

Cabinet

Minutes



Monday 5 February 2018

PRESENT

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

ALSO PRESENT

Councillor Andrew Brown
Councillor Joe Carlebach
Councillor Steve Hamilton

113. MINUTES OF THE CABINET MEETING HELD ON 15 JANUARY 2018

RESOLVED:

That the minutes of the meeting of the Cabinet held on 15 January 2018 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

114. APOLOGIES FOR ABSENCE

There were no apologies for absence.

115. DECLARATION OF INTERESTS

Councillors Lisa Homan and Wesley Harcourt declared a personal interest on Items 9 and 10 as they were both trustees of Hammersmith & Fulham Citizens' Advice. They did not participate on the debate nor vote.

116. DRAFT REVENUE AND COUNCIL TAX LEVELS 2018/19

Councillor Max Schmid stated that he was pleased to announce that this Council would be freezing Council tax for the coming year. This report would be approved by Budget Council later in the month. He noted that other parts of inner London were increasing their Council Tax considerably. He commended Hitesh Jolapara, the Strategic Finance Director, and his team for putting this report together and helping to achieve a lower Council Tax level over the last four years.

RESOLVED:

1. To freeze the Hammersmith & Fulham element of the council tax charge, and not apply the 3% increase modelled by the Government for the coming year.
2. To not apply the “social care precept” levy of 3% as modelled by the Government for the coming year.
3. To set council tax for 2018/19 for each category of dwelling, as calculated in accordance with Sections 31A to 49B of the Localism Act 2011, as outlined below and in full in Appendix A:

(a) *The element of council tax charged for Hammersmith & Fulham Council will be £727.81 per Band D property in 2018/19*

(b) *The element of council tax charged by the Greater London Authority will be £294.22 per Band D property in 2018/19*

(c) *The overall Council Tax to be set at £1,022.03 per Band D property in 2018/19.*

(d) *The Social Care Precept set at nil*

Category of Dwelling	A	B	C	D	E	F	G	H
Ratio	6/9 £	7/9 £	8/9 £	1 £	11/9 £	13/9 £	15/9 £	18/9 £
a) H&F	485.21	566.07	646.94	727.81	889.55	1,051.28	1,213.02	1,455.62
b) GLA	196.15	228.84	261.53	294.22	359.60	424.98	490.37	588.44
c) Total	681.36	794.91	908.47	1,022.03	1,249.15	1,476.26	1,703.39	2,044.06

4. To set the Council’s own total net expenditure budget for 2018/19 at £138.944m.
5. To approve £6.5m new spend on key council services.

6. To approve fees and charges as set out in paragraph 6.1, including freezes for all parking charges, and all fees and charges in children's services, adult social care, housing, markets and libraries.
7. To approve the planned additional contribution of £0.620m to the Efficiency Projects Reserve and estimated contribution of £2.6m from the benefit receivable from the London 100% business rates retention pilot.
8. To note the budget projections, made by the Strategic Finance Director to 2021/22 in consultation with the Senior Leadership Team
- 9 To note the statement made by the Strategic Finance Director under Section 25 of the Local Government Act 2003 regarding the adequacy of reserves and robustness of estimates (section 14).
- 10 To authorise the Strategic Finance Director to collect and recover National Non-Domestic Rate and Council Tax in accordance with the Local Government Finance Act 1988 (as amended), the Local Government Finance Act 1992 and the Council Schemes of Delegation.
- 11 To require all Directors report on their projected financial position compared to their revenue estimates in accordance with the Corporate Revenue Monitoring Report timetable.
- 12 To authorise Directors to implement their service spending plans for 2018/19 in accordance with the recommendations within this report and the Council's Standing Orders, Financial Regulations and relevant Schemes of Delegation.
- 13 Members' attention is drawn to S106 of the Local Government Finance Act 1992 which requires any Member, who is two months or more in arrears on their Council Tax, to declare their position and not to vote on any issue that could affect the calculation of the budget or Council Tax.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

117. FOUR YEAR CAPITAL PROGRAMME 2018/19

RESOLVED:

1. To approve the General Fund Capital Programme budget at £37.3m for 2018/19 (paragraph 5.1, Table 2 and Appendix 1).
2. To approve the continuation of the Council's rolling programmes and the continued use of internal funding for 2018/19 General Fund 'Mainstream' Programme as set out in Table 3 (paragraph 5.2) and specifically as follows:

- Capital receipts and internal borrowing amounting to £4.98m to fund the Council's rolling programmes as follows:

	£m
Disabled Facilities Grant [RPHS]	0.45
Planned Maintenance/DDA Programme [ENV]	2.50
Footways and Carriageways [ENV]	2.03
Total	4.98

- Contributions from revenue amounting to £0.521m to fund the Council's rolling programmes as follows:

	£m
Controlled Parking Zones [ENV]	0.275
Column Replacement [ENV]	0.246
Total	0.521

- Section 106 funding amounting to £0.5m to fund the Council's rolling programmes as follows:

	£m
Parks Capital Programme [ENV]	0.50
Total	0.50

3. To note existing capital receipts funded schemes previously approved, but now scheduled for 2018/19 (paragraph 5.2, Table 3):

One off schemes:

- Schools' Organisation Strategy - £0.03m
- Carnwath Road - £ 3.07m

Rolling programmes:

- Planned Maintenance/DDA Programme – £6.96m

4. To approve the Housing Programme at £76.1m for 2018/19 as set out in Table 5 (paragraph 7.3) and Appendix 1.
5. To delegate the potential application of 2017/18 capital receipts (totalling £7.1m) under the Government's new Flexible Use of Capital Receipts provisions to fund Invest to Save schemes in 2017/18 and 2018/19 (as identified in Appendix 5). The final decision on whether to make use of any of this flexibility is delegated to the Strategic Finance Director, in

consultation with the Cabinet Member for Finance, as part of the closure of the 2017/18 Accounts process.

6. To approve the revised annual Minimum Revenue Provision policy statement for 2018/19 in Appendix 4.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

118. CAPITAL PROGRAMME MONITOR & BUDGET VARIATIONS, 2017/18 (THIRD QUARTER)

RESOLVED:

1. To approve the proposed budget variations to the capital programme totalling **£22.8m** (summarised in Table 1 and detailed in Appendix 2).
2. To approve use of S106 contributions to fund £4.7m expenditure on Street Lighting (LED replacement) and Parking (phone payment and pay and display replacement) which would be otherwise funded from the Efficiency Project Reserve.
3. To approve use of S106 contributions to fund £0.5m Parks 2017/18 rolling programme.
4. To note the option to apply capital receipts under the new Flexible Use of Capital Receipts provisions to fund £7.1m of Invest to Save schemes (as identified in Appendix 5).

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

119. TREASURY MANAGEMENT STRATEGY STATEMENT 2018/19

RESOLVED:

1. That approval is given to the future borrowing and investment strategies as outlined in this report and that the Strategic Finance Director, in consultation with the Cabinet Member for Finance, be authorised to manage the Council's cash flow, borrowing and investments in 2018/19 in line with this report.
2. In relation to the Council's overall borrowing for the financial year, to note the comments and the Prudential Indicators as set out in this report and the revised Annual Investment Strategy set out in Appendix E.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

120. FINANCIAL PLAN FOR COUNCIL HOMES: THE HOUSING REVENUE ACCOUNT FINANCIAL STRATEGY, 2018/19 HOUSING REVENUE ACCOUNT BUDGET AND 2018/19 RENT REDUCTION

Councillor Lisa Homan informed that this report had been to the Economic Regeneration, Housing and the Arts Policy and Accountability Committee, where residents had the opportunity to ask questions about the proposed recommendations.

RESOLVED:

- 1 To endorse the revised long term 40 Year Financial Plan for Council Homes as set out in paragraphs 4.19 – 4.22 of this report.
- 2 To approve the Housing Revenue Account 2018/19 budget for Council homes as set out in Appendix 1.
- 3 To note the 1% reduction in rents.
- 4 To approve an increase to equity share rents, which fall outside the Government's requirement to reduce social housing rents by 1% each year, of CPI (3.0% as at September 2017).

- 5 To approve an increase in tenant service charges of CPI (3.0% as at September 2017).
- 6 To endorse the HRA Medium Term Financial Strategy which plans to deliver further on-going annual revenue savings of £0.70million per annum from 2019/20, rising to £0.8million per annum by 2021/22, with savings coming principally from better stock condition and better customer service.
- 7 To note that Thames Water Authority is not due to confirm the increase in tenants' water charges until the end of January 2018, and therefore to delegate authority to the Director of Finance & Resources (Regeneration, Planning & Housing Services) in conjunction with the Cabinet Member for Housing to agree the average increase in water charges.
- 8 To approve a freeze in the communal heating charges.
- 9 To freeze the rates for parking charges on council estates.
- 10 To freeze garage charges for council tenants and resident leaseholders and to increase them for others in line with inflation (3.9% in line with the August 2017 retail price index).
- 11 To note the risks outlined in Appendix 6: Key Risks, of this report.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

121. 3RD SECTOR INVESTMENT FUND GRANT RENEWAL

Councillor Sue Fennimore confirmed the Council's commitment to the 3rd sector in the borough by insuring they were funded for the next three years and were able to continue with the excellent work they provided to the community.

Councillors Lisa Homan and Wesley Harcourt declared a personal interest on this item as they were both trustees of Hammersmith & Fulham Citizens' Advice. They did not participate on the debate nor vote.

RESOLVED:

That Cabinet reviews the recommendations for each individual service and agrees the renewal proposals as set out in Appendix 1.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

122. AWARD OF THE COMMUNITY ADVICE AND LEGAL SUPPORT SERVICES CONTRACTS

Councillor Sue Fennimore expressed her delight that these contracts would give an opportunity to the residents unable to afford legal advice to have access to it. The three contracts would be funded for 10 years.

The Leader reiterated the Council's support in ensuring that the most vulnerable people in the borough could receive free legal advice.

Councillors Lisa Homan and Wesley Harcourt declared a personal interest on this item as they were both trustees of Hammersmith & Fulham Citizens' Advice. They did not participate on the debate nor vote.

RESOLVED:

- 1 That 10-year contracts are awarded for the following:
- 2 Lot 1: Generalist Community Advice and Information and Management Community Library and Neighbourhood Centre, [exempt information], be awarded to Hammersmith & Fulham Citizens' Advice.
- 3 Lot 2: Specialist Community Legal Advice, Casework, and Representation, [exempt information], be awarded to Hammersmith & Fulham Law Centre.
- 4 Lot 3: Specialist Community Advice for disabled people (Adults and Children), [exempt information], be awarded to Action on Disability.
- 5 All three contracts to start on 1 April 2018 and run for a 10-year period until 31 March 2028.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

123. PROCUREMENT STRATEGY FOR MOBILE TELEPHONY SERVICES

RESOLVED:

1. That the procurement strategy for mobile telephony services to access the framework agreement through the CCS NSF Lot 6 arrangement, be approved.
2. To award a contract for mobile telephony services to Vodafone Ltd or a period of three years from 1st March 2018 to 28th February covering the 3 years in total.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

124. PLANNING GUIDANCE SPD: ADOPTION OF DOCUMENT

Before the consideration of this item, the Leader asked Cabinet if they had considered the additional changes that were being proposed to the Design & Conservation chapter of the Planning Guidance SPD, which were sent to Cabinet Members after the agenda publication.

The following amendments were being proposed to Appendix 1: Planning Guidance SPD:

Chapter 4: Design & Conservation (Basement & Lightwells)

- **Para 4.26**

Amend para 4.26 as follows:- ~~“Some heritage assets will be extremely sensitive to changes in level at the threshold of a building~~ Listed buildings and buildings in conservation areas can be sensitive to proposals for lightwells or basement excavation, especially where the forecourt or front garden space provides the setting for the building or terrace and contributes to the significance of the heritage asset.”

- **Para 4.27**

Amend para 4.27 as follows: “ It will be important to consider not only the impact of the permanent alterations, but also the impact of any temporary works that will be required to facilitate the proposed works. ~~Listed buildings and buildings in conservation areas can be sensitive to proposals for lightwells or basement excavation, especially where the forecourt or front garden space provides the setting for the building or terrace and contributes to the significance of the heritage asset.~~”

Chapter 4: Design & Conservation (Archaeology & Heritage Assets)

- **Key Principle AH2**

Amend first para of Key Principle AH2 as follows:- “There will be a presumption in favour of the conservation of ~~designated~~ heritage assets and the more significant the ~~designated~~ heritage asset, the greater the presumption in favour of its conservation will be....”

- **Para 4.141**

Amend para 4.141 as follows:- “Where the application will lead to substantial harm to or total loss of significance to designated heritage assets, the council will refuse consent unless it can be demonstrated that:”

- **Para 4.141 (i)**

Amend point (i) of para 4.141 as follows:- “(i) the substantial harm to or total loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or”

- **Para 4.143**

Insert new paragraph after 4.143 as follows:- “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset.”

The Leader proposed to include an additional recommendation to note the additional changes above, which was unanimously agreed.

RESOLVED:

1. That approval be given for the Planning Guidance SPD to be adopted by Cabinet (proposed adoption version at Appendix 1) incorporating the amendments outlined in the schedule of representations at Appendix 2. The adoption to take effect from 28th February 2018.
2. To note the additional amendments proposed to Chapter 4: Design & Conservation (Basement & Lightwells) of the Appendix 1: Planning Guidance SPD, appended to the minutes.”

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

125. APPROVAL TO PROCURE A MAJOR WORKS CONTRACTOR TO DEVELOP SANDS END ARTS & COMMUNITY CENTRE

Councillor Ben Coleman stated that this report followed a consultation with residents. The key aim was to deliver a sustainable community asset for local residents.

RESOLVED:

1. To approve the designs for the new Sands End Arts and Community Centre.
2. Authority to implement the Procurement Strategy (Appendix 1) for Phase 2 relating to the ‘Major Works Contractor’ which has an estimated value of £2.5m.
3. Delegate authority to the Lead Director for Regeneration, Planning & Housing Services in consultation with Cabinet Member for Economic Development and Regeneration to appoint the successful contractor.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

126. REPORT OF THE DEFEND COUNCIL HOMES UNIT

Councillor Lisa Homan stated that this report highlighted the Administration Manifesto commitment to safeguarding Council Homes for the long term for residents against the threat of unwanted development. She highlighted that the option recommended for implementation by the Defend Council Homes Unit (DCHU) in the report is Option 1 – a Council policy commitment supported by a restriction on title. A future Cabinet report would be submitted following consultation.

RESOLVED:

1. To note the conclusions of the Defend Council Homes Unit and its report, and its recommendation that the Council consults on the Unit's preferred option of a Defend Council Homes Policy, supported by an Advisory Body and the registering of a restriction on title related to the new Policy.
2. To agree to delegate authority to the Lead Director for Regeneration Planning and Housing Services to consult with residents on a Defend Council Homes Policy.
3. To note that following this consultation process and the development of an implementation plan a further report will return to cabinet for approval of any Policy, formal consultation, and the creation of any structures to support the policy.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

127. AWARD OF A LEARNING DISABILITY FLEXIBLE SUPPORT CONTRACT FOR AN ORGANISATION TO DELIVER CARE AND SUPPORT SERVICES TO PEOPLE WITH LEARNING DIFFICULTIES WITHIN HAMMERSMITH AND FULHAM

Councillor Ben Coleman stated that this report aimed to improve patients' choice and the quality of services.

RESOLVED:

1. To approve an award of contract to Yarrow Housing Ltd for a period of three years with the option to extend for two further periods of each of up to two years for the initial period of 1 July 2018 to 30 June 2021 at a total cost over these three years of £9,517,418 and a maximum lifetime cost over the seven years of £21,178,149.
2. To agree to delegate to the Director of Adult Social Care in consultation with the Cabinet Member for Health and Adult Social Care the decision to extend the contract for each of the two-year extension periods after the initial three-year term.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

128. PEDESTRIAN CROSSINGS AT THE WANDSWORTH BRIDGE ROAD/CARNWATH ROAD/TOWNMEAD ROAD JUNCTION

Councillor Wesley Harcourt stated that this had always been a difficult crossing for pedestrians and TfL had continuously resisted any improvements. Following consultation 92% of respondents were in favour of the proposal.

Councillor Steve Hamilton expressed his concerns that this report did not address a traffic light issue at Carnwath Road. Nick Austin, Director for Environmental Health, stated that due consideration was given to the area but he would look into it.

RESOLVED:

1. To implement the pedestrian crossing phases at the Wandsworth Bridge Road/Carnwath Road/Townmead Road junction as described in Section 5 below.
2. To monitor the effects of the scheme when it is in place and work with TfL and the London Borough of Wandsworth to introduce measures which would mitigate any adverse effects.
3. To note that funding for the implementation of the proposal, at an estimated cost £140,000, is available from Section 106 money provided by Thames Tideway.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

129. FORWARD PLAN OF KEY DECISIONS

The Key Decision List was noted.

130. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

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

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

131. EXEMPT MINUTES OF THE CABINET MEETING HELD ON 15 JANUARY 2018 (E)

RESOLVED:

That the minutes of the meeting of the Cabinet held on 15 January be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

132. AWARD OF THE COMMUNITY ADVICE AND LEGAL SUPPORT SERVICES CONTRACTS : EXEMPT ASPECTS (E)

RESOLVED:

That the recommendations contained in the exempt report be approved.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

133. PROCUREMENT STRATEGY FOR MOBILE TELEPHONY SERVICES: EXEMPT ASPECTS (E)

RESOLVED:

That the recommendations contained in the exempt report be approved.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

134. AWARD OF A LEARNING DISABILITY FLEXIBLE SUPPORT CONTRACT FOR AN ORGANISATION TO DELIVER CARE AND SUPPORT SERVICES TO PEOPLE WITH LEARNING DIFFICULTIES WITHIN HAMMERSMITH AND FULHAM: EXEMPT ASPECTS (E)

RESOLVED:

That the appendices be noted.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

135. DIRECT AWARD OF CONTRACTS FOR OLDER PERSONS AND DEMENTIA DAY OPPORTUNITIES: EXEMPT

RESOLVED:

That the recommendations contained in the exempt report be approved.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

Meeting started: 7.00 pm
Meeting ended: 7.20 pm

Chair