington & Chelsea and the City of Westminster about the possibility of letting a joint framework contract. Both councils also have contracts due to expire in 2016 so it was an opportune time to explore the possibilities of joint procurement. It was concluded that on balance the approach offered little benefit.

- 5.5. There are a number of possible ways the work could be offered to the market. It could be split up into defined work areas e.g. street trees, parks and cemeteries, and housing. Alternatively it could be divided into geographical areas, e.g. north and south of the borough. Potentially contracts could be offered by the type of operation e.g. tree planting and aftercare, felling and stump removal works, major and minor pruning.
- 5.6. Dividing the work is likely to make it accessible to a wider range of contractors, especially the many smaller companies that predominately service the domestic market. It might, however, make it less attractive for the larger arboricultural contractors who concentrate on larger commercial contracts
- 5.7. The estimated total annual contract value is estimated at £300k which is quite small compared with some neighbouring boroughs, e.g. Wandsworth and Ealing whose annual contract values are in excess of £800k. Dividing this already modest volume of work into packages as discussed above would create a number of small contracts which would be unlikely to attract best market rates. Nevertheless the economic benefits of a single contract need to be balanced with the risk of contractor over-stretch and resulting poor performance. Some boroughs in London which let large value contracts found this to be an issue and have subsequently taken the decision to split the work into smaller lots.
- 5.8. Increasingly the industry requires specialist plant and equipment which calls for substantial investment, financially and in staff training. There are benefits in improved efficiency and safety but to justify such investments contractors need to be confident that contracts are of sufficient size and length to see a reasonable return.
- 5.9. A single all-encompassing contract provides the contractor with a greater flexibility in planning works allowing him to maximise productive time. The volume and scope of a larger contract means the contractor is likely to have at least one team in the borough every day and be better placed to deal with unexpected events or emergencies.
- 5.10. Based on the estimated value, officers believe letting a single council wide contract is reasonable approach. It should be within the capabilities of most established commercial arboricultural contractors working in London but not so large as favour the dominant suppliers.
- 5.11. It is proposed that the bids should be evaluated on a ratio of 40% quality to 60% price. Quality is an important factor due to the safety risks associated with arboricultural work and the high visibility of the activities carried out within the public domain.
- 5.12. The Council is required under the Public Contract Regulations 2015 to re-tender the contracts when they expire. Re-tendering new contracts also provides an opportunity to re-test the market for value. Due to the estimated value of the contract the tendering process must comply with the aforementioned regulations, including publication of a Contract Notice in the Official Journal of the European Union (OJEU), the UK's Contracts Finder database. The contracts will also be listed as an opportunity on 'capitalEsourcing' website.
- 5.13. It is proposed to use the "Open tender procedure" which will encourage bids and competition. The appraisal process will include qualification criteria to ensure only

suitable contractors progress for final consideration. 'CapitalEsourcing' will be the web-based software used for the procurement and tendering in accordance with contract procedures

- 5.14. The core element of the contract will be street tree maintenance and therefore, as is now, the contract will be managed by the Arboricultural team within Highways and Transportation using the "*Confirm Engineering*" software.
- 5.15. Street tree maintenance involves a large volume of routine cyclical work which allows the contractor to better predict and programme resources.
- 5.16. A large proportion of work will continue to be ad-hoc, particularly that undertaken within housing sites and parks and cemeteries. To give the Arboricultural team the ability to offer a full service across the council the contract will be written to cover works to trees in a wide range of locations and circumstances. Data from previous years will be used to estimate the future volume of these works but forecasts might prove inaccurate if some sites currently managed by the council are transferred to an external body.
- 5.17. It is proposed to increase the contract term from the current three years to five years with the option of two extensions each of one year.
- 5.18. Longevity of contract has been shown to offer better value for money. Discussions with contractors within the arboricultural sector indicate that longer contract terms increases their confidence to invest in plant and machinery. The experience of officer's supports the view that a well-equipped contractor is likely to complete sections of work quickly and efficiently which helps minimise disturbance to residents.
- 5.19. The preparation of the new contract documents is about to commence and will include input from Transport & Highways, Environment, Leisure and Resident Services, Finance, Legal Services, Procurement & IT Strategy and Risk Management.

6. CONSULTATION

- 6.1. There have been no formal public consultation nor residents satisfaction surveys undertaken.
- 6.2. The council's arboricultural officers who manage the contract often receive feed-back and comments from residents. This is used in an continuous process of review with our contractor to find ways we can improve performance and service delivery.
- 6.3. Officers also attend industry events and speak with contractors and so they can better understand their issues and concerns.

7. SOCIAL VALUE CONSIDERATIONS

- 7.1. There are few direct social value benefits associated with the decision to re-tender a tree maintenance contract.

- 7.2. Due to the specialist nature of the work industry supply chains tend to be restricted.
- 7.3. Staff training and development, e.g. the operation of apprenticeship schemes and tenderers' intentions in this regard is something that can be taken into account as part of quality evaluation of tender submissions.
- 7.4. The public and wider community are interested in and value trees. The contractor would be expected to have an active community engagement programme, this might be supporting public tree planting events, giving demonstrations or sponsoring small neighbourhood environmental initiatives.
- 7.5. Sustainability and recycling are important factors that should be considered during the process. No tree product should now be disposed of in land-fill sites. Arisings from pruning and felling can all be recycled, e.g. by composting, as a bio-fuel or to create wildlife habitat. Contractors would need to demonstrate their activities are environmentally sustainable and they have a commitment to carbon reduction.

8. EQUALITY IMPLICATIONS

- 8.1 There are no relevant equality implications in this report. In summary, the council will fulfil its Equality duty by ensuring that all potential suppliers must be compliant with the requirements of the Equalities Act 2010 as part of the requirements of the procurement process.
- 8.2 Implications verified by: {David Bennett, Head of Change Delivery (Acting)} – 0208 753 1628

9. LEGAL IMPLICATIONS

- 9.1. The procurement process will need to be conducted in compliance with the EU requirements set out in the Public Contract Regulations 2015 (the Regulations).
- 9.2. Legal Services will be available to advise officers throughout the procurement process.
- 9.3. Implications verified/completed by: Kar-Yee Chan, Solicitor (Contracts), 020 8753 2772

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1. This retendering exercise will allow the council to continue to provide a tree maintenance function.
- 10.2. Street tree maintenance is funded through highway revenue budgets. Additional works, like new planting is funded externally or as part of approved highway improvement schemes.

- 10.3. Works undertaken on behalf of other council departments need to be fully funded. The department requesting the service is responsible for identifying and providing funding from their budgets. There are therefore no financial implications.
- 10.4. Implications verified/completed by: Gary Hannaway, Head of Finance, 020 8753 6071

11. IMPLICATIONS FOR BUSINESS

- 11.1. There are no direct implications for businesses within Hammersmith & Fulham. The work is currently undertaken by a contractor from outside of the borough. This is unlikely to change as no suitable contractors are known to be based within the borough.

12. RISK MANAGEMENT

- 12.1. Continuity and Safety are key Strategic and Operational risks noted on the Council's Shared Services risk register, risks 6 and 8. Market testing is also noted as risk 4 achieving best value at lowest possible cost for the local taxpayer, in this case the period with which the contract can be extended with the incumbent provider has expired and the service is seeking to balance the risks of continuity of service provision, potential challenge by another contractor against the benefits of a longer term commissioning strategy. These service risks are subject to regular review within the existing risk management reporting structure and is deemed by the service as Low risk – the risk is that the contractor fails to deliver the service which is covered in the terms of the contract to appoint alternative contractor in default of the winning tenderer. 'capitalEsourcing' will manage the risk of the procurement workflow.
- 12.2. Implications verified by: Michael Sloniowski 020 8753 2587.

13. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 13.1. The procurement process will need to be conducted in compliance with the EU requirements set out in the Public Contract Regulations 2015 (the Regulations).
- 13.2. The Corporate Procurement Team has and will continue to supply support during the procurement process.
- 13.3. Implications verified/completed by: Alan Parry, Principal Procurement Consultant – telephone 020 8753 2581

14. TUPE

- 14.1. There are no TUPE implications for any permanent LBHF employees.
- 14.2. There will be a requirement for the incumbent contractors to determine whether the TUPE regulations apply to the tendering exercise.
- 14.3. Implications verified/completed by: Mary Lamont, Bi-Borough HR Business Partner, 020 8753 1198

LOCAL GOVERNMENT ACT 2000
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1.	None		