

# Cabinet

## Agenda

**MONDAY**  
**16 APRIL 2018**  
**7.00 pm**

**COURTYARD ROOM**  
**HAMMERSMITH**  
**TOWN HALL**  
**KING STREET**  
**LONDON W6 9JU**

### Membership

Councillor Stephen Cowan, Leader of the Council  
Councillor Sue Fennimore, Deputy Leader  
Councillor Ben Coleman, Cabinet Member for Health and Adult Social Care  
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

**Date Issued**  
**06 April 2018**

If you require further information relating to this agenda please contact: Katia Richardson, Committee Coordinator, tel: 020 8753 2368 or email: [katia.richardson@lbhf.gov.uk](mailto:katia.richardson@lbhf.gov.uk)

Reports on the open Cabinet agenda are available on the Council's website: [www.lbhf.gov.uk/councillors-and-democracy](http://www.lbhf.gov.uk/councillors-and-democracy)

### PUBLIC NOTICE

The Cabinet hereby gives notice of its intention to hold part of this meeting in private to consider items (14 to 15) which are exempt under paragraph 3 of Schedule 12A to the Local Government Act 1972, in that they relate to the financial or business affairs of any particular person, including the authority holding the information.

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

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

### DEPUTATIONS

Members of the public may submit a request for a deputation to the Cabinet on non-exempt Key Decisions item numbers **4-9** (item 10 is for information only) on this agenda using the Council's Deputation Request Form. The completed Form, to be sent to Kayode Adewumi at the above address, must be signed by at least ten registered electors of the Borough and will be subject to the Council's procedures on the receipt of deputations. **Deadline for receipt of deputation requests: Wednesday 11 April 2018.**

### COUNCILLORS' CALL-IN TO SCRUTINY COMMITTEES

A decision list regarding items on this agenda will be published by **Wednesday 18 April 2018**. Items on the agenda may be called in to the relevant Accountability Committee.

The deadline for receipt of call-in requests is: **Monday 23 April 2018 at 3.00pm**. Decisions not called in by this date will then be deemed approved and may be implemented.

A confirmed decision list will be published after 3:00pm on **Monday 23 April 2018**.

# Cabinet Agenda

16 April 2018

<u>Item</u>		<u>Pages</u>
1.	<b>MINUTES OF THE CABINET MEETING HELD ON 5 MARCH 2018</b>	1 - 15
2.	<b>APOLOGIES FOR ABSENCE</b>	
3.	<b>DECLARATION OF INTERESTS</b>	
	<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.</p>	
4.	<b>PROCUREMENT OF SOFTWARE LICENSES FOR CLOUD-BASED COLLABORATION TOOLS</b>	16 - 23
5.	<b>PLANNING OBLIGATIONS DRAW DOWN REPORT</b>	24 - 39
6.	<b>ARTICLE 4 DIRECTION TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR BASEMENT EXCAVATION</b>	40 - 76

<b>7.</b>	<b>ARTICLE 4 DIRECTION TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR OFFICE TO RESIDENTIAL CONVERSIONS</b>	<b>77 - 107</b>
<b>8.</b>	<b>APPROVAL OF THE HIGHWAYS MAINTENANCE PROGRAMME 2018-2019</b>	<b>108 - 118</b>
<b>9.</b>	<b>LEISURE CONTRACT RE-PROCUREMENT</b>	<b>119 - 150</b>
<b>10.</b>	<b>HR, PAYROLL AND FINANCE SERVICE TRANSITION PROGRAMME</b>	<b>151 - 154</b>
<b>11.</b>	<b>FORWARD PLAN OF KEY DECISIONS</b>	<b>155 - 165</b>
<b>12.</b>	<b>EXCLUSION OF PRESS AND PUBLIC</b>	

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

<b>13.</b>	<b>EXEMPT MINUTES OF THE CABINET MEETING HELD ON 5 MARCH 2018 (E)</b>	
<b>14.</b>	<b>PROCUREMENT OF SOFTWARE LICENSES FOR CLOUD-BASED COLLABORATION TOOLS: EXEMPT ASPECTS (E)</b>	
<b>15.</b>	<b>HR, PAYROLL AND FINANCE SERVICE TRANSITION PROGRAMME: EXEMPT ASPECTS (E)</b>	

London Borough of Hammersmith & Fulham

# Cabinet Minutes



Monday 5 March 2018

## **PRESENT**

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 Sue Macmillan, Cabinet Member for Children and Education

## **ALSO PRESENT**

Councillor Lucy Ivimy

### **136. MINUTES OF THE CABINET MEETING HELD ON 5 FEBRUARY 2018**

#### **RESOLVED:**

That the minutes of the meeting of the Cabinet held on 5 February 2018 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

### **137. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Andrew Jones, Ben Coleman and Max Schmid.

### **138. DECLARATION OF INTERESTS**

There were no declarations of interest.

### **139. LEGAL CASE MANAGEMENT SYSTEM**

#### **RESOLVED:**

1. To approve the Procurement strategy to procure a new case management system for LBHF legal services through a call-off contract from the Crown Commercial Services G-Cloud 9 Framework.

2. To approve the award of a contract to DPS Software Limited (trading as DPS Cloud) ("DPS") under the G-Cloud 9 Framework to host and provide a case management system for Legal Services for a period of up to 4 years (two-year initial term with the option to extend by 2 further periods of up to 12 months each) at a total cost of up to £239,670.00.
3. That the Director of HR be delegated authority, in consultation with the Monitoring Officer and the Cabinet Member for Finance, to take all necessary legal and practical steps required in order to complete the contract.
4. That the Director of HR be delegated authority, in consultation with the Monitoring Officer and the Cabinet Member for Finance, to exercise the option to extend by 2 further periods of up to 12 months each in accordance with the terms of the Contract.

**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.

**140. PROCUREMENT STRATEGY TO ACCESS THE LGRP FRAMEWORK**

**RESOLVED:**

- 1 That for the duration of the LGRP Framework (namely, 3rd October 2017 – 2 October 2021), the Framework be utilised and accessed to secure services under the following Lots  
  
Lot 1 Executive Search Permanent (roles over £70K)  
& Interim Recruitment (all roles)  
Lot 2 Permanent Recruitment (roles between £30 - £70K)  
Lot 3 HR Consultancy  
Lot 4 HR Marketing Solutions
- 2 That the calling off of any individual contracts under Lots 1,2,3, or 4 of the LGRP Framework be done in the manner prescribed by the Framework and in accordance with the Council's Contract Standing Orders and internal processes in place.

**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.

**141. CORPORATE REVENUE MONITOR 2017/18 MONTH 9 - 31ST DECEMBER 2017**

Councillor Lucy Ivimy asked for more details in relation to the total value of £1,570 on Table 2 – Variance Analysis, page 70 of the agenda pack. The Strategic Finance Director, Hitesh Jolapara, agreed to email Councillor Ivimy more information.

**RESOLVED:**

1. To approve the decision making in relation to production of final accounts to be delegated to the Strategic Finance Director in consultation with the Cabinet Member for Finance.
2. To approve the proposed virements requests in appendix 11.
3. To approve the consolidation of corporate reserves in line with the categorisation shown in appendix 13.
4. To note that officers are putting in place additional financial controls in response to the forecast overspend.
5. To note primary consideration will be given to the use of departmental reserves for to mitigate any year end overspends, the decision making on this is delegated to the Strategic Finance Director in consultation with Cabinet Member for Finance.
6. To note that no budget underspend carry-forward requests are agreed.
7. To note that month 9, will be the last Corporate Revenue Monitor Report before the year-end.

**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.

## **142. POLICY CHANGES TO THE COLLECTION OF COUNCIL TAX**

### **RESOLVED:**

1. That Cabinet agrees to implement a policy to formally end the use of bailiffs (enforcement agents) relating to the collection of council tax.
2. That Cabinet agrees a policy that no committal proceedings shall be used against any resident who owes council tax. This will mean that, as a matter of policy, the council will not seek to imprison someone for having a council tax debt.
3. That the Cabinet agrees that a pilot on collections and management of council tax arrears (as defined in appendix 1) be commenced with LBHF Joint Ventures Limited and its sub-contractor 1<sup>st</sup> Credit Limited.
4. That Cabinet agrees funding of up to £80,000 for the pilot with the draw down of this funding delegated to the Strategic Finance Director in consultation with the Cabinet Member for Finance.

### **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.

## **143. IT TRANSITION PHASE 4 ASSURING SERVICE CONTINUITY - DESKTOP STRATEGY AND SOLUTION OPTIONS**

Councillor Lucy Ivimy questioned the merits of spending a large sum of money in IT equipment. The Leader pointed out that the investment was necessary as the current computers were very dated and people were now going paperless and needed suitable equipment.

### **RESOLVED:**

1. To approve the strategy of one mobile device and a smartphone per member of staff.
2. To approve the strategy for desktop service provision based on a solution of non VDI thick clients (option 2) which will support the council's strategy to have a mobile workforce while delivering the greatest reduction in annual running costs.



3. To note the projected annual saving up to £1.4m for option 2 thick client solution from 2019/20.
4. To approve business change resource required for 12 months to undertake change management relating to the new desktop service including Windows 10, exploiting Office 365, increasing the use of mobile telephony, migrating file shares to SharePoint, and migrating Outlook public folders to O365.
5. To delegate to the Strategic Finance Director, in consultation with the Cabinet Member for Finance and the interim CIO, the decision on the extension of current desktop support contract for up to 12 months to enable the safe transition from the current service. This extension is still under negotiation and will be confirmed by 31<sup>st</sup> March 2018.
6. To delegate to the Strategic Finance Director, in consultation with the Cabinet Member for Finance and the interim CIO, the extension of current foundation services provided by Agilisys IaaS for up to 6 months.
7. To delegate to the Strategic Finance Director, in consultation with the Cabinet Member for Finance and the interim CIO, the selection of the end point device catalogue and the desktop support costs.

**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.

**144. WEST KING STREET RENEWAL**

**RESOLVED:**

Councillor Lucy Ivimy enquired about the procurement process and the selection of tenderers. The Leader assured that the Lead Director of Regeneration, Planning and Housing Services, Jo Rowlands, had carried out a thorough review and budget allocation and had received extensive advice. The Scheme had a high percentage of affordable housing, it had been positively received by the public and would regenerate Hammersmith & Fulham.

**RESOLVED:**

1. To delegate authority to the Lead Director for Regeneration, Planning and Housing, in consultation with the Cabinet Member for Economic Development and Regeneration, to complete negotiations with

A2 Dominion Housing Association and their subsidiary companies A2 Dominion Homes Ltd and A2 Dominion Developments Ltd. with regard to the King Street Regeneration in order to enter into Heads of Terms.

2. To enter Heads of Terms, once negotiations are completed, for the transfer of land at
  - 181 King Street,
  - Nigel Playfair Avenue,
  - 207 King Street, and
  - the Town Hall Extension,
  - (all of which is shown edged red in appendix 1), to A2 Dominion Homes Ltd. and A2 Dominion Developments Ltd. under a land sale agreement on a 250 - year lease.
3. To note that the decision for any Land Transfer in the West King Street Regeneration will return to Cabinet for approval.
4. To delegate authority to the Lead Director for Regeneration, Planning and Housing, and the Director of Building and Property Management in consultation with Cabinet Member for Economic Development and Regeneration and the Cabinet Member for Finance to complete asset transactions in connection with:
  - the Friends Meeting House at Nigel Playfair Avenue and
  - land of the Former Children's Centre at Bradmore Park Roadand to confirm that disposal of the land will be covered by General Consents under s123 of Local Government Act 1972 and/or to seek the necessary consent from the Secretary of State should it be required.
5. To resolve that the area of land at 181 King Street; 207 King Street; Nigel Playfair Avenue; Town Hall Annex referred to in this report and shown edged red on the plan at Appendix 1 is no longer required for the purpose for which it is currently held.
6. To approve in principle the appropriation of the area of land in appendix 1 to the planning purposes of facilitating redevelopment for residential and other uses pursuant to section 122 of the Local Government Act 1972 in order to override easements covenants and other third party rights in respect of the land pursuant to section 203 of the Housing and Planning Act 2016 subject to the requirements set out in the legal implications section having been satisfied and a further report for approval being made to Cabinet.
7. To approve a budget of £360,000 to deliver a successful negotiation of legal agreements, complete the necessary commercial, tax and accountancy assessments, and the associated project management.
8. To approve budget of £250,000 for the client-side Council Accommodation Delivery Team over the next 6 months. This includes dedicated technical specification management, IT project management and network consultancy.

9. To approve a budget of up to £1.510m to enable the delivery of projects associated with the town hall, and which will be necessary to enable future refurbishment proposals, and to delegate authority for the final budget allocation on a project by project basis to the Strategic Finance Director in consultation with the Cabinet Member for Finance and the Cabinet Member for Economic Development and Regeneration. This includes projects to permanently relocate or decant elements of ICT infrastructure and operational functions to more suitable places on the H&F estate.
10. To note that the funding source for the expenditure referred to in 2.7 – 2.9 above will come from either section 106, where appropriate, and/or reserves.
11. To delegate authority to the Director of Building & Property Management in consultation with Cabinet Member for Finance to appoint commercial agents to advise and assist the Council on all legal negotiations in relation to office accommodation should the Council need to re-locate part or all of its office accommodation under any future conditional land sale agreement.

**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.

**145. PAYMENT OPTIONS FOR LEASEHOLDERS RECEIVING MAJOR WORKS INVOICES**

Councillor Lisa Homan highlighted the importance of this decision to improve the payment options available to leaseholders, and to make it easier and cheaper to collect money. She added that these options had been discussed at the Leasehold Forum.

**RESOLVED:**

1. That approval be given to offer the following menu of payment options for resident leaseholders and for non-residential leaseholders who do not sublet more than one Hammersmith & Fulham leasehold property where the property is owned by individuals<sup>1</sup>:

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<sup>1</sup> i.e. the options will not be available properties owned by a company, trust or similar vehicle.

Invoiced amount	Interest free period available	Interest bearing period available	Total repayment period
> £7,500 < £12,500	36 months	48 months	84 months
> £12,500 < £17,500	48 months	60 months	108 months
> £17,500	48 months	72 months	120 months

2. To agree to an interest rate for leasehold payment options based on 0.25% above the average council lending rate<sup>2</sup> for the previous year for the above.
3. To delegate authority to the Lead Director for Regeneration Planning & Housing acting through the Director of Finance & Resources (Regeneration, Planning & Housing), in consultation with the Cabinet Member for Housing, to consider any applications from leaseholders on the grounds of extreme hardship to vary the length of repayment periods.
4. To delegate authority to the Lead Director for Regeneration Planning & Housing, in consultation with the Cabinet Member for Housing, the ability to agree payment plans on a project by project basis where leaseholders estimated bills are likely to be in excess of £22,500
5. To approve a change to the terms for discretionary loans to allow a maximum loan period of 25 years.
6. To approve that any loan or repayment plan for a sum of £12,500 or above to be secured as a voluntary charge on the property. The administration cost associated with this should be borne by the applicant and will be £150.

**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.

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<sup>2</sup> This is the rate at which the Council could borrow from PWLB for the period of the loan granted to the leaseholder at the time of lending or at the start of the year as appropriate. It cannot be lower than 3.13%.

**146. LOCAL LETTINGS PLAN - EDITH SUMMERSKILL HOUSE & FORMER NORTH FULHAM HOUSING SITE**

It was noted that Cabinet considered Appendix 2 – Summary of responses to borough wide consultation (marked as “To Follow” on the main report), which was sent to all Cabinet Members in the morning. The public consultation ended on Friday 23 February. Names and addresses had been redacted for data protection.

Councillor Lisa Homan welcomed the recommendations and stated that the local lettings plan had been prepared to assist in the letting of new affordable homes in the borough and to ensure local residents would get the first offer.

**RESOLVED:**

That the Local Lettings Plan for Edith Summerskill House and the former North Fulham housing office, annexed to this report at Appendix 1, 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.

**147. DOMESTIC ABUSE REFUGES DIRECT CONTRACT AWARD**

**RESOLVED:**

1. To approve a waiver of the Contract Standing Orders requirement to seek competitive tenders prior to contract award to enable the Council to directly award a contract for the provision of refuge accommodation for women and children experiencing domestic abuse for the period 1 April 2018 to 31 March 2019 with the option to extend for up to an additional 12 months.
2. To approve a direct award of a contract for the period 1 April 2018 to 31 March 2019 with the option to extend for up to an additional 12 months.

**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.

**148. YOUNG PEOPLE'S ACCOMMODATION SERVICES DIRECT CONTRACT AWARD**

**RESOLVED:**

To approve a waiver of the Contract Standing Orders requirement to seek competitive tenders prior to contract award to enable the Council to directly award three contracts for the provision of supported accommodation services to young people to the incumbent providers for the period 1 April 2018 to 31 March 2019 with the option to extend for up to an additional 12 months.

**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.

**149. FAMILYSTORY PHASE 2**

**RESOLVED:**

1. To agree to enter into Phase 2 of the FamilyStory project, which will progress the work done during the Discovery Phase, moving the design from concept to an initial set of products which will test the viability of this solution.
2. To note the options appraisal outlined in Section 5 and undertakes a Single Tender Action Procedure to directly commission FamilyStory, inviting FutureGov to submit a formal tender in response to our specification.
3. To approve a waiver to the Contracts Standing Orders as the nature of the market for the works to be carried out demonstrate that such a departure would be justified.
4. To approve that FamilyStory be funded through residual PiP of £28,000 and £152,000 from the Corporate Demands and Pressures reserve.

5. To approve delegation to the Director for Children's Services and the Director for Public Service Reform, in consultation with the Cabinet Member for Children and Education and the Chief Information Officer for LBHF, any subsequent strategy or contract award decision regarding Stage 2 of the project.

**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.

**150. MAKING LONDON A NATIONAL PARK CITY**

The Leader stated that he was very proud of the Council's support for the scheme.

**RESOLVED:**

1. To endorse the campaign to make London the world's first 'National Park City'.
2. To encourage all Hammersmith and Fulham councillors to declare their ward's support for the scheme.
3. To note that the process to declare support is straight forward and can be done via the following web site -  
[http://www.nationalparkcity.london/ward\\_support](http://www.nationalparkcity.london/ward_support)

**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.

**151. FORWARD PLAN OF KEY DECISIONS**

The Key Decision List was noted.

**152. 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.]**

**153. EXEMPT MINUTES OF THE CABINET MEETING HELD ON 5 FEBRUARY 2018 (E)**

**RESOLVED:**

That the minutes of the meeting of the Cabinet held on 5 February 2018 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

**154. LEGAL CASE MANAGEMENT SYSTEM: 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.



**155. PROCUREMENT STRATEGY TO ACCESS THE LGRP FRAMEWORK: 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.

**156. FAMILYSTORY PHASE 2: EXEMPT ASPECTS (E)**

**RESOLVED:**

That the report 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.

**157. IT TRANSITION PHASE 4 ASSURING SERVICE CONTINUITY - DESKTOP STRATEGY AND SOLUTION OPTIONS: EXEMPT ASPECTS (E)**

**RESOLVED:**

That the recommendations on 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.

**158. WEST KING STREET RENEWAL: EXEMPT ASPECTS (E)**

**RESOLVED:**

To note the report and appendix.

**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.

**159. DOMESTIC ABUSE REFUGES DIRECT CONTRACT AWARD: EXEMPT ASPECTS (E)**

**RESOLVED:**

That the recommendations on 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.

**160. YOUNG PEOPLE'S ACCOMMODATION SERVICES DIRECT CONTRACT AWARD: EXEMPT ASPECTS (E)**

**RESOLVED:**

That the recommendations on 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: 7.18 pm

Chair .....

# Agenda Item 4

<p><b>London Borough of Hammersmith &amp; Fulham</b></p> <p><b>CABINET</b></p> <p><b>16 APRIL 2018</b></p>	
<p><b>PROCUREMENT OF SOFTWARE LICENSES FOR CLOUD-BASED COLLABORATION TOOLS</b></p>	
<p><b>Report of the Cabinet Member for Finance: Councillor Max Schmid</b></p>	
<p><b>Open report</b> A separate report on the exempt part of the Cabinet agenda provides financial and legal information.</p>	
<p><b>Classification - For Decision</b> <b>Key Decision: Yes</b></p>	
<p><b>Consultation</b> Procurement, Legal, Corporate Finance</p>	
<p><b>Wards Affected:</b> None</p>	
<p><b>Accountable Director:</b> Veronica Barella, Chief Information Officer</p>	
<p><b>Report Author:</b> Howell Huws Head of Contracts and Operations</p>	<p><b>Contact Details:</b> Tel: 020 8753 5025 E-mail: howell.huws@lbhf.gov.uk</p>

## 1. EXECUTIVE SUMMARY

- 1.1. This report is seeking approval to undertake a procurement for Microsoft server and cloud collaboration tool licences. The licencing is required for the software LBHF uses to support business operation, in particular the provision of email through Office 365. Without this licencing, the council will not have email from 1<sup>st</sup> June 2018.
- 1.2. It is part of LBHF's strategy to use Microsoft's cloud collaboration tools enabling more flexible and collaborative working, in a joint arrangement together with the Royal Borough of Kensington and Chelsea (RBKC) and Westminster City Council (WCC). These licences must be procured by one of the councils, with the costs recharged to the other councils depending upon usage. The licensing agreement will be an Enterprise Agreement, which is the cheapest way to procure the software required at an organisational level.

- 1.3. The proposed procurement route for the server and collaboration licences is through a Crown Commercial Services (CCS) Framework No. RM3733, Technology Products 2, Lot 2 – Packaged Software. This procurement route provides significant discounts on the products to be bought against the list price. However, compared to previous prices paid by the council, the new framework has resulted in a significant increase to the cost of these licences. This increase is affecting all local authorities.
- 1.4. The procurement exercise is based on a further competition against a fixed list of licence value added resellers (VARs). Standard tender documentation and contract terms and conditions of award apply. The procurement is completed with an 80% price to 20% quality split as the items being procured are commodity items. There is little differentiation between which reseller would provide the licences to the councils.
- 1.5. RBKC will lead on the procurement exercise through calling off from the framework agreement. RBKC will procure a Master licence, with LBHF and WCC holding Affiliate licences. The financial obligation on RBKC as the holder of the Master licence will be offset by each council entering into an inter-authority agreement for recovery of costs incurred.
- 1.6. The contract is usage-based and can be reduced to zero if the council's strategy changes in the future and the requirement is to move away from current arrangements.

## **2. RECOMMENDATIONS**

- 2.1. To agree the Business case & Procurement Strategy set out in Appendix A, contained in the exempt part of this report.
- 2.2. To undertake the procurement of Microsoft server and cloud collaboration tool licences to ensure the licensing required for the software LBHF uses to support business operation, in particular the provision of email through Office 365 ("Microsoft licences").
- 2.3. To note that the procurement will to be managed by the Royal Borough of Kensington & Chelsea (RBKC) who will hold the Master licence and that the Council will hold an affiliate licence.
- 2.4. To note that the RBKC route to procurement will be through calling off from the CCS Framework Agreement (No. RM3733, Technology Products 2, Lot 2 – Packaged Software).
- 2.5. That the Council enters into an inter-authority agreement with RBKC relating to the recovery of costs incurred in relation to the Affiliate Licences.
- 2.6. To note that the contract for the Microsoft licences will expire on 31<sup>st</sup> May 2021.

### **3. REASONS FOR DECISION**

- 3.1. A Business case & Procurement Strategy is a requirement of the Council's Contracts Standing Orders.
- 3.2. These licences must be procured by one of the councils, with the costs recharged to the other councils depending upon usage. The three councils will renew the existing inter-authority agreement apportioning costs based on each council's licensing requirement and usage.
- 3.3. Moving to a new single Enterprise Agreement for Microsoft licensing will enable the three councils to continue using the existing cloud-based collaborative tools and realise further productivity savings.

### **4. PROPOSAL AND ISSUES**

#### **Background**

- 4.1. LBHF makes use of common Microsoft cloud-based collaborative tools through a shared tenancy with RBKC and WCC. The rationale for this alignment was to increase the flexibility and collaborative working capability available to staff enabling significant productivity benefits to be realised. The existing three-year agreement expires in June 2018.
- 4.2. This arrangement needs to be continued in order to continue to make use of cloud-based email and storage beyond June 2018, and therefore a new procurement is necessary for the required licenses, based on the current total of 3,000 users with active accounts.
- 4.3. The selection and volume of licences required is driven by current business usage. LBHF has a number of measures in place to reduce the volumes required, for example:
  - Users who have not logged on for 2 months are disabled to reduce the number of licences required.
  - Users requesting Project and Visio licence are only granted the licence for three months before having to make another request to ensure that temporary usage does not result in a permanent licence liability.
- 4.4. For certain items, such as the Skype PSTN licence that allows calls to be made outside the council using Skype, a single licence will be bought in order to lock in the price. Otherwise all items licenced are based on actual usage by LBHF staff. Office 365 comes with a range of applications such as PowerApps or Flow, which are all bundled within the standard offer price, with no reduction in price if these are not required or used by the organisation.
- 4.5. Most licences involved are annual licences based on a true-up/true-down process, so if the number of staff changes, the number of licences required and therefore the costs will adjust at the end of the year. Some licences are subject to monthly charges, hence the importance of managing the users rigorously.

- 4.6. The new licencing Digital Transformation Arrangement (DTA) framework was published mid-February 2018 and goes live on 1<sup>st</sup> May 2018.
- 4.7. The new Microsoft licensing model delivers enhanced security to better protect the council's O365 accounts from cyber-attack. This component is required to support the council's new Desktop Strategy.

### **Microsoft licences**

- 4.8. An Enterprise Agreement is the most economical way to procure Microsoft software. It also comes with other benefits (see Appendix B for details and take-up), such as:
  - the right to install any new versions that Microsoft release during the term of the contract
  - a number of training vouchers, allowing a few staff to attend training courses in Microsoft software at no cost, and
  - the "Home Use Programme" which allows staff to purchase the latest versions of Office software for their own use at a minimal one-off cost, about £10.

### **Master and Affiliate licences required for single Office 365 deployment**

- 4.9. To have a single incidence with a single email store across multiple organisations, Microsoft requires the organisations to be under the same Enterprise Agreement licence, with one organisation holding the Master and the other organisations operating as Affiliates to this organisation acting as the Master licence holder. LBHF needs to procure with RBKC and WCC a set master and affiliate licences, whereby one of the councils procures licences on behalf of all three councils, and is then responsible for recharging the other councils as required under an Inter-Authority Agreement. These licences will be on a subscription basis through an Enterprise Agreement. The licences will be procured for a three-year period.
- 4.10. It is therefore proposed that LBHF continues the current 'Master and Affiliates' subscription licence. RBKC will lead on the procurement exercise and purchase a Master licence and LBHF and WCC hold Affiliates against RBKC's Master. All three licences need to be procured at the same time under a single lead authority.
- 4.11. In the event of the three councils separating services, the licences would continue to be available to each of the councils until the termination of the Enterprise Agreement. The number of licences required and therefore the cost is entirely related to the software deployed, and this can be varied by each council independently.
- 4.12. This licensing approach will allow the councils to procure the collaborative and server licences needed:
  - Collaborative tool licences – provides desktop access to the Microsoft Office suite of applications including Word, Excel, Outlook etc, together with collaboration tools built on SharePoint.

- Server licences – the server licences act as gateways to the collaborative tools and are required to allow the three councils' staff to access the new software which will be procured.

4.13. Appendix A, contained in the exempt part this report, provides a breakdown of the differing licence requirements and indicative costs to purchase the licences.

## 5. OPTIONS AND ANALYSIS OF OPTIONS

### Procurement Strategy

5.1. Software licenses and support are highly commoditised items where pricing is generally set at enterprise or government level via organisational agreements, government Memorandum of Understanding (MoU) or CCS frameworks. Microsoft offers the Government software at the lowest prices in the UK through the CCS's new Digital Transformation Arrangement (DTA) with Microsoft. This will replace the current MOU with effect from 1<sup>st</sup> May 2018. The DTA is based on the following principles:

1. Cloud First – continue to support the Government's 'Cloud First' policy (and new 'Cloud Native' vision). Help support customers realise the benefits of cloud, whilst recognising some may need 'hybrid' capabilities in the short/medium term.
2. Cybersecurity & Compliance – reduce the clear and present Cyber threat across UKPS and help customers prepare for GDPR.
3. Customer & Partner Satisfaction – flexibility to support changing customer needs, as well as Microsoft's own 'evergreen' developments.
4. Consumption – support customers in deployment, in order to extract full value from their investments.

5.2. The value of the requirement is above the OJEU threshold of £181,302 and is therefore subject to the UK Public Contract Regulations 2015. Software licensing agreements applicable to these requirements have been identified as below. Options for sourcing the required licensing and support requirements are explored below.

Option	Benefits	Drawbacks
OJEU (restricted procedure)	<ul style="list-style-type: none"> <li>• Greater level of market competition</li> <li>• Most recent market pricing and solutions</li> </ul>	<ul style="list-style-type: none"> <li>• Timescales and Cost.</li> <li>• Highly commoditised items.</li> <li>• Unlikely to deliver better pricing than government MoU.</li> </ul>
Kent, CCS or WCC Framework	<ul style="list-style-type: none"> <li>• Pre-selected suppliers</li> <li>• Capable suppliers</li> <li>• Reduced tendering costs and timescales</li> </ul>	<ul style="list-style-type: none"> <li>• Limited competition.</li> <li>• Pricing may be rigid (inability to access a government agreement).</li> </ul>
Govt G-	<ul style="list-style-type: none"> <li>• Commoditised</li> </ul>	<ul style="list-style-type: none"> <li>• Requires a variant approach to</li> </ul>



Option	Benefits	Drawbacks
Cloud Software as a Solution (Lot 3)	pricing <ul style="list-style-type: none"> <li>• Ease of access</li> </ul>	licensing consistently applied to all boroughs. <ul style="list-style-type: none"> <li>• Pricing may be rigid (inability to access a government agreement) and more expensive than an Enterprise Agreement under the Government MoU (PSA12 or CTA).</li> <li>• Master and Affiliate license scheme is not available via G-Cloud.</li> </ul>

5.3. Of these options, the Framework route is likely to deliver the best pricing, and of these available, the CCS Framework charges the lowest commission. It is therefore proposed to make use of the CCS Framework No. RM3733, Technology Products 2, Lot 2 – Packaged Software.

5.4. CCS created this framework in accordance with best procurement practice, EU and UK Procurement Directives and Regulations. The procurement process is through a further competition via a viable framework. Given the commoditised nature of the requirement and the fixed pricing indicated in the MoUs the main factor at issue is individual VAR mark-up or discount.

5.5. The form of contract will be as specified in the framework. The evaluation panel will consist of the Head of Contracts and Operations at LBHF and the Head of End User Computing for the Shared Service.

## 6. CONSULTATION

6.1. There is no public consultation requirement.

## 7. EQUALITY IMPLICATIONS

7.1. There will be no negative impacts on protected groups from the procurement of these software licences.

7.2. Implications completed by Peter Smith, Head of Policy & Strategy, tel. 020 8753 2206.

## 8. LEGAL IMPLICATIONS

8.1. LBHF has general competence powers under s1(1) Localism Act 2011, as do RBKC and WCC. The proposed procurement and contractual arrangements described in this report fall within that power. Since the proposed procurement has a value net of VAT estimated to be greater than the threshold set out in the Public Contracts Regulations 2015, it must follow a procedure that conforms with the Regulations. The proposal to use the CCS Framework satisfies that requirement provided the RBKC is one of the authorised users of the Framework and the Council follows the call-in

procedure set out in the Framework. Procurement have confirmed that RBKC is named as a user in the Framework and that this call in procedure was used 3 years ago in the original procurement. The intention is that RBKC enters into a Master Agreement with Microsoft and at the same time LBHF and Westminster enter into a separate agreement known as an Affiliate Agreement which will enable LBHF and Westminster to be granted licences under the Master Agreement in return for a recharge payable to RBKC.

- 8.2. Implications completed by: Angela Hogan, Senior Solicitor (Interim), tel. 07825 237494.

## **9. FINANCIAL IMPLICATIONS**

- 9.1. These are set out in the exempt part of the Cabinet agenda.

## **10. IMPLICATIONS FOR BUSINESS**

- 10.1. Due to the nature of this procurement, there are no implications for local businesses and social and economic value considerations.

- 10.2. Implications verified by: Albena Karameros, Economic Development Team, tel. 020 7938 8583.

## **11. COMMERCIAL IMPLICATIONS**

- 11.1. The report highlights that all three councils make use of a single set of Microsoft cloud collaboration tools enabling more flexible and collaborative working. It also highlights that the re-procurement options are limited.

- 11.2. The highlighted and recommended solution, that is likely to produce the most effective, efficient and economic outcome, is by calling off jointly from a framework agreement established by CCS. This will be by way of a “mini-competition” from the Value-Added Resellers (VARs) admitted to the framework agreement. It should be noted that the market for reselling Microsoft licences is not well-developed with only limited variation on price.

- 11.3. For practical purposes, these replacement licences must be procured by one of the councils, with the costs recharged to the other councils depending upon usage.

- 11.4. The licensing agreement will be an Enterprise Agreement, which is the cheapest way to procure the software required at an organisational level.

- 11.5. The proposed arrangement is compliant with the Public Contracts Regulations and the Council’s Contracts Standing Orders. Although no Contract Notice needs to be published, the RBKC will need to place a Contract Award Notice in the UK’s Contracts Finder once the award has been made.

11.6. Implications completed by Alan Parry, Procurement Consultant, tel. 020 8753 2581.

## **12. IT IMPLICATIONS**

12.1. The council's staff collaboration strategy for IT is based on Microsoft's O365 tools which allows staff to work effectively from Bring Your Own Devices (BYOD) as well as corporate devices. Microsoft's Office products interface into existing council applications such as the Electoral Registration system, and the corporate document management system.

12.2. Microsoft is the market leader in providing collaborative productivity tools for both private and public organisations of our size and larger. The council's future IT strategy will include evaluation of the direction of travel for collaborative working and associated licencing tools and products.

12.3. IT Services is working with departments to reduce the requirement for licences wherever practical to drive down the costs to the council.

12.4. No personal data is affected by this contract as the contract relates to licences only.

12.5. Implications completed by: Veronica Barella, Chief Information Officer, tel. 020 8753 2927.

## **13. RISK MANAGEMENT**

13.1. A decision on the business case and procurement strategy is time-critical and failure to procure the appropriate licences prior to June 2018 will result in the council having no solution in place, when the delivery of all council services are heavily reliant on having an appropriate solution in place. The decision must be made now to allow an appropriate and compliant procurement process to be completed within the required timescale.

13.2. Implications verified/completed by: David Hughes – Director of Audit, Fraud, Risk and Insurance, tel. 020 7361 2389.


## **14. BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

None.

**LIST OF APPENDICES** – contained in the exempt part of the Cabinet agenda.:

**Appendix A - Business Case & Procurement strategy (inc. an options analysis)**  
**Appendix B: Enterprise Agreement benefits**

# Agenda Item 5

<p><b>London Borough of Hammersmith &amp; Fulham</b></p> <p><b>CABINET</b></p> <p><b>16 APRIL 2018</b></p>	 <p>h&amp;f hammersmith &amp; fulham</p>
<b>PLANNING OBLIGATIONS DRAW DOWN REPORT</b>	
<b>Report of the Cabinet Member for Finance, Councillor Max Schmid, and the Cabinet Member for Economic Development and Regeneration, Councillor Andrew Jones</b>	
<b>Open Report</b>	
<b>Classification - For Decision</b>	
<b>Key Decision: Yes</b>	
<b>Consultation</b> Procurement, Legal, Corporate Finance	
<b>Wards Affected: All</b>	
<b>Accountable Director: Jo Rowlands, Strategic Director Growth &amp; Place</b>	
<b>Report Author: Peter Kemp, Planning Change Manager</b>	<b>Contact Details:</b> Tel: 020 8753 6970 E-mail: peter.kemp@lbhf.gov.uk

## 1. EXECUTIVE SUMMARY

- 1.1. The Council is required to use funds received from planning obligations to address the impact of developments carried out.
- 1.2. The report sets out the recommended use of funds received through Section 106 agreements and received as a result of the CIL schedules in force in the borough and seeks authority for the spend.
- 1.3. The spending program has been developed after consideration of the results of resident-led Commissions and discussions with resident groups and members to ensure that it delivers residents' priorities. Final sums drawn down at the financial year end may vary due to slippage in expenditure plans or other adjustments. Such variances will be reported in the next section 106 update to Cabinet.

## **2. RECOMMENDATIONS**

- 2.1. That officers be authorised to drawdown Section 106 and CIL monies as set out in section 4 of this report, to fund expenditure of up to **£33,014,421** plus up to **£600,000** monitoring and administration costs.
- 2.2. That the final decision on the amount to be used for the purposes set out in paragraph 4.24 be delegated to the Strategic Director Growth & Place and the Strategic Director Finance & Governance in consultation with the Cabinet Member for Finance and the Cabinet Member for Economic Development and Regeneration.

## **3. REASONS FOR DECISION**

- 3.1 The Council enters into agreements with developers and land owners under Section 106 of the Town and Country Planning Act 1990 to enable mitigation of impacts of development and to enable delivery of necessary social and physical infrastructure.
- 3.2 For a Council to enter into an agreement under S106 of the Town and Country Planning Act, the obligations need to comply with the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010. All obligations must be:
  - i. Necessary to make the development acceptable in planning terms;
  - ii. Relevant to the development being permitted; and
  - iii. Reasonably in all other respects.
- 3.3 Funds received pursuant to S106 agreements must be used for the purposes specified in those agreements or, where there is flexibility within the terms of the agreement, for purposes that comply with the tests set out above.
- 3.4 In addition to S106, the Council has a Community Infrastructure Levy (CIL) charging schedule in force, and has been collecting monies as a charging authority as well as on behalf of the Mayor. The Council is required to use 15% of the borough CIL on projects in agreement with the Community, and then the remainder towards Infrastructure needed to support development in the Borough together with its operation, maintenance and repair.
- 3.4 This report seeks authority for the 2017/18 spend of monies received from S106 obligations and CIL for the purposes set out in this report.

## **4. THE DRAWDOWN**

- 4.1 The following projects are funded from S106 monies to address needs generated by the developments taking place.
- 4.2 **Schools Projects**

Up to **£9,380,000** towards schools projects across the borough being: -

£80k towards Science laboratories at the Hurlingham Academy

£6.2M towards the Queens Manor Resource Centre

£3.1M towards the Bridge Academy Trust

With the exception of £400k for the Queens Manor Resource Centre, the principle of this funding has previously been agreed.

The funding of this project would be from: -

Amount (£)	Site	AKA
13,601	725-761A Harrow Road, NW10 5NY	635
1,190	Stowe Road Depot	693
3,863,933	Chelsea Creek, Imperial Road	722
2,076	Empress State	828
60,713	282 – 292 Goldhawk Road	784
146,839	Imperial Wharf	795
291,648	Woodlands	691
500,000	Westfield	832
2,000,000	51 Townmead	721
500,000	Britannia House	506
1,500,000	26 Sullivan	723
500,000	Chelsea Creek, Lots Road	732

#### 4.3 Weed Control

Up to **£247,000** towards weed control measures necessary to support increasing population in the borough. To be funded from: -

Amount (£)	Site	AKA
75,000	Townmead Estate	721
75,000	Westfield	832
75,000	58 Shepherds Bush Green	687

22,000	27 St Anns Road	744
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#### 4.4 Parks Projects

Up to **£1,325,106** to fund parks projects necessary to improve parks in the borough and/or increase their capacity necessary to support increasing and changing population. To be funded from: -

Amount (£)	Site	AKA
92,000	Empress State	804
90,000	Goldhawk Industrial estate	684
45,000	176 – 182 Goldhawk	828
90,000	West 12	823
128,838	725 – 761 Harrow Road	635
10,000	G Gate	657
135,000	58 Shepherds Bush Green	687
125,000	Fulham Reach	716
14,445	Janet Adegoke Leisure Centre	712
555	Chelsea Creek	721
176,000	271 – 281 King Street	830
190,000	Goldhawk Industrial Estate	684
75,000	Ashlar Court	725
96,000	282 – 292 Goldhawk Road	784
57,268	Westfield	296

#### 4.5 Housing Projects

Up to **£1,181,911** towards improving current housing estates and stock to improve their quality and capacity as housing provision to be funded from: -

Amount (£)	Site	AKA
78,064	Townmead Estate	721

110,000	Woodlands	691
230,177	51 Townmead	721
82,000	6 – 12 Gorleston Street	755
235,333	Chelsea Creek	722
200,000	Westfield	832
246,337	Britannia House	506

Up to **£2,141,452** towards the delivery of affordable housing projects in the borough, to be funded from : -

Amount (£)	Site	AKA
2,100,624	M&S White City	867
40,828	100 New Kings Road	794

Up to **£97,331** towards Strategic Regeneration projects that contribute towards the delivery of affordable housing projects in the borough, to be funded from : -

Amount (£)	Site	AKA
65,333	264 Goldhawk Road	722
31,998	100 New Kings Road	794

#### 4.6 Economic Development Projects

Up to **£715,957** towards economic development and training and skills projects in the borough. This is to be funded from: -

Amount (£)	Site	AKA
24,950	Guardian House	804
61,118	271 – 281 King Street	830
41,088	Thaxton Road/North End Road	823
233,812	Westfield	296



1,226	282 Goldhawk Road	784
2,838	51 Townmead Road	721
200	BBC Television Centre	827
23,509	Earls Court	795
2,859	Sovereign Court	776
2,859	Parsons Green Club	799
56,544	Woodlands	832
31,009	Hammersmith Pallais	605
79,264	Riverside Studios	801
72,120	Quayside Lodge	161
50,000	LAMDA	776
17,432	258 - 264 Goldhawk Road	805
15,129	BBC Television Centre development	844

#### 4.7 Parking Services Improvements

Up to **£1,966,000** towards replacing pay and display payment machines in the borough to increase the capacity of the highway necessary for increasing population in the borough. To be funded from: -

Amount (£)	Site	AKA
500,000	Westfield	832
500,000	Sovereign Court	776
500,000	51 Townmead	721
200,000	Britannia House	506
266,000	Chelsea Creek	722

#### 4.8 Highway Works

Up to **£2,652,018** towards highway projects in the borough directly required as a result of developments taking place. To be funded from: -

Amount (£)	Site	AKA
6,926	100 New Kings Road	794
5,357	271 – 281 King Street	830
116,356	28 – 36 Glenthorne Road	729
2,000	405 King Street	718
128,901	51 Townmead	721
38,000	70 – 72 Hammersmith Bridge Road	701
21,000	72 Farm Lane	740
19,709	7-9 Wyfold Road	802
33,514	84-90b Fulham High Street	743
150,000	Fulham Reach	716
350,000	26 Sullivan	716
350,000	Chelsea Creek	722
450,000	Britannia House	506
150,000	Parsons Green Club	799
650,000	Westfield	832
50,000	Stewarts Garages	740
130,255	Woodlands	691

#### 4.9 Updated Highway Lighting

Up to **£2,044,000** towards improving the highway lighting across the borough to be funded from: -

Amount (£)	Site	AKA
500,000	Chelsea Creek	722
1,000,000	Westfield	832
300,000	Britannia House	506
100,000	Chelsea Creek, Lots road	730

144,000	BBC Television Centre	827
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#### 4.10 Enhanced Policing Across the Borough

Up to **£1,627,001** towards additional policing provision to address the increased crime/fear of crime resulting from new developments and additional population in the borough to be funded from: -

Amount (£)	Site	AKA
250,000	Chelsea Creek	722
27,000	282 – 292 Goldhawk Road	784
250,000	Sovereign Court	776
100,000	Parsons Green Club	799
250,000	BBC Television Centre	827
381,523	Westfield	832
250,000	26 Sullivan	723
118,478	Britannia Club	506

#### 4.11 Arts Development

Up to **£50,000** towards Arts Development in the borough to be funded from: -

Amount (£)	Site	AKA
50,000	Britannia House	506

#### 4.12 Additional Environment Services Costs

Up to **£448,289** towards additional services provided by Environmental Services and waste as a result of development taking place in the borough to be funded from: -

Amount (£)	Site	AKA
100,000	Britannia House	506
100,000	Chelsea Creek	722

100,000	Westfield	832
100,000	BBC Television	827
48,289	Sovereign Court	776

#### 4.13 Social Inclusion Projects

Up to **£102,000** towards social inclusion projects to address the increased needs generated by population growth and change in the borough to be funded from: -

Amount (£)	Site	AKA
38,000	Westfield	832
40,000	51 Townmead Road	721
24,000	Kings Mall Carpark Site	776

#### 4.14 Street Czar Projects

Up to **£334,585** towards the delivery of the Street Czar projects to be funded from: -

Amount (£)	Site	AKA
50,000	Chelsea Creek	722
50,000	26 Sullivan Road	723
50,000	Chelsea Creek	722
34,585	Sovereign Court	776
50,000	BBC Television Centre	827
50,000	Westfield	296
50,000	Stewarts Garages	740

#### 4.15 Sands End Community Centre

Up to **£2,000,000** towards the Sands End Community Centre to address the community needs generated in the vicinity being funded from: -

Amount (£)	Site	AKA
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2,000,000	Chelsea Football Club	867
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#### 4.16 Cultural Projects

Up to **£106,000** to towards cultural projects in the borough to address the increased pressure on Cultural assets generated by the new development in the borough to be funded from: -

Amount (£)	Site	AKA
20,000	BBC White City	827
40,000	26 Sullivan Road	723
40,000	Chelsea Creek	722
6,000	Sovereign Court	776

#### 4.17 CCTV

Up to **£874,741** towards increasing and operating CCTV in the borough required as a result of increased population and development taking place. To be funded from: -

Amount (£)	Site	AKA
153,385	Chelsea Creek	722
20,000	233 – 245 Dawes Road	700
8,484	Chelsea Village	722
22,690	West 12	823
1,645	Pillar Development	403
100,000	Parsons Green Club	799
300,000	Westfield	832
96,383	51 Townmead	721
3,617	313 – 321 North End Road	741
100,000	26 Sullivan Road	723
68,537	51 Townmead	721

#### 4.18 Environmental Protection

Up to **£52,461** towards work carried out by Environmental Protection as a result of new developments taking place in the borough

Amount (£)	Site	AKA
52,461	Westfield	832

#### 4.19 Small Business Licensing

Up to **£5,886** towards supporting small business survive following changes in licensing legislation and interpretation.

Amount (£)	Site	AKA
£5,886	Westfield	832

#### 4.20 Poverty and Worklessness Projects

Up to **£60,000** towards social inclusion projects resulting from the poverty and workless commission recommendations to address the impact of the increasing and changing population of the borough generated by development taking place.

Amount (£)	Site	AKA
30,000	Sovereign Court	776
30,000	51 Townmead Road	722

#### 4.21 Environmental Monitoring

Up to **£201,943** towards environmental monitoring and air quality monitoring projects across the borough

Amount (£)	Site	AKA
40,000	Earls Court	733
60,000	Townmead Estate	721
955	Goldolphin and Latymer	543
8,988	Goldolphin and Latymer	833
92,000	Westfield	832

#### 4.22 MacBeth Centre

Up to **£260, 000** towards match funding projects to improve the MacBeth Centre as a centre for adult Training and Skills projects

Amount (£)	Site	AKA
260,000	Bechtel House	862

#### 4.24 Services of the Council

A number of new developments have resulted in additional pressures and costs to the Council of operating services that it would otherwise not have needed to operate. Authority is sought for up to £5.2M to be recovered from S106 being made up of the following: -

Up to **£2,356,250** towards Waste Disposal and management in the Opportunity Areas:

Amount (£)	Site	AKA
500,000	Chelsea Creek	722
500,000	51 Townmead	721
482,812	Chelsea Creek Lots Road	732
500,000	Westfield	832
373,438	26 Sullivan	716

Up to **£791,008** towards Library Services relating to population growth in the Opportunity Areas

Amount (£)	Site	AKA
200,000	Westfield	832
200,000	51 Townmead	721
200,000	Chelsea Creek	722
157,885	Woodlands	691
33,123	Pillar Development	403

Up to **£1,230,226** towards Social Care work in the Opportunity Areas: -

Amount (£)	Site	AKA
300,000	Westfield	832
300,000	Chelsea Creek	722
300,000	Imperial Wharf	722
330,226	51 Townmead	721

Up to **£763,256** towards Highways Maintenance and Management in the White City Opportunity Area

Amount (£)	Site	AKA
300,000	51 Townmead	721
300,000	Westfield	832
163,256	26 Sullivan	832

- 4.24 **Monitoring and Management Costs** - The Cost to planning of monitoring and managing S106 and CIL contributions. Authority is sought to draw down the costs of monitoring and managing obligations from S106 funds specifically for this purpose and interest. Authority is also sought to draw down the operation costs of CIL from the 4% administrative expenses.

## 5. CONSULTATION

- 5.1. The projects funded form part of the service plans for each of the services of the Council.

## 6. EQUALITY IMPLICATIONS

- 6.1. The equality implications for this report have been considered in developing the services, programmes and projects covered by the report and the associated decision making. We have checked for each service covered that equality impact assessment has been made in order to meet our equality duties.
- 6.2. *Implications verified/completed by: Joanna McCormick, Policy and Performance Manager, tel. 0208 753 2486.*



## **7. LEGAL IMPLICATIONS**

- 7.1 Section 106 agreements containing planning obligations are entered into between developers and the Council as the Local Planning Authority.
- 7.2 The use of such obligations is controlled by legislation, including regulation 122 of the CIL Regulations and Paragraph 204 of the National Planning Policy Framework (“NPPF”) which requires planning obligations to be:
- (i) Necessary to make the development acceptable in planning terms;
  - (ii) Directly related to the development; and
  - (iii) Fairly and reasonably related in scale and kind to the development.
- 7.3 Paragraph 206 of the NPPF also states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 7.4 In accordance with section 216 (2) of the Planning Act 2008 and regulation 59 of the CIL Regulations (as amended by the 2012 and 2013 Regulations), the levy can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, open spaces, sporting and recreational facilities and other health and social care facilities. This definition allows the levy to be used to fund a very broad range of facilities covered in paragraphs 4.2 – 4.23 of the report. Charging authorities may not use the levy to fund affordable housing.
- 7.5 The Cabinet Members attention is drawn to the Public-Sector Equality Duty under section 149 of the Equality Act 2010, and when making decisions to have regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct; advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those who do not share it. The relevant characteristics are age, disability, gender assignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also applies to marriage and civil partnership but only in relation to the elimination of discrimination. It is noted that the relevant equality impact assessments have been undertaken to ensure residents who may suffer with one of the protected characteristics are not adversely affected by the spending programme to ensure that it meets resident’s priorities as part of the Council’s decision-making process.
- 7.6 Section 1 of the Localism Act 2011 grants Councils a General Power of Competence whereby a Local Authority has power to do anything that individuals generally may do, including the use of funds received from planning obligations to address the impact of developments carried out in the borough. This power can be used even if legislation already exists that allows a Local Authority to do something. However, the General Power of Competence does not enable a Local Authority to do anything which it is unable to do by virtue of a pre-commencement limitation. The Director of Law (shared services) has not been made aware of any limitation or restriction in

this case that would prevent using section 106 and CIL monies in the circumstances as set out above

7.7 The Council has entered into a significant number of Section 106 agreements. Section 106 Funds can only lawfully be applied in accordance with the terms of each specific agreement, as approved by the Planning Applications Committee. Officers will need to ensure that the funding proposals as set out in this Report are permitted under the terms of each individual Section 106 agreement to include any subsequent variation/s to those agreements agreed between the parties.

7.8 *Implications verified/completed by: Horatio Chance, Senior Solicitor and Deputy Team Leader, tel. 020 8753 1863.*

## **8. FINANCIAL IMPLICATIONS**

8.1. The report requests of up to £33.014m of S106 money to cover relevant expenditure incurred to date plus the projected spend to the end of the financial year 2017/18.

8.2. The forecast monitoring costs of up to £600,000 will be funded from available Section 106 and CIL balances. The total forecast drawdown including monitoring costs will be taken as up to £80,000 from specific Section 106 agreements and up to £520,000 from Community Infrastructure Levy funds.

8.3. Final sums drawn down at the financial year end may vary due to delays in the compilation of claims, slippage in expenditure plans or other adjustments. Therefore, full details of the final drawdown will not be available until the end of the financial year. This means there is a risk that some of these amounts may not be claimable against Section 106 funds which could result in additional unexpected overspends against revenue or capital budgets. Finance officers will need to see the final drawdown claim in detail, with appropriate supporting evidence provided by each service, prior to the final year end accounting entries being made.

8.5. *Implications completed by: Danny Rochford, Head of Finance, RPHS, tel. 020 8753 4023.*

## **9. IMPLICATIONS FOR BUSINESS**

9.1. Initiatives supported via the economic development and related strands contain support for local SMEs, including local procurement opportunities and access to wider business support. Hence, the investment of s106 funds into economic development initiatives is deemed to provide positive impact for local businesses.

9.2. Planning colleagues are working closely with the Economic Development Team to secure s106 funding for local employment and business initiatives and support their implementation.

9.3. *Implications verified/completed by: Albena Karameros, Economic Development Team, tel. 020 7938 8385.*

## **10. RISK MANAGEMENT**

10.1. There are no new risks identified in this report that haven't previously been considered by members.

10.2. *Implications verified/completed by: Michael Sloniowski, Principal Risk Consultant, tel. 0208 753 2587.*

## **11. COMMERCIAL IMPLICATIONS**

11.1 Monies which are received from a developer which arise from the terms of an Agreement under section 106 can only be expended by the Council strictly in accordance with the terms of the Agreement.

11.2 The proposed expenditure outlined in the report must be in accordance with the relevant Agreements.

11.3 All expenditure shall follow the rules and regulations set out in CSOs and PCR2015.

11.4 *Implications verified/completed by: Andra Ulianov, Procurement Consultant, tel. 0208 753 2284.*

## **12. IT IMPLICATIONS**


12.1. There are no ICT implications relevant to this report.

12.2. *Implications verified/completed by: Quentin Brooks, Service Director, tel. 0208 753 6214.*

## **13. BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

None

# Agenda Item 6

<p><b>London Borough of Hammersmith &amp; Fulham</b></p> <p><b>CABINET</b></p> <p><b>16 APRIL 2018</b></p>	
<p><b>ARTICLE 4 DIRECTION TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR BASEMENT EXCAVATION</b></p>	
<p><b>Report of the Cabinet Member for Economic Development and Regeneration: Councillor Andrew Jones</b></p>	
<p><b>Open Report</b></p>	
<p><b>Classification - For Decision</b> <b>Key Decision: Yes</b></p>	
<p><b>Consultation</b> Housing Legal Economic Development</p>	
<p><b>Wards Affected: All</b></p>	
<p><b>Accountable Director: Jo Rowlands, Strategic Director Growth &amp; Place</b></p>	
<p><b>Report Author:</b> Matt Butler, Head of Policy and Spatial Planning</p>	<p><b>Contact Details:</b> Tel: 020 8753 3493 E-mail: matt.butler@lbhf.gov.uk</p>

## 1. EXECUTIVE SUMMARY

- 1.1 On 6th February 2017 Cabinet agreed to the making of a non-immediate Article 4 Direction to remove permitted development rights in the Borough allowing basement excavation. The permitted development right currently means that local planning authorities have limited control over basement excavation as planning permission is not required. By removing PD rights through an Article 4 Direction such as this, applications can be assessed against planning policies to ensure compliance. The relevant Direction was made on 25 April 2017 and is intended to come into force, subject to confirmation, on 26 April 2018.
- 1.2 Cabinet is now asked to consider the representations received and to decide whether the Article 4 Direction should be confirmed. It is recommended that the Council proceeds to confirm the Article 4 Direction and that necessary

consequential steps are delegated to officers. If the Direction is confirmed the removal of the relevant permitted development right will take effect from 26 April 2018.

## **2. RECOMMENDATIONS**

- 2.1 That after careful consideration of the consultation representations Cabinet proceeds to confirm the Article 4 Direction made on 25 April 2017 (**see appendix 1**) and coming into force on 26 April 2018.
- 2.2 That Cabinet delegates to the Strategic Director Growth & Place, in consultation with the Cabinet Member for Economic Development and Regeneration all necessary tasks to give effect to the confirmed Direction (including notifying affected property owners and the Secretary of State).

## **3. REASONS FOR DECISION**

- 3.1 The Government's permitted development (PD) right for basement excavation allows certain types of basement excavation to be created without planning permission which can have significant impacts on residential amenity.
- 3.2 The purpose of PD rights is to speed up the Development Management process and therefore the delivery of development. As a result, such proposals are not assessed against the policies in the Development Management Framework and may not fully comply with the borough's standards. Therefore, by removing PD rights through an Article 4 Direction such as this, applications can be assessed against planning policies to ensure compliance.
- 3.3 Hammersmith and Fulham Council have prepared a revised planning policy to help protect against basement extensions to single dwelling houses in the borough. The emerging policy contained in the Local Plan 2018 seeks to resist basement construction and extensions unless strict criteria are met. This means that the council have the ability to permit basements but subject to a number of criteria being met, that will safeguard the quality of life. As part of the criteria, the applicant must demonstrate that any impacts of basement development are kept to acceptable levels under the relevant acts and guidance, taking the cumulative impacts of other development proposals into account.
- 3.4 Given the issues relating to basement development, it is important that the Council brings all basement development within planning control. Implementing an Article 4 Direction is the only way in which all basement development would require planning permission, allowing the mitigation measures set out in policy to be applied consistently across all types of basements. It is considered that bringing all basements under planning control and applying planning policies which mitigate their harmful impacts will be beneficial to the Borough's environment.

#### **4. PROPOSAL AND ISSUES**

- 4.1 The construction of basements, and the subsequent effect that large scale excavations inevitably have on immediate neighbours and the wider local community, has been a cause of great concern to our residents. Basements within certain limits can be built (in the curtilage of the houses) without the need for planning permission. Basement construction can cause nuisance and disturbance for neighbours and others in the vicinity, through construction traffic, parking suspensions and the noise, dust and vibration of construction itself.
- 4.2 The council regularly receive complaints and objections in association with planning applications for works at basement level (both new and extensions), relating to:
- disruption and noise involved during construction, especially in residential areas;
  - effects on neighbouring properties in regards to dust and dirt during construction;
  - damage to the foundations of adjoining basements and other homes;
  - traffic issues and concerns with contractor's vehicles blocking the road and their driveway for long periods of time; and
  - concerns with over-development of the site and adversely affect the amenity of the immediate neighbours.
- 4.3 On 6<sup>th</sup> February 2017 Cabinet agreed to the making of a non-immediate Article 4 Direction to remove permitted development rights allowing basement excavation. The Article 4 Direction was duly sealed on 25 April 2017 and notice given to relevant parties of the making of the Direction, as explained in section 2 of this report. The intended coming into force date was specified as 26 April 2018.

#### **5. OPTIONS AND ANALYSIS OF OPTIONS**

- 5.1 Officers do not consider that there have been any changes to planning policy (at national, London-wide or borough level) since the making of the Article 4 Direction that would have any bearing on the decision whether to confirm it.
- 5.2 The Council could decide not to introduce this Article 4 Direction. This option is not recommended, as without the ability to effectively assess proposals for basement excavation through the planning system, there will continue to be an impact on residential amenity.
- 5.2 Cabinet is therefore asked to confirm the Article 4 Direction made on 25 April 2017 such that the Direction will come into force on 26 April 2018 and to delegate to officers all necessary tasks to give effect to the confirmed Direction (including notifying affected property owners and the Secretary of State).

## 6. CONSULTATION

- 6.1 Following the making of the Article 4 Direction, the Council notified affected owners/occupiers in accordance with the requirements of the General Permitted Development Order 2015. Over 2,000 letters were sent to businesses and residents, a public notice was placed in the local newspaper and details were made available on the Council's webpages. A notification letter was sent to the Secretary of State.
- 6.2 Representations about the making of the Article 4 Direction were invited to be made during a consultation period between 25 April and 6 June 2017. 36 representations were received with the majority of respondents supporting the Article 4 Direction. However, there were also comments opposing the removal of permitted development rights. A schedule of all the representations has been included in **appendix 2**.
- 6.3 A selection of the main issues/comments raised during the consultation are detailed below:
- *I wish to register my view that the council should require planning permission be sought concerning the creation of basements below houses, particularly in the conservation areas of the borough.*
  - *I think the council would be correct to exclude basements from permitted development, as I think sometimes they are the only means of stopping a property being overdeveloped against neighbours wishes.*
  - *This is in accordance with the NPPF and GLAAS Charter as well as the Hammersmith and Fulham Local Plan. The Greater London Archaeological Advisory Service (GLAAS) would therefore welcome the application of development management planning controls with such proposals.*
  - *I feel that homeowners should keep their existing permitted development rights which is in line with Government Policy and is fairer to homeowners who want to build space under their property.*
- 6.4 Officers have considered the representations and do not consider that they would amount to a justification not to proceed to confirm the Article 4 Direction. It is important to note that the Article 4 Direction would not amount to an absolute prohibition on basement excavation; its effect is to require an application for a planning permission to be made for the basement development. The determination of an application for planning permission would mean that the proposed basement excavation would be assessed against relevant planning policies and consideration being given to any other material considerations.
- 6.5 The Secretary of State was notified of the making of the Article 4 Direction but no comments were received.

## **7. EQUALITY IMPLICATIONS**

- 7.1. The Council has had due regard to its Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. There are no negative impacts on protected groups with the making of a non-immediate Article 4 Direction to remove permitted development rights in the Borough allowing basement excavation.
- 7.2. *Implications completed by Peter Smith, Head of Policy and Strategy, tel. 020 8753 2206.*

## **8. LEGAL IMPLICATIONS**

- 8.1 The Council must have regard to any representations received before deciding whether or not to confirm the Article 4 Direction. The detailed procedure for confirming an Article 4 Direction is contained in Schedule 3 of the GPDO.
- 8.2 The Secretary of State has the power to cancel or modify an Article 4 Direction at any time before or after it is confirmed.
- 8.3 *Implications verified/completed by: Lindsey Le Masurier, Senior Solicitor, tel. 020 7361 2118.*

## **9. FINANCIAL IMPLICATIONS**

- 9.1 As basement excavations are currently classed as permitted development, no applications for planning permission have been necessary and no fees have been required to be paid to the Council.
- 9.2 Approval to confirm the Article 4 Direction to remove permitted development rights in the borough allowing basement excavation means that applications for planning permission including a planning application fee will be required.
- 9.3 The Article 4 Direction is therefore likely to lead to an increase in the number of planning applications for which planning application fees will be applicable. Any additional income is not expected to be significant and will be used to fund the consequent additional costs associated with the processing of these planning applications. However, the requirement on highways in particular to deal with assessing construction and demolition management plans could, depending on the uptake in basement applications, have a detrimental impact on resources in terms of officer hours. It is important to note that the introduction of the Article 4 Direction could lead to an overspend in respect of processing the resulting applications and the fees generally do not cover the costs of processing.
- 9.2 Other costs associated with confirming the Article 4 Direction include those arising from notifying owner/occupiers, site notices and a public notice. The costs are estimated to be approximately £2,000 and will be funded from existing budgets within the Policy and Spatial Planning budget.



9.3 Implications completed by: Danny Rochford, Head of Finance, RPHS, tel. 020 8753 4023.

## **10. IMPLICATIONS FOR BUSINESS**

10.1 This report recommends that Permitted Development rights are withdrawn for basement excavation. The direct impact on businesses in the borough is considered to be neutral given that this permitted development right is associated with single dwelling houses.

10.2 Given that basement construction can cause nuisance and disturbance for businesses in the vicinity, through construction traffic, parking suspensions, noise, dust, vibration of construction, indirect impact on businesses in the borough might be positive.

10.3 *Implications verified/completed by: Alben Karameros, Economic Development Team, tel. 020 7938 8583.*

## **11. COMMERCIAL IMPLICATIONS**

11.1 Currently there are no fees being paid to the Council for planning permission as basement excavations are currently considered permitted development.

11.2 This report seeks approval to remove the permitted development rights in the borough. This means planning permission and planning application fees will be charged by the Council.

11.3. However, the fees will not account as significant income for the Council and there is likely to be an overspend in respect of processing the resulting applications as the fees generally do not cover the costs of processing.

*Implications completed by: Andra Ulianov, Procurement consultant, verified by Simon Davis, Head of Commercial Management, tel. 0208 753 7181.*

## **12. IT IMPLICATIONS**

12.1. There are no IT implications in this proposal.

12.2. From an Information Governance point of view, the proposal does not propose that personal data is managed differently and therefore there are no additional information management implications.

12.3. *Implications verified/completed by: Veronica Barella, interim Chief Information Officer, tel. 020 8753 2927.*

## **13. RISK MANAGEMENT**

13.1. Soaring local property values and a lack of land can lead to an unprecedented level of underground development across the borough. The environmental

risks of noise pollution, dust and impact on traffic (caused by construction vehicles removing soil) may have a significant impact on neighbourhoods, often for an extended period of time. These new restrictions, together with the new planning policy, on residential basements will go some way to addressing their impact on our residents and ensure that those developments that do take place are carried out in a considerate manner.

13.2. *Implications verified by: Michael Sloniowski, Risk Manager, tel. 020 8753 2587.*

#### **14. BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

None

#### **LIST OF APPENDICES:**

*Appendix 1 – Article 4 Direction made in April 2017*

*Appendix 2 – Schedule of representations*

**THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED  
DEVELOPMENT) (ENGLAND) ORDER 2015**

**DIRECTION MADE UNDER ARTICLE 4(1)**

**WHEREAS** the Council of the London Borough of Hammersmith and Fulham being the appropriate local planning authority within the meaning of Article 4(5) of the Town and Country Planning (General Permitted Development) Order (England) 2015, are satisfied that it is expedient that development of the description set out in the First Schedule below should not be carried out on the land described in the Second Schedule and shown edged with a broken black line (for identification purposes only) on the Plan annexed hereto unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

**NOW THEREFORE** the said Council in pursuance of the power confirmed on them by Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 hereby direct that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the descriptions set out in the First Schedule hereto.

## **FIRST SCHEDULE**

### **In respect of land described in the Second Schedule**

The development referred to in **Schedule 2 Part 1 Class A** to the said Order not being development comprised within any other class that is to say:-

The enlargement, improvement or other alteration of a dwellinghouse by way of a basement development, lightwells or any other development below the dwellinghouse or its curtilage.

## **SECOND SCHEDULE**

Land comprising the entire area of the London Borough of Hammersmith and Fulham (excluding the area designated as the Old Oak and Park Royal Development Corporation Area).

**Made** under THE COMMON )  
SEAL OF THE MAYOR AND )  
BURGESSESS OF THE )  
LONDON BOROUGH OF )  
HAMMERSMITH AND FULHAM )  
on )

in the presence of:-

**Confirmed** under THE COMMON )  
SEAL OF THE MAYOR AND )  
BURGESSES OF THE )  
LONDON BOROUGH OF )  
HAMMERSMITH AND FULHAM )  
on )

In the presence of:-

THIS DIRECTION WILL COME INTO FORCE ON 26 APRIL 2018 IF  
CONFIRMED

**THE TOWN AND COUNTRY PLANNING**  
**(GENERAL PERMITTED DEVELOPMENT)**  
**(ENGLAND) ORDER 2015**

**BOROUGH WIDE DIRECTION**  
**REMOVING PERMITTED DEVELOPMENT**  
**RIGHTS RELATING TO BASEMENT**  
**DEVELOPMENT**

**DIRECTION MADE UNDER ARTICLE 4(1)**

**Tasnim Shawkat**  
**Tri-Borough Director of Law**  
**Legal Services**  
**London Borough of Hammersmith and**  
**Fulham**  
**The Town Hall**  
**King Street**  
**London W6 9JU**  
**Our Ref: LLM/30103230**  
**Tel: 020 7361 2118**  
**Fax: 020 7361 2748**

## Appendix 2

### London Borough of Hammersmith & Fulham

Article 4 Direction for basements: consultation responses received



Rep No.	Name/Organisation	Comments
(1)	Mr & Mrs White	<p>We confirm our agreement that planning permission should be required prior to any basement development in the Borough given the disruption of such development and detrimental impact on the structure of neighbours' properties, the increased flood risk, loss of original garden planting, space and soil structure etc.</p>
(2)	Robin Jackson	<p>I think the Council should have more power to ensure that planning applications are required for both basement construction and the conversion to residential use of office and light industrial properties.</p> <p>This should not necessarily be required for every such change but it should be available to the Council to enforce if they so choose. The conversion of office and light industrial properties to residential use is of particular concern, I believe.</p>
(3)	Mr Oliver Pearcey	<p>I am writing to support strongly the proposed Article 4 Directions in respect of basement developments and conversions of office and light industrial space to residential accommodation.</p> <p>Having had the misfortune to live next door to one basement development (in [REDACTED]) I am very much of the opinion that these need full regulation under planning powers. In the particular instance in question there was disturbance from noise, vibration and deliveries for almost a year and the resultant development created what is still sub standard space. Hammersmith is an inner London Borough which has been developed at high density in the Victorian period; housing need in the Borough is largely for smaller units not over developed single houses which are readily available further out of Central London..</p> <p>Conversion of office and industrial space without consent should never have been agreed by the Government in the first place. It reduces employment space and generally creates</p>

Rep No.	Name/Organisation	Comments
		<p>very sub-standard units which make comprehensive redevelopment much harder and also put up demand on everything from parking to education without any compensating controls or payments.</p> <p>I am delighted that the Council is planning to address both these issues through Article 4 Directions.</p>
(4)	Suzanne Burke	<p>I was surprised to find that certain development does not need planning permission. I think it is a good idea for the council to be involved in any project that is as involved as change of use from office to domestic. Although we do need more housing, we need housing for people who are not making a high salary and who our society needs to be living near their work, such as teachers, nurses, and others jobs who are significant contributors to a healthy society. What I notice is that these projects are not for that strata of society but for people who can afford well over £500,000.</p> <p>As to basement conversions, I can understand that it makes the difference to a growing family for whom moving would be a greater and unaffordable expense compared to digging down under a property which they are already in the process of owning. Although it is very disruptive to those around, the neighboring properties have the option of objecting at the point where the party wall surveyor comes in. I incorporated a flat in the building next door and for three months my neighbors above me had to put up with dust and the mess when they looked out their windows. However, I don't think they regretted giving me permission via the party wall survey, and now the view from their window is much improved. However, I do not think that huge double basement developments should be embarked on without the council's permission. I had to get council permission to knock through and connect two buildings which I own and where there was no digging down. I did not think that this was unreasonable because going through the council insured that I was doing everything by the book with the proper surveys throughout the the process. That way my neighbours' property was protected because building codes/practices were followed. I think the council's involvement was a good thing.</p>

Rep No.	Name/Organisation	Comments
(5)	Susan Hewson	<p>There are far too many basement conversions going on at the moment. There have been at least three in our road and they result in excessive noise and interference, often from unprofessional builders. The houses in this road do have cellars but the foundations are very close to the water table and this can cause problems. When one house was having its basement converted a few years ago water was pouring down the gutters for several days. It is very disturbing that these conversions can be carried out without getting planning permission.</p>
(6)	Geoffrey P Gay	<p>My wife and I do not believe it is in the best interests of Ratepayers in LBHF to change the current permitted development rights</p>
(7)	Matita Glassborow	<p>I think that the Council should be a lot stricter on basement developments and that planning permission should be required for this type of work. It disrupts areas for months at a time with noise, constant delivery of building materials causing roads to be temporarily closed, and misery for neighbours. There have been instances of houses collapsing because regulations are flouted (an East European builder working alone in a basement in Fulham had the whole house collapse on top of him and the poor man was killed). In the more affluent parts of Fulham, eg the Hurlingham area, basement extensions have been going on for years. There is already quite a lot of subsidence in houses in the borough too and digging out basements can't be good for the neighbouring houses in a terrace.</p> <p>I am also concerned at the amount of commercial properties in my part of Fulham being turned into residential accommodation, and not what I would call "luxury" accommodation either as mentioned in the Council newsletter! Near my house two newsagents have been turned into flats, a tyre fitting shop is in the process of being turned into flats and so has the furniture depository in [REDACTED]. I don't doubt that the [REDACTED], which has been empty for about 20 years and is supposed to be "industrial use only" will also be given permission to be turned into flats. How can the infrastructure and</p>

Rep No.	Name/Organisation	Comments
		<p>transport cope with all the extra people who will move into the area? The occupants of this type of property aren't given space to keep a dustbin and tend therefore to put their rubbish out on bags on the pavement, whenever they feel like it, and it often gets broken into by foxes and strewn around. Fulham is not the clean borough it once was, it's full of fly tips and litter. and a great deal of the fly-tipping is happening outside these new flats above shops or shops that have become flats.</p> <p>In summary, I don't believe all these basements are necessary - especially for wine cellars and swimming pools! We need little businesses and commercial premises too. Our precious little businesses are fast disappearing (the businesses rates are driving a lot of them out) and being replaced by hastily constructed, hideous flats.</p> <p>I would very much like the Council to take a far more pro-active role in planning regulations and preserving what's left of the independent businesses we have in Fulham.</p>
(8)	Siobhan McGrath	<p>These works are noisy, dirty and disrupt to all people in this area. There is never a week when there is not a team of construction workers causing dirt, traffic, noise etc.</p> <p>Yet the fact that I have windows (wooden casement) that [REDACTED] [REDACTED] will not renew with Double Glazing, because they state are prohibited, because I happen to live on [REDACTED] which they state is situated in a Conservation area is totally unfair and damaging to my already very poor health is under fair.</p> <p>There should be more consultation on allowing Properties in Social Housing to upgrade Windows.</p> <p>That should be the priority.</p>

Rep No.	Name/Organisation	Comments
(9)	Jackie Pemberton	<p>Although I am not a homeowner, since moving into my property I have been subject to massive amounts of noise connected with development of all types directly next to or opposite our building. There is also an old building directly in front of our block that is going to be knocked down and made into flats. Constant noise has had a direct effect on my own health.</p> <p>When work was being carried out on the house directly in front of and to the side of our block, the developers did not seem to have any rules they adhered to in terms of using council land to bring in trucks with dangerous machinery put directly in the exit for residents, and piling slabs up dangerously.</p> <p>The noise was extensive particularly as our flats are built in such a way that there is no room to escape from the noise on one side.</p> <p>I have the greatest of sympathy for anyone who has to endure endless noise from people digging into basements sometimes for well over a year and without proper recourse to anyone when there is obvious flouting of common sense.</p> <p><b>FLOODING</b></p> <p>As Hammersmith and Fulham has been subject to numerous complaints of flooding with the involvement of Thames Water and all that this entails in terms of disruption and noise to tenants in chosen areas and costs involved, I do not understand why basements are being encouraged in any way in a flooding area.</p> <p>In most cases, these basements are wanted for greed not need, for example, there are many huge houses that have a minimum of people living in them and it is not for want of extra space for need but rather for the benefit of making even more huge profits on what are already overly expensive properties. I believe this should be weighed up when this type</p>

Rep No.	Name/Organisation	Comments
		<p>of work causes such drastic effect on peoples lives in terms of noise and pollution nuisance. It seems that our borough generally has become one big building site and that there is no end in site but developers or home owners should not be allowed to do what they like, when they like...if permission is granted for this there will be no end to the consequences not least stress and increased NHS use for mental health cases, I would imagine as well as the already increased health problems relating to respiratory problems in both adults and children.</p> <p>It is my understanding that some boroughs have not only stopped building works on the weekend but that basement work is not seen as something that is a good thing.</p> <p>I believe that the people affected (often many people) should have more rights than the property developers who quite often have no regard to anything but the profits that will be achieved.</p> <p>My humble opinion is that I think it is wrong for Councils to give carte blanche to anyone or any firm that will make many peoples lives a complete misery for long periods of time.</p>
(10)	Rosita Sherrard	<p>Dear Sue,</p> <p>As you know I have had a terrible few months with basement redevelopment both next door and now 3 doors away. However considerate the builders are, it is still hell. The noise was so excruciating I had to go away for 2 weeks. When I was at home I couldn't hear the radio, TV or do anything but go out and the timings of these events were totally unpredictable. As as said in my previous objection, builders are allowed to make as much noise as they like for 55 hours a week which is well over the normal working week of about 40. On top of this we have loss of amenity on the road as more and more parking spaces are taken up by building works. We have portable lavatories sitting outside our front doors.</p>

Rep No.	Name/Organisation	Comments
		<p>bright lights on 24hours a day. Deliveries made outside the permitted building hours. It is horrific. EU Regs say that one has the right to the enjoyment of one's property. Not when basements are being built.</p> <p>I was pleased to see LBHF were doing a consultation but, although I don't consider myself to be totally stupid, the gobbledegook put out on your website is designed to put off anyone wanting to make a complaint. Why can't it be written in plain English with a summary of what your intentions are?</p> <p>I know that Estate Agents are recommending that house owners apply for planning permission to build a basement before putting their properties on the market. As I can't understand your website I don't know what you are planning, I can only assume it is some restriction on basement building. What ever it is you need to get a move on.</p> <p>At the height of the building noise last Autumn I wrote to Andy Slaughter MP who followed it up on my behalf. As a result he wrote back to me with a copy of a letter he had received from David Gawthorpe, Deputy Team Leader, Development Plans, which I attach here. It appears therefore it has taken the Council over 6 months to do anything about this. I was actually thinking of writing to him to ask how many basement planning applications the Council had received and how many they had turned down since I received this letter.</p> <p>Please will someone translate what is on the website and let me know what it says. Also, how many basement applications has the Council turned down since 2 November 2016?</p>
(11)	Canal & River Trust	<p>Thank you for your recent consultations on these two proposed article 4 directions.</p> <p>The Trust is the guardian of 2,000 miles of historic waterways across England and Wales, of which approximately 60 miles are within our London Waterway. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives".</p>

Rep No.	Name/Organisation	Comments
		<p>Within LBHF the Trust owns and manages the Grand Union Canal and its towpath.</p> <p>I can confirm that the Canal &amp; River Trust have no comments to make on the two documents, but support the proposals to remove these permitted development rights.</p>
(12)	John Pollard	<p>As a resident of [REDACTED] I would like the Council to consider the following points-</p> <p>Accepting that owners should be allowed to improve their property provided their improvements do not adversely impact on their neighbours -</p> <ol style="list-style-type: none"> <li>1. There should be a restriction on the number of basement improvements authorised within a road at any one time. Too many big works close together means an excessive number of workers vans, soil removal/skip trucks, big delivery trucks and vans all parking in resident slots, double parking and road blocking makes life unreasonably difficult for all. For instance recently the ambulance could not get down our street and my dying wife had to be stretchered down the road to the hospice ambulance.</li> <li>2. Reasonable hours of work and noise restrictions need to be set and a system whereby neighbours can ensure enforcement established.</li> </ol> <p>I accept it is difficult for the council to differentiate but the freedom of a householder to improve his or her own home for the benefit of their family's quality of life should not be open to being abused by developers who move in to make a buck and in so doing make life hell for many over a prolonged period.</p>



Rep No.	Name/Organisation	Comments
(13)	Peter Knox	<p>I wish to register my strong view that LBHF Planning should maintain the strongest possible level of control over basement planning applications.</p> <p>I remain very concerned over increased flooding and over development risks. We believe that basement conversions should be limited to the original footprint of the building concerned, with lightwells limited to only minimum escape route requirements. This can only be controlled through the direct involvement of the LBHF Planning department</p>
(14)	Helen Savery	<p>As a resident of H&amp;F i wanted to write to you as i understand that you are currently looking at planning permission regulations. I am uncomfortable and unhappy with the increasing number of basement developments in the borough. Even with the expertise of the best builders, i don't think that it is wise to dig into and under victorian buildings. We do not know the longer term effects of building basements, both on the houses themselves and on the surrounding homes, the latter of which who do not benefit in any way from these developments. If people desperately need more space, they need to build upwards or move home. It should be very simple. Also, i know that there is a view to increasing the value on the property which is also not an excuse for digging under these old buildings. Disruption is another issue - as soon as one basement is completed or nearly completed (often having taken a year or so to complete), another commences a few doors away. The constant noise and dust affects many people negatively, in many different ways.</p>
(15)	Natural England	<p>Thank you for your consultation on the above dated and received by Natural England on 2nd May 2017.</p>

Rep No.	Name/Organisation	Comments
		<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p><b>Natural England does not consider that this Article 4 Direction for removing permitted development rights for basement development poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.</b></p> <p>The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.</p> <p>If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.</p>
(16)	Margaret Wade	<p><b>RE: Last newsletter 12 May. by copy of this I am advising neighbours, as I do not think everyone receives the newsletter. We will note the closing date for you to receive comments is 6 June 2017</b></p> <p>Over the years many, many residents have complained, to you, to our MP, to Government ministers, over and over again, about the overdevelopment of these Fulham houses. Hundreds of small, 3 bedroomed houses, originally classed as “cottages” developed into 5 bedroom houses, with 4 bathrooms, basements, hideous roof “pods” and sanitised gardens with no thought to the flood risk; let alone the wildlife, which is essential for our own.</p>

Rep No.	Name/Organisation	Comments
		<p>So I am curious as to why you now asking us to let you know what we think about basements and general development. You have never taken any notice of our concerns before, despite the loss of light, and the enormous damage and consequent expense to the adjoining properties, both their houses and gardens. The dirt, the noise and the traffic congestion cause misery to many other residents. The damage to drains is also a concern, as the builders always wash the cement remains down the roadside drains, and it is now many, many years since the regular clearing of the drains was discontinued.</p> <p>So can we expect you now to take notice, and put a halt to all these developments? It would be comforting to think so. But I fear that “precedents have been set” will be given as an excuse for not doing so. Sometime though, they must be stopped.</p> <p>You ask if we think you are being over generous to the developers. Yes. Not only generous, but slack in enforcement of the rules. Work on one development nearby was started 6 months before you even sent out the notice of the planning application to the neighbouring properties!</p> <p>I will look forward to hearing further news on this issue.</p> <p>I would just like to add one further comment to my first email</p> <p>I think that MPs, Councillors and Planning officials should visit some or the owners of adjoining properties to developments, they would see for themselves the horrendous damage caused and normally calm people reduced to tears.</p> <p>I recently saw the damage to two of my neighbours’ properties, the damage was unbelievable, and in one case they have not been fully recompensed.</p> <p>THESE DEVELOPMENTS MUST BE STOPPED.</p>

Rep No.	Name/Organisation	Comments
(17)	Valeree Barlow	<p>I have lived in my present house, [REDACTED], for the last 25 years. Although one would hope that the borough councillors would put the interests and welfare of the citizens at the forefront of their decisions all too often my neighbours and I have felt badly let down by the Planning Department. Developers are given a virtual free hand at the expense of the inhabitants and the environment.</p> <p>I would like Article 4 to be much tougher.</p> <p>The basements are getting bigger and bigger. Five have been built round me, including one which extended under the house under the garden and under 3 garages. There is ongoing work on the house on my left, and the undeveloped house on my right is on the market.</p> <p>Apart from the filth, there are times when we cannot hear ourselves speak and times when we have to turn off the radio or TV.</p> <p>Furthermore I am shocked by the cement and water and the paint residue which the builders tip down the drains. They rarely clean up after themselves.</p> <p>I cannot believe that the Council is thinking of giving the Developers total freedom.</p>
(18)	Rebecca Fitzgerald	<p>Our household is profoudly against basements as they alter the water table and cause leaks. We live at [REDACTED] and neighbours in [REDACTED] have had their lives made a misery with a basement in that street.</p> <p>I do not believe people should be allowed to launch these basements which are often in order to rent the houses out. Local people pay the price because of the noise. Many builders do not obey the rule of stopping work at 1pm in Hammersmith and Fulham so the weekend is also made wretched.</p>

Rep No.	Name/Organisation	Comments
		<p>I work from home so I specially hate the noise from basements.  Insurers too are becoming very wary about their effects on the stability of the rest of the houses in the row.  If people want more space they should move elsewhere.  At the very least the developers should have to get permission.  I am a member of the Hammersmith Society.</p>
(19)	C Godfrey	<p>Yes I would urge the Council to impose Article 4 requirements for planning permission for basements under houses and for change of use to residential.  This will help protect non developed century old terraced housing from flooding by changes in the water table caused by neighborouring developments and preserve the character of the high streets.</p>
(20)	Annabel Knox	<p>I wish to register my strong view that LBHF Planning should maintain the strongest possible level of control over basement planning applications by requiring that they are all subject to a full planning evaluation process. Adjoining households should always be notified of this type of development to enable them to express their views concerning the work and the impact it will have on their properties as well as increased flooding risk and over development risks. We believe that basement conversions should be limited to the original footprint of the building concerned with lightwells limited to only minimum escape route requirements. This can only be controlled through the direct involvement of the LBHF Planning department.</p>

Rep No.	Name/Organisation	Comments
(21)	Transport for London	<p><i>Please note that these comments have been prepared by officers in TfL Planning and are made entirely on a 'without prejudice' basis. They should not be taken to represent an indication of any Mayoral response in relation to this matter. These comments also do not necessarily represent the views of the Greater London Authority, which has been consulted separately.</i></p> <p><i>The following comments are made in TfL's capacity as a provider of transport infrastructure, services and operations and as a strategic highway authority within London.</i></p> <p>Thank you for consulting Transport for London (TfL) on the Article 4 Direction made by your Council to remove permitted development rights for basements, lightwells and any other development below a dwellinghouse. In general, the scale of the development covered by the proposed Direction is unlikely to be a significant concern for TfL</p> <p>However, please be reminded that TfL should continue to be consulted by Hammersmith &amp; Fulham Council on basement proposals in properties adjacent to the Transport for London Road Network (TLRN) and the Strategic Road Network (SRN) and those close to any London Underground (LU) or London Overground (LO) infrastructure. On a wider level, TfL should continue to be consulted on proposals that are adjacent to TfL operational and non-operational land and property holdings. This is ultimately to ensure the safe operation of the strategic transport network in the event of inappropriately designed or constructed development.</p>
(22)	Chair of Magravine Gardens & St Dunstons Road Residents Association	<p>I write as the Chair of the Margravine Gardens and St Dunstons Road Residents Association, having consulted our membership.</p> <p>Residents in these roads strongly support the Council's proposals to make an Article 4 direction in respect of these two forms of development (ie to require planning consent) for the following reasons.</p>

Rep No.	Name/Organisation	Comments
		<p><u>Basements</u></p> <ol style="list-style-type: none"> <li>1. The potential disruption to traffic and parking in residential streets caused by the large vehicles needed to remove spoil, often causing the road to be blocked for 20 minutes at a time.</li> <li>2. Noise and loss of amenity to neighbours during works.</li> <li>3. The increase in noise transmission to neighbouring terraced properties once conversion is completed. This may result from more comings and goings on the staircase or a greater number of people living in the property. It may also be caused by structural alterations which increase sound transmission</li> </ol> <p>We consider that when providing planning permission for basements the council should impose strict conditions on the matters referred to above, and in respect of noise transmission automatically require a high level of sound insulation between the converted property and neighbouring terraced properties, on all floors and particularly on the staircase party wall. The conditions imposed should be posted to all neighbouring properties affected so that residents can raise objections if the conditions are flouted.</p>
(23)	Sarah Fletcher	<p>I wish to register my view that the council should require planning permission be sought concerning the creation of basements below houses, particularly in the conservation areas of the borough. I also think tighter restrictions should be put in place, if planning is given, concerning the nuisance caused locally during the work.</p> <p>Insufficient thought is given to the number of cars and car parking caused by extending properties, and greater emphasis should be given to making sure gardens are not entirely paved over.</p>

Rep No.	Name/Organisation	Comments
(24)	Steven Allin	<p>To Whom It May Concern,</p> <p>I am writing to OBJECT to the plans by Hammersmith &amp; Fulham council to change the current planning framework for building developments.</p> <p>Despite the fact that you are advertising a consultation, it is VERY concerning that it seems you have already made your mind up. In your own words your documentation says <i>“The Direction shall come into force, subject to consideration of any representations received”</i>. How can you write a statement such as that BEFORE the consultation? Frankly it is shocking and controlling behaviour!</p> <p>If you think it’s possibly a good idea, consult FIRST, before getting so far down the decision path that it looks like all you want is a rubber stamp of your decision from residents.</p> <p>This is an underhanded approach to changing planning and I STRONGLY OBJECT TO THE CHANGE.</p>
(25)	Sally Tantot	<p>I would like to support the plan to increase restrictions to the above. We have been directly affected by a basement development carried out by the new owners of [REDACTED] The property was purchased as two separate flats and then gutted and redeveloped as one residential home. we objected to the plans as we understood the work would have a large impact on our adjacent property. Work was started in autumn 2015, since then until January 2017 there was constant noise and vibration. the house was open to the elements and therefore unheated for many months and we have an incredible amount of dirt in our house from the works.</p>



Rep No.	Name/Organisation	Comments
		<p>In addition we have cracks in most internal and external walls, quarry tiles in our kitchen are cracked, our garden is awaiting replanting, our external and internal doors no longer close correctly, the drains have not been checked for damage and the owners and developers are still disputing the costs to correct this damage. This despite a party wall agreement.</p> <p>Since the family has moved in to the property, we hear every noise, as they have removed virtually all internal walls and this acts as a sound box. Prior to the work we heard minimal if any noise from the property.</p> <p>Whilst obviously not all developers will be as inconsiderate, it is difficult to do such work without upheaval, noise and dirt for the adjacent properties and I feel that such works should be controlled more strictly.</p> <p>I would be very happy to give further information on our experience if it would help in setting out guidelines for tighter control of basement developments.</p>
(26)	Oliver Rippier	<p>I have lived in the Borough for over 10 years now.</p> <p>As ever, it is the naysayers who shout the loudest. Fundamentally, living in a city with a growing population means they need to be accommodated somehow. It makes sense that they are housed in areas that are well connected to public transport, such as LBHF.</p> <p>It is an unhappy coincidence that many properties in LBHF fall into the higher ends of the stamp duty spectrum which means it is very expensive for owners to move to properties that might suit their needs. Extending where one lives is sometimes the only rational choice rather than forcing people to leave area.</p>

Rep No.	Name/Organisation	Comments
		<p>The housing stock of LBHF was designed at a time when people lived in larger family units and it needs to be adapted to suit the way we live now. The press around basements is generally hysterical and the 'mega basements' that are brought to attention bear no relation to the reality of most of the works that are proposed.</p> <p>Construction disruption should never be a reason for stopping development as the anti-social aspects of the works can be dealt through strong management regimes, as controlled within the planning consent). <b><u>We need to invest for the future...</u></b></p>
(27)	Sian Webster	<p>I am taking this opportunity to tell you how I feel about basement developments because we have lived with our neighbours developing theirs for 2 years on one side and so far 6 months on the other. It has been horrendous and very stressful. We have had endless noise and dust. We cannot use our garden at the moment in this hot weather and cannot have the windows open because clouds of dust come over the wall all the time. I cannot hang my washing on the line. There is no peace. You cannot read a book or a newspaper or sit quietly in your own home. It has forced my husband who works from home, to go out to sit in cafes or the library. It has forced me out endlessly because I cannot stand the noise. The walls in our house in [REDACTED] are pretty thin - we can hear every single hammer bang and when they drill into the party wall, I cannot hear the radio or the phone in my own kitchen. It has been intolerable. I have also had to clean up clouds of dust which have been forced through the party wall under the skirting during demolition nextdoor.</p> <p>As well as this, our front garden is covered in dust, the pavement is filthy, the gutter is filled with cement - the amount of cement I see being brushed into drains is alarming. Endless skips being emptied, lorries delivering more supplies.</p> <p>They work from 8 until 6 Monday to Friday. Until 1pm supposedly on Saturday. I have had to go over and tell them off about drilling on a Saturday and a few weekends ago there was</p>

Rep No.	Name/Organisation	Comments
		<p>someone drilling on a Sunday. All this happening when my husband's mother is dying and we all need our peace....</p> <p>I think you should be much stricter with builders about the hours that they work. We neighbours deserve to have a break at weekends. I also fail to understand why the current basement is so much worse in terms of noise than the one before. They seem to be using far more steels and cutting far more holes into the party wall than the other side did.</p> <p>For the sake of all other people who have to put up with this nightmare, please try and do something</p>
(28)	Angela Walsh	<p>I think the council would be correct to exclude basements from permitted development, as I think sometimes they are the only means of stopping a property being overdeveloped against neighbours wishes. Also in the case of leaseholders of flats/apartments, freeholders could enlarge a property against the wishes of the leaseholders.</p> <p>As an example, at the moment my ground floor flat is on the market and the viewers who have expressed most interest were adamant that to progress to a sale, pre-approval for a basement (for such approval is specified in our legal paperwork) would have to be given by my fellow freeholders. Obvious they are not prepared to do this without sight of plans etc, but if this pre-approval was not a legal requirement and this was a permitted development, the work could go ahead without them being consulted.</p> <p>You would like to think that owners/developers would be considerate of their neighbours, but unfortunately this is not always the case.</p>

Rep No.	Name/Organisation	Comments
(29)	Historic England (GLAAS)	<p>Thank-you for consulting Historic England’s Greater London Archaeological Advisory Service on the above Direction to remove permitted development rights relating to basement development.</p> <p>The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter.</p> <p>In addition to the Scheduled Monument of Fulham Palace, there are currently 12 Archaeological Priority Areas (APAs) within the Borough, as outlined in the LB Hammersmith and Fulham Archaeological Priority Areas SPD. These are defined areas where, according to existing information, there is significant known archaeological interest or particular potential for new discoveries. APAs act as a trigger for consultation with the borough’s archaeological adviser and are justified by a description of significance which will inform development management advice and decision making. GLAAS are in the process of reviewing the Archaeological Priority Areas for each of the Boroughs we advise in accordance with our Greater London Archaeological Priority Area Guidelines which are published on the Historic England website <a href="https://historicengland.org.uk/images-books/publications/greater-london-archaeological-priority-area-guidelines/">https://historicengland.org.uk/images-books/publications/greater-london-archaeological-priority-area-guidelines/</a>.</p> <p>As basement developments can cause harm to heritage assets of archaeological interest and sometimes significant harm, a programme of prior archaeological assessment leading to potential mitigation strategies is usually required. This is in accordance with the NPPF and GLAAS Charter as well as the Hammersmith and Fulham Local Plan. GLAAS would therefore welcome the application of development management planning controls with such proposals. We can also offer to update the Borough’s APAs in line with the guidance provided in the above link and/or provide training on such matters.</p>

Rep No.	Name/Organisation	Comments
		Please note this response relates solely to archaeological issues and that should you require further advice with regards to Listed Buildings and Areas, you should contact our Development Management and Historic Places team.
(30)	Karolyn White	<p>Due to the issues faced by other Boroughs, and their prudent decision to clamp down on basement developments due to the issues faced by local residents, in some cases too late in the day:</p> <ul style="list-style-type: none"> <li>• Holes in the road</li> <li>• Damage to local area</li> <li>• Damage to neighbouring properties</li> <li>• Increased population where additional flats built add to increased demand on local infrastructure.</li> <li>• Increased demand for local infrastructure and resource, which are already stretched, hospitals, doctors surgeries, schools, roads.</li> <li>• Due to increased population, roads are grid locked most of the time, adding to pollution to the area.</li> <li>• Closing of offices and conversion to residential space. Where are the increased population supposed to work?</li> <li>• Increased rates leads to closure of local business, again, where are the jobs?</li> </ul> <p>Stricter rules should apply if these are going to be allowed. The borough is going down-hill fast.</p> <p><b>No to basement and also No to conversion of office spaces for reasons above.</b></p>
(31)	Sanjeev Verma	I oppose the " REMOVING PERMITTED DEVELOPMENT RIGHTS RELATING TO BASEMENT DEVELOPMENT, DIRECTION UNDER ARTICLE 4(1) "

Rep No.	Name/Organisation	Comments
		<p>I feel that homeowners should keep their existing permitted development rights which is in line with Government Policy and is fairer to homeowners who want to build space under their property.</p> <p>I also feel that property owners have not been properly consulted. The council should have written to each of the freeholders / leaseholders and asked for their opinions and thoughts.</p> <p>For some people it is easier and cheaper to build a basement than it is to move owing to the increased stamp duty and also people want to stay in their homes for longer.</p>
(32)	Angelica Khera	<p>I oppose the " REMOVING PERMITTED DEVELOPMENT RIGHTS RELATING TO BASEMENT DEVELOPMENT, DIRECTION UNDER ARTICLE 4(1) "</p> <p>I feel that homeowners should keep their existing permitted development rights which is in line with Government Policy and is fairer to homeowners who want to build space under their property.</p> <p>I also feel that property owners have not been properly consulted. The council should have written to each of the freeholders / leaseholders and asked for their opinions and thoughts.</p> <p>For some people it is easier and cheaper to build a basement than it is to move owing to the increased stamp duty and also people want to stay in their homes for longer.</p> <p>Also to do this so close to a General Election may have purdah implications which need to be looked into as people have been distracted by the election.</p>

Rep No.	Name/Organisation	Comments
(33)	Peterborough Road & Area Residents Association	<p>Thank you for your letters of 25th April addressed to me on behalf of Peterborough Road &amp; Area Residents' Association concerning the Article 4(1) Direction removing certain permitted development rights.</p> <p>We considered the matter at our Standing Committee meeting this week but concluded that it would not be appropriate for us to make a representation.</p>
(34)	Highways England	<p>Thank you for your email dated 25<sup>th</sup> April 2017, advising Highways England of the above consultations.</p> <p>Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.</p> <p>Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN). In this case M4 and M40.</p> <p>Having examined the above documents, we do not offer any comments</p>
(35)	Historic England	<p>Thank you for consulting Historic England on the proposed Article 4 directions covering basement extensions, and changes of use from offices to residential in the London Borough of Hammersmith and Fulham.</p>

Rep No.	Name/Organisation	Comments
		I confirm that we do not wish to comment on the proposed directions. You may wish to consult your own conservation staff who are best placed to provide advice on any implications for the historic environment.
(36)	Patrick Inglis	<p>Is there any more supporting information to justify the article 4 direction removing pd rights?</p> <p>Although you are saying this is a consultation, it looks a lot like you have made an application for the direction to the secretary of state already. Could you confirm what the actual situation is please?</p>



<p style="text-align: center;"><b>London Borough of Hammersmith &amp; Fulham</b></p> <p style="text-align: center;"><b>CABINET</b></p> <p style="text-align: center;"><b>16 APRIL 2018</b></p>	
<p><b>ARTICLE 4 DIRECTION TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR OFFICE TO RESIDENTIAL CONVERSIONS</b></p>	
<p><b>Report of the Cabinet Member for Economic Development and Regeneration: Councillor Andrew Jones</b></p>	
<p><b>Open Report</b></p>	
<p><b>Classification - For Decision</b> <b>Key Decision: Yes</b></p>	
<p><b>Consultation</b> Housing Legal Economic Development</p>	
<p><b>Wards Affected: All</b></p>	
<p><b>Accountable Director:</b> Jo Rowlands, Strategic Director Growth &amp; Place</p>	
<p><b>Report Author:</b> Matt Butler, Head of Policy and Spatial Planning</p>	<p><b>Contact Details:</b> Tel: 020 8753 3493 E-mail: matt.butler@lbhf.gov.uk</p>

## 1. EXECUTIVE SUMMARY

- 1.1 On 6th February 2017 Cabinet agreed to the making of a non-immediate Article 4 Direction to remove permitted development rights in the Borough allowing change of use from office (Use Class B1a) and Light Industrial (B1 (C) to residential (Use Class C3). The permitted development right currently means that local planning authorities have limited control over changes of use from office and light industrial to residential as planning permission is not required. By removing PD rights through an Article 4 Direction such as this, applications can be assessed against planning policies to ensure compliance. The relevant direction was made on 25 April 2017 and is intended to come into force, subject to confirmation, on 26 April 2018.
- 1.2 Cabinet is now asked to consider the representations received and to decide whether the Article 4 Direction should be confirmed. It is recommended that

the Council proceeds to confirm the Article 4 Direction and that necessary consequential steps are delegated to officers. If the Direction is confirmed the removal of the relevant permitted development right will take effect from 26 April 2018.

## **2. RECOMMENDATIONS**

- 2.1 That after careful consideration of the consultation representations Cabinet proceeds to confirm the Article 4 Direction made on 25 April 2017 (**see appendix 1**) and coming into force on 26 April 2018.
- 2.2 That Cabinet delegates to the Strategic Director Growth & Place, in consultation with the Cabinet Member for Economic Development and Regeneration all necessary tasks to give effect to the confirmed direction (including notifying affected property owners and the Secretary of State).

## **3. REASONS FOR DECISION**

- 3.1 Since the introduction of the Government's permitted development (PD) rights for offices and light industrial to change to residential use, the council has seen an increased loss in employment land supply across the borough in particular the loss of office and industrial land to residential use. The impact these PD Rights have had in the borough can be seen through the loss of employment space through Prior Approval applications. Since May 2013, an estimated 73,076 sqm of office development has been granted for conversion to C3 private residential through prior approval in the borough. In particular, the vulnerable office space to PD is smaller scale, lower end/older office space that is usually the more affordable space especially for start-ups and SMEs.
- 3.2 The purpose of PD rights is to speed up the Development Management process and therefore the delivery of development. As a result, prior approval applications are not assessed against the policies in the Development Management Framework and may not fully comply with the borough's standards. Therefore, by removing PD rights through an Article 4 Direction such as this, applications can be assessed against planning policies to ensure compliance.
- 3.3 Hammersmith and Fulham Council have prepared a revised planning policy to help protect against the loss of employment premises in the borough. The policy contained in the Local Plan 2018 seeks to resist the loss of employment floorspace unless strict criteria are met. This means that the council have the ability to permit change of use of employment land and premises to residential but subject to the policy requirements being met. The implementation of the Article 4 Direction alongside the new Local Plan should provide a strong basis to protect and promote employment land across the borough.

#### **4. PROPOSAL AND ISSUES**

- 4.1 In May 2013, the government introduced a new temporary permitted development right by amendment to the Town and Country Planning (General Permitted Development) Order 1995 to allow change of use from office (Use Class B1a) to residential (Use Class C3) which meant that local planning authorities (LPAs) could no longer control change of use from office to residential as planning permission would not be required. The General Permitted Development Order 1995 was replaced by the General Permitted Development Order 2015 and the relevant class of permitted development rights relating to change of use from office to residential were carried forward into the 2015 Order. The Government announced that the permitted development right was to be made permanent from April 2016.
- 4.2 Under the permitted development right, change of use from office (B1a) and Light Industrial (B1 (C) to residential (C3) requires an application for prior approval to the LPA. In determining a prior approval application, the LPA can only consider impacts of the proposed development on transport, contamination, flooding and noise; plus, since March 2016, the impact of noise from neighbouring uses on the proposed residential use. An Article 4 direction is a means of withdrawing permitted development rights that are granted by the General Permitted Development Order.
- 4.3 On 6<sup>th</sup> February 2017 Cabinet agreed to the making of a non-immediate Article 4 Direction to remove permitted development rights allowing change of use from office (B1a) and light industrial (B1 (C) to residential (C3). The Article 4 Direction was duly sealed on 25 April 2017 and notice given to relevant parties of the making of the Direction, as explained in section 2 of this report. The intended coming into force date was specified as 26 April 2018.

#### **5. OPTIONS AND ANALYSIS OF OPTIONS**

- 5.1 Officers do not consider that there have been any changes to planning policy (at national, London-wide or borough level) since the making of the Article 4 Direction that would have any bearing on the decision whether to confirm it.
- 5.2 The Council could decide not to introduce this Article 4 Direction. This option is not recommended, as without the ability to effectively assess proposals for change of use from office to residential through the planning system, it is likely the borough's supply of office floorspace and the success and viability of key employment locations would be undermined. The loss of office floor space would compromise the borough's ability to meet employment projections and maximise jobs for local people. It would also mean that the Council would not be able to manage the location, size, tenure mix or quality of new housing being produced through permitted development.
- 5.2 Cabinet is therefore asked to confirm the Article 4 direction made on 25 April 2017 such that the Direction will come into force on 26 April 2018 and to delegate to officers all necessary tasks to give effect to the confirmed

Direction (including notifying affected property owners and the Secretary of State).

## 6. CONSULTATION

- 6.1 Following the making of the Article 4 Direction, the Council notified affected owners/occupiers in accordance with the requirements of the General Permitted Development Order 2015. Over 2,000 letters were sent to businesses and residents, a public notice was placed in the local newspaper and details were made available on the Council's webpages. A notification letter was sent to the Secretary of State.
- 6.2 Representations about the making of the Article 4 Direction were invited to be made during a consultation period between 25 April and 6 June 2017. 22 representations were received with the majority of respondents supporting the Article 4 Direction. However, there were also comments opposing the removal of permitted development rights. A schedule of all the representations has been included in **appendix 2**.
- 6.3 A selection of the main issues/comments raised during the consultation are detailed below:
- *Conversion of office and industrial space without consent should never have been agreed by the Government in the first place.*
  - *Losing flexibility through the introduction of a borough wide Article 4 Direction will be significantly damaging and unnecessarily obstructive to housing supply.*
  - *I would very much like the Council to take a far more pro-active role in planning regulations and preserving what's left of the independent businesses we have in Fulham.*
  - *The proposal to impose an Article 4 Direction in respect of the PDR for converting office and light industrial uses to residential use conflicts with the National Planning Policy Framework.*
- 6.4 Officers have considered the representations and do not consider that they would amount to a justification not to proceed to confirm the Direction. It is important to note that the Article 4 Direction would not amount to an absolute prohibition on the change of use of a property; its effect is to require an application for a planning permission to be made for the proposed change of use. The determination of an application for planning permission would mean that the proposed loss of office space would be assessed against relevant planning policies and consideration being given to any other material considerations.
- 6.5 The Secretary of State was notified of the making of the Article 4 Direction but no comments were received apart from a request for additional information, which the Council then provided.

## **7. EQUALITY IMPLICATIONS**

- 7.1. The Council has had due regard to its Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. There are no expected negative impacts on protected groups with the making of a non-immediate Article 4 Direction to remove permitted development rights in the Borough allowing change of use from office and Light Industrial to residential.
- 7.2. Implications completed by Peter Smith, Head of Policy and Strategy, tel. 020 8753 2206.

## **8. LEGAL IMPLICATIONS**

- 8.1 The Council must have regard to any representations received before deciding whether or not to confirm the Article 4 Direction. The detailed procedure for confirming an Article 4 direction is contained in Schedule 3 of the GPDO.
- 8.2 The Secretary of State has the power to cancel or modify an Article 4 direction at any time before or after it is confirmed.
- 8.3 *Implications verified/completed by: Lindsey Le Masurier, Senior Solicitor, tel. 020 7361 2118.*

## **9. FINANCIAL IMPLICATIONS**

- 9.1 As office and light industrial to residential conversions are currently classed as permitted development, no applications for planning permission have been necessary and no fees have been required to be paid to the Council.
- 9.2 Approval to confirm the Article 4 Direction to remove permitted development rights in the borough allowing office and light industrial to residential conversions means that applications for planning permission including a planning application fee will be required.
- 9.3 The Article 4 Direction is therefore likely to lead to an increase in the number of planning applications for which planning application fees will be applicable. Any additional income is not expected to be significant and will be used to fund the consequent additional costs associated with the processing of these planning applications. It is important to note that the introduction of the Article 4 Direction could lead to an overspend in respect of processing the resulting applications and the fees generally do not cover the costs of processing.
- 9.4 Other costs associated with confirming the Article 4 Direction include those arising from notifying owner/occupiers, site notices and a public notice. The costs are estimated to be approximately £2,000 and will be funded from existing budgets within the Policy and Spatial Planning budget.

9.5 Implications completed by: Danny Rochford, Head of Finance, RPHS, tel. 020 8753 4023.

## **10. IMPLICATIONS FOR BUSINESS**

10.1 This report recommends that Permitted Development rights are withdrawn for some commercial premises, specifically and with reference to businesses; Office (B1) (a) and Light Industrial (B1 (C) to Residential (C3). Overall the impact on businesses in the borough is considered to be positive given the additional protection to employment space, which will help maintain the supply of business space and control prices.

10.2 *Implications verified/completed by: Alben Karameros, Economic Development Team, 020 7938 8583.*

## **11. COMMERCIAL IMPLICATIONS**

11.1 Currently there are no fees being paid to the Council for planning permission as office and light industrial to residential conversions are currently considered permitted development.

11.2 This report seeks approval to remove the permitted development rights in the borough. This means planning permission and planning application fees will be charged by the Council for office and light industrial to residential conversions.

11.3. However, the fees will not account as significant income for the Council and there is likely to be an overspend in respect of processing the resulting applications as the fees generally do not cover the costs of processing.

11.4 *Implications completed by: Andra Ulianov, Procurement consultant, verified by Simon Davis, Head of Commercial Management, tel. 0208 753 7181,*

## **12. IT IMPLICATIONS**

12.1. There are no IT implications in this proposal.

12.2. From an Information Governance point of view, the proposal does not propose that personal data is managed differently and therefore there are no additional information management implications.

12.3. *Implications verified/completed by: Veronica Barella, interim Chief Information Officer, tel. 020 8753 2927.*

## **13. RISK MANAGEMENT**

13.1. The reduction of available space affects the supply and demand balance which can push up commercial rents and make it harder for businesses and charities to start up, operate and grow in the borough additional risks may arise in local employment opportunities. The proposals would help mitigate risks in accordance with the needs and expectations of our community.

13.2. *Implications verified by: Michael Sloniowski Risk Manager, tel. 020 8753 2587.*

**14. BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

None.

**LIST OF APPENDICES:**

*Appendix 1 – Article 4 Direction made in April 2017*  
*Appendix 2 – Schedule of representations*

**THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED  
DEVELOPMENT) (ENGLAND) ORDER 2015**

**DIRECTION MADE UNDER ARTICLE 4(1)**

**WHEREAS** the Council of the London Borough of Hammersmith and Fulham being the appropriate local planning authority within the meaning of Article 4(5) of the Town and Country Planning (General Permitted Development) Order (England) 2015, are satisfied that it is expedient that development of the descriptions set out in the First Schedule below should not be carried out on the land described in the Second Schedule and shown edged with a broken black line (for identification purposes only) on the Plan annexed hereto unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

**NOW THEREFORE** the said Council in pursuance of the power confirmed on them by Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 hereby direct that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the descriptions set out in the First Schedule hereto.



## **FIRST SCHEDULE**

### **In respect of land described in the Second Schedule**

The development referred to in **Schedule 2 Part 3 Classes O and PA** to the said Order not being development comprised within any other class that is to say:-

**Class O** – Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to The Town and Country Planning (Use Classes) Order 1987 to a use falling within Class C3 (dwellinghouses) of that Schedule.

**Class PA** – Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(c) (light industrial) of the Schedule to the The Town and Country Planning (Use Classes) Order 1987 to a use falling within Class C3 (dwellinghouses) of that Schedule.

## **SECOND SCHEDULE**

Land comprising the entire area of the London Borough of Hammersmith and Fulham (excluding the area designated as the Old Oak and Park Royal Development Corporation Area).

**Made** under THE COMMON )  
SEAL OF THE MAYOR AND )  
BURGESSESS OF THE )  
LONDON BOROUGH OF )  
HAMMERSMITH AND FULHAM )  
on )

in the presence of:-

**Confirmed** under THE COMMON )  
SEAL OF THE MAYOR AND )  
BURGESSES OF THE )  
LONDON BOROUGH OF )  
HAMMERSMITH AND FULHAM )  
on )

In the presence of:-

THIS DIRECTION WILL COME INTO FORCE ON 26 APRIL 2018 IF  
CONFIRMED

**THE TOWN AND COUNTRY PLANNING**  
**(GENERAL PERMITTED DEVELOPMENT)**  
**(ENGLAND) ORDER 2015**

**BOROUGH WIDE DIRECTION**  
**REMOVING PERMITTED DEVELOPMENT**  
**RIGHTS RELATING TO CHANGES OF**  
**USE FROM OFFICES/LIGHT INDUSTRIAL**  
**TO RESIDENTIAL**

**DIRECTION MADE UNDER ARTICLE 4(1)**

**Tasnim Shawkat**  
**Tri-Borough Director of Law**  
**Legal Services**  
**London Borough of Hammersmith and**  
**Fulham**  
**The Town Hall**  
**King Street**  
**London W6 9JU**  
**Our Ref: LLM/30103231**  
**Tel: 020 7361 2118**  
**Fax: 020 7361 2748**

## Appendix 2

### London Borough of Hammersmith & Fulham

Article 4 Direction for changes of use from offices to residential: consultation responses received

Rep No.	Name/Organisation	Comments
(1)	Wandsworth Council	<p>Thank for consulting Wandsworth Council on Hammersmith and Fulham's borough wide Article 4(1) Direction removing permitted development rights relating to changes of use from offices/light industrial to residential.</p> <p>As Wandsworth is supportive to the protection of offices and light industrial floorspace being within the same FEMA (Functional Economic Market Area).</p>
(2)	Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p><b>Natural England does not consider that this Article 4 (1) Direction removing permitted development rights relating to changes of use from offices/light industrial to residential poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.</b></p> <p>The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.</p> <p>If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.</p>

Rep No.	Name/Organisation	Comments
(3)	Robin Jackson	<p>I think the Council should have more power to ensure that planning applications are required for both basement construction and the conversion to residential use of office and light industrial properties.</p> <p>This should not necessarily be required for every such change but it should be available to the Council to enforce if they so choose. The conversion of office and light industrial properties to residential use is of particular concern, I believe.</p>
(4)	Mr Oliver Pearcey	<p>I am writing to support strongly the proposed Article 4 Directions in respect of basement developments and conversions of office and light industrial space to residential accommodation.</p> <p>Having had the misfortune to live next door to one basement development (in [REDACTED]) I am very much of the opinion that these need full regulation under planning powers. In the particular instance in question there was disturbance from noise, vibration and deliveries for almost a year and the resultant development created what is still sub standard space. Hammersmith is an inner London Borough which has been developed at high density in the Victorian period; housing need in the Borough is largely for smaller units not over developed single houses which are readily available further out of Central London..</p> <p>Conversion of office and industrial space without consent should never have been agreed by the Government in the first place. It reduces employment space and generally creates very sub-standard units which make comprehensive redevelopment much harder and also put up demand on everything from parking to education without any compensating controls or payments.</p>

Rep No.	Name/Organisation	Comments
		I am delighted that the Council is planning to address both these issues through Article 4 Directions.
(5)	Suzanne Burke	<p>I was surprised to find that certain development does not need planning permission. I think it is a good idea for the council to be involved in any project that is as involved as change of use from office to domestic. Although we do need more housing, we need housing for people who are not making a high salary and who our society needs to be living near their work, such as teachers, nurses, and others jobs who are significant contributors to a healthy society. What I notice is that these projects are not for that strata of society but for people who can afford well over £500,000.</p> <p>As to basement conversions, I can understand that it makes the difference to a growing family for whom moving would be a greater and unaffordable expense compared to digging down under a property which they are already in the process of owning. Although it is very disruptive to those around, the neighboring properties have the option of objecting at the point where the party wall surveyor comes in. I incorporated a flat in the building next door and for three months my neighbors above me had to put up with dust and the mess when they looked out their windows. However, I don't think they regretted giving me permission via the party wall survey, and now the view from their window is much improved. However, I do not think that huge double basement developments should be embarked on without the council's permission. I had to get council permission to knock through and connect two buildings which I own and where there was no digging down. I did not think that this was unreasonable because going through the council insured that I was doing everything by the book with the proper surveys throughout the the process. That way my neighbours' property was protected because building codes/practices were followed. I think the council's involvement was a good thing.</p>



Rep No.	Name/Organisation	Comments
(6)	Geoffrey P Gay	My wife and I do not believe it is in the best interests of Ratepayers in LBHF to change the current permitted development rights
(7)	Matita Glassborow	<p>I think that the Council should be a lot stricter on basement developments and that planning permission should be required for this type of work. It disrupts areas for months at a time with noise, constant delivery of building materials causing roads to be temporarily closed, and misery for neighbours. There have been instances of houses collapsing because regulations are flouted (an East European builder working alone in a basement in Fulham had the whole house collapse on top of him and the poor man was killed). In the more affluent parts of Fulham, eg the Hurlingham area, basement extensions have been going on for years. There is already quite a lot of subsidence in houses in the borough too and digging out basements can't be good for the neighbouring houses in a terrace.</p> <p>I am also concerned at the amount of commercial properties in my part of Fulham being turned into residential accommodation, and not what I would call "luxury" accommodation either as mentioned in the Council newsletter! Near my house two newsagents have been turned into flats, a tyre fitting shop is in the process of being turned into flats and so has the furniture depository in [REDACTED]. I don't doubt that the [REDACTED] [REDACTED] which has been empty for about 20 years and is supposed to be "industrial use only" will also be given permission to be turned into flats. How can the infrastructure and transport cope with all the extra people who will move into the area? The occupants of this type of property aren't given space to keep a dustbin and tend therefore to put their rubbish out on bags on the pavement, whenever they feel like it, and it often gets broken into by foxes and strewn around. Fulham is not the clean borough it once was, it's full of fly tips and litter. and a great deal of the fly-tipping is happening outside these new flats above shops or shops that have become flats.</p>

Rep No.	Name/Organisation	Comments
		<p>In summary, I don't believe all these basements are necessary - especially for wine cellars and swimming pools! We need little businesses and commercial premises too. Our precious little businesses are fast disappearing (the businesses rates are driving a lot of them out) and being replaced by hastily constructed, hideous flats.</p> <p>I would very much like the Council to take a far more pro-active role in planning regulations and preserving what's left of the independent businesses we have in Fulham.</p>
(8)	Canal & River Trust	<p>The Trust is the guardian of 2,000 miles of historic waterways across England and Wales, of which approximately 60 miles are within our London Waterway. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives".</p> <p>Within LBHF the Trust owns and manages the Grand Union Canal and its towpath.</p> <p>I can confirm that the Canal &amp; River Trust have no comments to make on the two documents, but support the proposals to remove these permitted development rights.</p>
(9)	Chair of Margravine Gardens & St Dunstons Rd Residents Association	<p>I write as the Chair of the Margravine Gardens and St Dunstons Road Residents Association, having consulted our membership.</p> <p>Residents in these roads strongly support the Council's proposals to make an Article 4 direction in respect of these two forms of development (ie to require planning consent) for the following reasons</p> <p><u>Basements</u></p>

Rep No.	Name/Organisation	Comments
		<ol style="list-style-type: none"> <li>1. The potential disruption to traffic and parking in residential streets caused by the large vehicles needed to remove spoil, often causing the road to be blocked for 20 minutes at a time.</li> <li>2. Noise and loss of amenity to neighbours during works.</li> <li>3. The increase in noise transmission to neighbouring terraced properties once conversion is completed. This may result from more comings and goings on the staircase or a greater number of people living in the property. It may also be caused by structural alterations which increase sound transmission</li> </ol> <p>We consider that when providing planning permission for basements the council should impose strict conditions on the matters referred to above, and in respect of noise transmission automatically require a high level of sound insulation between the converted property and neighbouring terraced properties, on all floors and particularly on the staircase party wall. The conditions imposed should be posted to all neighbouring properties affected so that residents can raise objections if the conditons are flouted.</p> <p><u>Light industrial premises</u></p> <p>Similar issues to those raised above may occur when light industrial premises are converted and such conversions should be made the subject of similar conditions where appropriate.</p>
(10)	Transport for London	<p><i>The following comments are made in TfL's capacity as a provider of transport infrastructure, services and operations and as a strategic highway authority within London.</i></p>

Rep No.	Name/Organisation	Comments
		<p>Thank you for consulting Transport for London (TfL) on the Article 4 Direction made by your Council to remove permitted development rights for the conversion of Use classes B1(a) (Offices) and B1(c) (Light Industrial) to Use Class C3 (Dwellinghouses).</p> <p>In principle TfL supports this Article 4 direction which would require office to residential development to be subject to planning consent. This would allow greater control over the transport impacts of the proposed developments, and allow for better assessment of the impacts of such changes of use on adjoining industrial land uses, including transport operations.</p> <p>Please be reminded that TfL should continue to be consulted by Hammersmith &amp; Fulham Council on basement proposals in properties adjacent to the Transport for London Road Network (TLRN) and the Strategic Road Network (SRN) and those close to any London Underground (LU) or London Overground (LO) infrastructure. On a wider level, TfL should continue to be consulted on proposals that are adjacent to TfL operational and non-operational land and property holdings. This is ultimately to ensure the safe operation of the strategic transport network in the event of inappropriately designed or constructed development.</p> <p>Please do not hesitate to contact me if I can be of any further assistance.</p>
(11)	Mr Steven Allin	<p>I am writing to OBJECT to the plans by Hammersmith &amp; Fulham council to change the current planning framework for building developments.</p> <p>Despite the fact that you are advertising a consultation, it is VERY concerning that it seems you have already made your mind up.</p> <p>In your own words your documentation says <i>“The Direction shall come into force, subject to consideration of any representations received”</i>.</p>

Rep No.	Name/Organisation	Comments
		<p>How can you write a statement such as that BEFORE the consultation? Frankly it is shocking and controlling behaviour!</p> <p>If you think it's possibly a good idea, consult FIRST, before getting so far down the decision path that it looks like all you want is a rubber stamp of your decision from residents.</p> <p>This is an underhanded approach to changing planning and I STRONGLY OBJECT TO THE CHANGE.</p>
(12)	Karolyn White	<p>Due to the issues faced by other Boroughs, and their prudent decision to clamp down on basement developments due to the issues faced by local residents, in some cases too late in the day:</p> <ul style="list-style-type: none"> <li>• Holes in the road</li> <li>• Damage to local area</li> <li>• Damage to neighbouring properties</li> <li>• Increased population where additional flats built add to increased demand on local infrastructure.</li> <li>• Increased demand for local infrastructure and resource, which are already stretched, hospitals, doctors surgeries, schools, roads.</li> <li>• Due to increased population, roads are grid locked most of the time, adding to pollution to the area.</li> <li>• Closing of offices and conversation to residential space. Where are the increased population supposed to work?</li> <li>• Increased rates leads to closure of local business, again, where are the jobs?</li> </ul> <p>Stricter rules should apply if these are going to be allowed. The borough is going downhill fast.</p>

Rep No.	Name/Organisation	Comments
		<b>No to basement and also No to conversion of office spaces for reasons above.</b>
(13)	Berkeley Group (Boyer Planning)	<p>We write on behalf of our client, The Berkeley Group, with objection to the Council's proposed borough-wide direction under Article 4(1) of The Town and Country Planning (General Permitted Development) (England) Order 2015 ('GPDO'), removing permitted development rights (PDR) relating to changes of use from offices/light industrial to residential in the London Borough of Hammersmith and Fulham (LBHF).</p> <p>The change in planning legislation, enabled in 2013 and extended indefinitely from 2016, presented permitted development rights (PDR) as part of a wider package of measures to promote economic growth and housing supply in the context of a downturn in housing starts and completions relative to the position before the recession.</p> <p>The Government's permitted development reforms is an important part in increasing housing delivery to combat the housing crisis by unlocking under-utilised employment sites and providing much needed homes, particularly in London where there is an acute undersupply of housing.</p> <p>The Government's May 2013 Impact Assessment of the proposed PDR considered the likely effects of the proposals on business and noted the general oversupply in the office market in many areas, including London, concluding that the effects on the office market would, therefore, be small with adequate scope for relocation of existing businesses to other available premises.</p> <p>It is our client's view that there are many scenarios where the delivery of homes with PDR is appropriate and losing this flexibility through the introduction of a borough wide Article 4 direction will be significantly damaging and unnecessarily obstructive to housing supply.</p>

Rep No.	Name/Organisation	Comments
		<p>The Secretary of State (SOS) has intervened with two Article 4 Directions which were proposed across the entire authority. The Planning Minister wrote to Islington and Broxbourne to request that they consider reducing the extent of their Article 4 directions so that they are <i>“more targeted.”</i></p> <p>The Minister stated that:</p> <p><i>“Ministers are minded to cancel Article 4 Directions which seek to re-impose unjustified or blanket regulation, given the clearly stated public policy goal of liberalizing the planning rules and helping provide more homes.”</i></p> <p>Both Islington and Broxbourne amended their Article 4 Direction to just apply to specific clusters of office uses within the borough.</p> <p>It is our client’s view that LBHF’s proposed Article 4 Direction is a further example of an unjustified ‘blanket’ approach which is disproportionate, inflexible and will unnecessarily restrict housing supply. The ‘blanket’ regulation was not considered appropriate in Islington or Broxbourne and we request that the Council reconsiders its approach, taking into account the Ministerial direction.</p> <p><b>Contrary to the NPPF</b></p> <p>It should also be noted that the borough wide Article 4 Direction is not in accordance with the National Planning Policy Framework (NPPF). In particular, the proposed direction would be contrary to NPPF Paragraph 22.</p> <p>Paragraph 22 notes that as part of building a strong, competitive economy:</p> <p><i>“Planning Policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose”.</i></p>

Rep No.	Name/Organisation	Comments
		<p>In accordance with paragraph 22, it is inappropriate for the Council to restrict the entire borough of permitted development of this kind. Instead of preventing supply, the Council should prioritise increasing housing delivery by promoting flexibility. It should be recognised that the number of homes built in London on an annual basis is only half of that required to meet demand. It would, therefore, be counter-intuitive to limit residential development opportunities.</p> <p>The NPPF provides specific reference to ‘tailoring planning controls to local circumstances’ and paragraph 200 states:  <i>“The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area ...”</i>.</p> <p>Furthermore, Reference ID: 13-038-20140306 in the National Planning Practice Guidance (NPPG) provides advice on ‘when is it appropriate to use article 4 directions’ stating that:  <i>“The use of article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified. ...”</i></p> <p>It is evident that the direction must be <i>“necessary to protect local amenity or the wellbeing of an area”</i> and that the potential harm must be clearly identified.</p> <p>Officer’s reported to Cabinet on 6th February 2017 to secure approval to progress with three Article 4 Directions to be applied across the borough (excluding the Old and Park Royal Development Corporation Area). The report presented to Cabinet does not specifically address this exacting test in respect of the proposal to removal PDR for the conversion of office and light industrial use to residential across the borough.</p>



Rep No.	Name/Organisation	Comments
		<p>The Cabinet report states that the impact of PDR can be seen through the loss of employment space through Prior Approval applications. It claims that further loss will have wider detrimental impacts from a lack of supply and rental values increasing. The report states that <i>“there is evidence to suggest there is a lot of economic activity taking place across the borough, however any further loss of employment land could threaten the borough’s position.”</i> The report to Cabinet notes that the Article 4 Direction alongside the emerging Local Plan will provide the Council with a much stronger protective position to ensure that office and light industrial premises can only change use following careful consideration through the planning process. However, no evidence is presented that without the Article 4 Direction local amenity or wellbeing will be adversely affected.</p> <p>It is our client’s view that the proposal to impose an Article 4 Direction in respect of the PDR for converting office and light industrial uses to residential use conflicts with the NPPF and does not meet the evidence test set out in the NPPG. For these reasons, the PDR should not be withdrawn.</p> <p><b>LBHF Development Management Plan (2013)</b></p> <p>In accordance with the NPPF, the Council encourages the change of use of poorly located redundant employment premises within the adopted Development Management Plan.</p> <p>In Para 4.41 of the DMP, it is noted that;</p> <p><i>“Notwithstanding the Council’s desire to protect valuable sites and promote economic growth in sustainable locations, it will encourage the change of use of poorly located redundant employment premises.”</i></p> <p>In Para 4.43 of the DMP, it is also suggested that;</p>

Rep No.	Name/Organisation	Comments
		<p><i>“Change of use resulting in the loss of employment use may also be permitted where a site is vacant and continuation of the existing use is considered to be inappropriate by virtue of poor location or site characteristics or where the accommodation is poorly suited to meet the requirements of modern occupiers.”</i></p> <p>Examples are given including poorly located larger office buildings where the cost of modernisation cannot be justified and smaller office premises where the layout is inadequate for modern requirements. These instances happen regularly within the borough; it is, therefore, contradictory for the Council to support a borough wide Article 4 Direction.</p> <p><b>Summary</b></p> <p>Our client is opposed to the borough-wide direction under Article 4 removing permitted development rights relating to changes of use from offices and light industrial uses to residential.</p> <p>The key concern is that the Borough Wide Article 4 Direction is applied disproportionately. Having a ‘blanket’ Article 4 across the borough is not only unjustified and unacceptably expansive but also contradictory to the NPPF and NPPG. It does not meet the tests set out in the NPPG.</p> <p>Permitted Development was introduced as a reform which intended to rationalise the planning process and promote housing delivery. Given the evident pressing need for housing, it is inappropriate that the Council withdraw permitted development for office and light industrial use to residential. Introducing an Article 4 direction will provide a further unnecessary hurdle in the way of utilising properties that are lying vacant due to their present use no longer being demanded.</p>

Rep No.	Name/Organisation	Comments
		<p>Our client requests that the Council decide against introducing an Article 4 Direction and allow the permitted development right to continue to be exercised across the borough. If this is not acceptable, we urge the Council to reconsider the extent of the Article 4 Direction and concentrate on protection of the boroughs Opportunity Areas and town centres where employment uses can thrive, in line with the emerging plan.</p> <p>Following this submission we would be grateful if you could keep us informed of progress of the Article 4 direction.</p>
(14)	Sanjeev Verma	<p>I oppose the " MAKING OF BOROUGH WIDE ARTICLE 4(1) DIRECTION REMOVING PERMITTED DEVELOPMENT RIGHTS RELATING TO CHANGES OF USE FROM OFFICES/LIGHT INDUSTRIAL TO RESIDENTIAL DIRECTION UNDER ARTICLE 4(1)"</p> <p>If there are disused offices and light industrial properties - then for them to be converted easily into permitted development is better as it creates additional much needed accommodation in the borough.</p> <p>I also feel that the council should have given a longer consultation period within the borough - especially this close to a General Election.</p>
(15)	Angelica Khera	<p>I oppose the " MAKING OF BOROUGH WIDE ARTICLE 4(1) DIRECTION REMOVING PERMITTED DEVELOPMENT RIGHTS RELATING TO CHANGES OF USE FROM OFFICES/LIGHT INDUSTRIAL TO RESIDENTIAL DIRECTION UNDER ARTICLE 4(1)"</p> <p>If there are disused offices and light industrial properties - then for them to be converted easily into permitted development is better as it creates additional much needed accommodation in the borough.</p>


Rep No.	Name/Organisation	Comments
		I also feel that the council should have given a longer consultation period within the borough - especially this close to a General Election.
(16)	Peterborough Road & Area Residents Association	<p>Thank you for your letters of 25th April addressed to me on behalf of Peterborough Road &amp; Area Residents' Association concerning the Article 4(1) Direction removing certain permitted development rights.</p> <p>We considered the matter at our Standing Committee meeting this week but concluded that it would not be appropriate for us to make a representation.</p>
(17)	Highways England	<p>Thank you for your email dated 25<sup>th</sup> April 2017, advising Highways England of the above consultations.</p> <p>Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.</p> <p>Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN). In this case M4 and M40.</p>

Rep No.	Name/Organisation	Comments
		Having examined the above documents, we do not offer any comments.
(18)	C Godfrey	<p>Yes I would urge the Council to impose Article 4 requirements for planning permission for basements under houses and for change of use to residential.</p> <p>This will help protect non developed century old terraced housing from flooding by changes in the water table caused by neighbourouring developments and preserve the character of the high streets.</p>
(19)	Historic England	<p>Thank you for consulting Historic England on the proposed Article 4 directions covering basement extensions, and changes of use from offices to residential in the London Borough of Hammersmith and Fulham.</p> <p>I confirm that we do not wish to comment on the proposed directions. You may wish to consult your own conservation staff who are best placed to provide advice on any implications for the historic environment.</p>
(20)	Kate Forbes	<p>Dear Council planning team,</p> <p>As a commissioner on the Air quality commission for Hammersmith, I would like to submit the following feedback on plans to ease planning regulations around the conversion of office/light industrial to residential.</p> <p>There is much evidence from urban centres around the world which proves that thriving communities need employment spaces. The argument that offices are 'empty' is usually made by developers who can see that permissions to turn them into residential spaces will lead to a much greater profit. In fact, well maintained spaces for industrial and employment ensure a vibrant and diverse community, and reduce the pressure on public transport as residents are able to work locally.</p>

Rep No.	Name/Organisation	Comments
		<p>Local businesses are crying out for incubators, small office spaces and flexible working.</p> <p>Owners of office blocks/ light industrial are not providing this, and have no incentive to, as they know that they will make much bigger profits if they can convince the council that these 'empty' blocks should be residential.</p> <p>Local employment helps the council in a number of ways:</p> <ul style="list-style-type: none"> <li>- Meeting local targets for walking and cycling to work</li> <li>- Increasing entrepreneurship and apprenticeships leading to fewer young people needing council support.</li> <li>- Higher local employment has positive effects on community policing.</li> <li>- Ensuring parents work closer to home, reducing pressure on council services</li> <li>- Helping Hammersmith to be a vibrant, creative community - something that East London has vastly benefited from at the expense of West London in the last ten years.</li> </ul> <p>Lastly, in my professional role in the media I can provide the following insight:</p> <p>Hammersmith and West London is gradually losing it's reputation as a centre for film and television, with many small production companies closing their doors due to rent rises and insufficient premises. Now the borough is at risk of losing a reputation that really made it stand out in London. If we want a thriving and creative borough which attracts successful people to live and work, then we need to work on preserving what we have left of this.</p>
(21)	Ian Hogarth	As an employer in the borough ,and regular applicant for planning consents, we do not see any justification , for making an exception in the borough for PD change of use from B1 to residential.

Rep No.	Name/Organisation	Comments
		<p>Vacant commercial premises are everywhere, (try walking down Dawes rd), whilst the housing shortage continues unabated.</p> <p>Much additional commercial space is being built near the major transport nodes (hammersmith near the tube/White city/around Fulham Broadway etc).</p> <p>Whilst the council insist it is meeting its “housing targets” , we believe the target figure is arbitrary , and belies the clear evidence on the ground of an acute shortage. As an employer ,recruiting staff gets harder, due to the cost of housing. On a personal level I am also a local school governor , and the same issue crops up with retention of teaching staff.</p> <p>If the council was serious about protecting and attracting commercial use , a rates reduction would be more effective, than any such planning controls.</p> <p>We believe the council should be taking the initiative to create more , not less housing.</p>
(22)	Patrick Inglis	<p>Is there any more supporting information to justify the article 4 direction removing pd rights?</p> <p>Although you are saying this is a consultation, it looks a lot like you have made an application for the direction to the secretary of state already. Could you confirm what the actual situation is please?</p>

# Agenda Item 8

<b>London Borough of Hammersmith &amp; Fulham</b>  <b>CABINET</b>  <b>16 APRIL 2018</b>	
<b>APPROVAL OF THE HIGHWAY MAINTENANCE WORK PROGRAMME 2018/19</b>	
<b>Report of the Cabinet Member for Environment, Transport and Residents' Services - Councillor Wesley Harcourt</b>	
<b>Open Report</b>	
<b>Classification:</b> For Decision	
<b>Key Decision:</b> Yes	
<b>Wards Affected:</b> All	
<b>Accountable Director:</b> Mahmood Siddiqi – Bi-borough Director Highways & Parks	
<b>Report Author:</b> Ian Hawthorn Head of Highways and Projects	<b>Contact Details:</b> <b>Tel:</b> 020 8753 3058 <b>E-mail:</b> <a href="mailto:ian.hawthorn@lbhf.gov.uk">ian.hawthorn@lbhf.gov.uk</a>

## 1. EXECUTIVE SUMMARY

- 1.1. This report seeks approval of the annual highway maintenance work programme for 2018-2019.
- 1.2. Transport for London (TfL) provides funds for the structural maintenance of the Council's principal roads. TfL has advised the Council that this funding has been withdrawn for next two years. Therefore, only the essential maintenance for these roads will be carried out this year and that will now be financed from Council's existing carriageway budget.

## 2. RECOMMENDATIONS

- 2.1. To approve the programme in Appendix B.
- 2.2. That authority be delegated to the Bi-borough Director Highways & Parks, in consultation with the Cabinet Member for Environment, Transport and Residents' Services, to make amendments to the programme as agreed for operational and cost effective reasons, in order to make the optimum use of resources.



- 2.3. To note that reports and updates on programme amendments (additions and removals) to the approved scheme list be made, as and when required, during the year to the Cabinet Member for Environment, Transport and Residents' Services.
- 2.4. To note that in order to avoid the need for repeated authorising reports, the programme needs to be managed as a whole. On this basis, officers are seeking exception from the normal key decision process of obtaining approval on a scheme by scheme basis noting that some schemes will exceed £100,000, the key decision threshold.

### **3. REASONS FOR DECISION**

- 3.1 The council in its capacity as Highway Authority has a statutory duty to maintain the highways that are maintainable at the public expense under Section 41 of the Highways Act 1980.
- 3.2 The performance of the highway network affects the lives of everyone who live in or visit the Borough. Being at the heart of London, the highway network and associated infrastructure is of local and national importance. The council has a duty to ensure that its highway network is in a safe and reliable condition and is committed to complying with the applicable legal and regulatory requirements and adopting national standards and best practice. The Council's records of inspections along with any remedial action taken are valuable tools in defending claims made against the Council for accidents and personal injuries. Officers also use the information from the regular inspections to support the preparation of this work programme.

### **4. BACKGROUND**

- 4.3. The council is the Highway Authority for all publicly maintained roads in the borough with the exception of the Transport for London Road Network (TLRN).
- 4.2 The Council recognises the contribution of highways towards several of the key components of sustainable communities, including:
  - To protect and enhance the Borough's residential and historic character
  - To seek to continuously improve the Borough's streetscape by undertaking major improvement projects, promoting good design, using high quality materials and workmanship, and removing street clutter
  - Creating and maintaining well-designed, well-managed, clean and safe streets and open spaces
  - Maintaining streets to a high standard, so that walking is easy and safe and cyclists, buses and other vehicles can move safely.
  - Currently, our highway works contractor, F M Conway are trialling an electric 3.5 tonne pickup trucks in the Borough. If it proves successful, then the existing diesel trucks will gradually be replaced with the electric versions.

## **5. HIGHWAY MAINTENANCE WORK PROGRAMME**

- 5.1 The principal considerations in preparing the maintenance programme is to ensure that the network is maintained in a safe condition and secondly to ensure that this asset is maintained in a cost effective way.
- 5.2 The current programme is generated based on the results of an independent Annual Condition Survey (ACS), a visual survey that confirms to national standards known as the United Kingdom Pavement Management System (UKPMS), with the results ranked according to the worst structural condition index.
- 5.3 Officers have further enhanced the Council's ranking system for the 2018/19 programme of works that takes into consideration a range of new factors including visual appearance, customer reports and maintenance history in addition to the ACS scores when deciding on how to spend the budget.
- 5.4 A visual appearance survey has been carried out by experienced engineering professionals and these factors have been used to produce a priority list with the works programme developed based on the highest score being the highest priority.
- 5.5 The visual surveys produce a condition score for each road based on the severity of defects in footways, such as broken paving slabs, undulations, trips, ponding and in carriageways reflective cracking, loss of chipping and rutting. The resulting list of potential schemes is then prioritised in order of overall score. This establishes a useful benchmark of the percentage of streets below the desired maintenance threshold. The streets are further validated taking account of other factors, such as programmed utility road works.
- 5.6 The number of sites falling below our acceptable standard always exceeds our maintenance budget, but the expectation is that there will be a degree of carry-over into subsequent years. However, regular inspections will continue and any essential localised repair and maintenance will be given priority in order to maintain the highway in a safe condition.
- 5.7 Continued improvements are sought through working with the Council's specialist term contractors to search for new technology and new materials to ensure value for money is achieved whilst obtaining long term durability.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 Footway and carriageway works are funded either from the Capital Programme or the annual revenue budget. Typically, planned maintenance (changes to road design, resurfacing etc.) would qualify as capital expenditure and would be funded by the capital programme. Reactive repairs and general maintenance (e.g. Pot holes) would not meet the definition of capital expenditure and would be funded by the revenue budget. The capital budget is £1,880,000 and the revenue

budget is £1,496,000. From the revenue budget £180,000 has been allocated to winter maintenance, (road gritting) and the remaining £1,316,000 is allocated to reactive maintenance.

- 6.2 In addition to the Council’s own maintenance budget, Transport for London (TfL) also provides funds for the structural maintenance of the Council’s principal roads.  
However, the Council has been advised by TfL that as of 2018/19 this funding has been withdrawn for the next two years.
- 6.3 The Council’s TfL funding allocation for principal road maintenance for 2017-2018 was £356,000. This represented 27.8% of the planned carriageway work budget. As this will not be available this year, only the essential maintenance for these roads will be carried out and that will now be financed from Council’s existing carriageway budget. This would mean a reduction in funding available for non-principal roads. Therefore, carriageway maintenance of both principal and non-principal roads will be negatively affected.
- 6.4 The draft estimates for 2018-2019 for planned and reactive highway maintenance works are shown below:

<b>Budget</b>	<b>Budget Source</b>	<b>2017-18</b>	<b>2018-19</b>
Carriageways - Reactive	Revenue Budget	£307,000	£342,000
Carriageways- Planned	Capital Budget	£1,279,000	£829,000
<b>Carriageway - Total</b>		<b>£1,586,000</b>	<b>£1,171,000</b>
Footways – Reactive	Revenue Budget	£952,000	£974,000
Footways - Planned	Capital Budget	£1,051,000	£1,051,000
<b>Footway - Total</b>		<b>£2,003,000</b>	<b>£2,025,000</b>

- 6.5 Appendix B lists the roads and pavements proposed to include in the programme for the coming year. The maintenance programme takes into account any ongoing and proposed utility and TfL works that we are aware of.
- 6.6 This report identifies the carriageways and footways in most need of planned repair. Work on all the schemes on the programme in Appendix B is not achievable within the available budgets. However, the list of schemes reflects the extent of work required. The estimated cost and the cumulative figures are also shown to provide some indication of the work that will be attainable within the current budgets. There will inevitably be instances when the maintenance work in some roads will have to be deferred. In these circumstances alternate roads will be substituted from the reserve list of roads in Appendix B. The estimated costs include approximately 10% contingency. The final costs are monitored through the year as the work progresses, if the contingency is not required then additional schemes from the reserve list will be included in the programme.
- 6.7 Last year we had submitted a bid for S106 money for planned highway maintenance and were allocated £727,000. The additional fund was used to include further six footway and carriageway schemes in the work programme as shown in Appendix C. We intend to submit a similar bid for the next year, if

successful then this fund will be used to carry out additional schemes. A separate report will be presented for this work.

6.8 The Bi-Borough Director for Finance (ELRS and TTS) comments that the expenditure estimates for Planned and Reactive works across Carriageways and Footways set out in 6.4 will be met from the Capital and revenue budgets.

6.9 Implications verified/completed by Prakash Patel, Special Projects Manager – Finance, tel. 020 7341 5776.

## **8. EQUALITY IMPLICATIONS**

8.1 The Council has had due regard to its Public Sector Equality Duty contained in Section 149 of the Equality Act 2010.

8.2 There is a requirement on contractors to ensure that access to thoroughfares and services is maintained during any highway maintenance works. It is not anticipated, therefore, that there will be any negative impact on protected groups as a result of this highways maintenance programme.

8.3 Implications completed by Peter Smith, Head of Policy and Strategy, tel. 020 8753 2206.

## **9. LEGAL IMPLICATIONS**

9.1 The Legal Implications are contained within the body of the report.

9.2 Implications verified/completed by Horatio Chance, Senior Solicitor and Deputy Team Leader, tel. 020 8753 1863.

## **10. IMPLICATIONS FOR BUSINESS**

10.1 The contractors are required to notify by letter drop all the frontagers including businesses affected by the work and wherever possible accommodate their needs during the works. The commissioning and contract managers will work with Economic Development Team colleagues to explore any opportunities for local SMEs to be engaged into this activity.

10.2 It should be explored how local businesses could be engaged in some aspects of the programme. Highways and Transport relevant officers will work with Economic Development colleagues to identify any business, employment and skills opportunities for local residents and SMEs.

10.3 Implications verified/completed by Albena Karameros, Economic Development Team, tel. 020 7938 8583.

## **11. COMMERCIAL IMPLICATIONS**

11.1 Existing highway maintenance contracts will be used to carry out the proposed works explained in the report.

- 11.2 However, the contracts must be periodically reviewed and properly managed to ensure they still provide best value for the Council.
- 11.3 There should be a clear and consistent view of what the contract is producing, the type of commercial relationship desired, the basic contract structure and how it will be continuously managed.
- 11.4 A commercial strategy should be in place; the commercial strategy must be based upon the assessment of strategic drivers and the internal and external environment.
- 11.5 Services must be provided in accordance to the KPIs set up in the contracts and these should be continuously monitored.
- 11.6 Implications completed by Andra Ulianov, Procurement Consultant, tel. 0208 753 2284, verified by Simon Davis, Head of Commercial Management, tel. 0208 753 7181.

## **12. IT IMPLICATIONS**

- 12.1 No impact for ICT, existing IT systems will be used.
- 12.2 Any existing IT contracts used by third party suppliers need to be reviewed to ensure they include LBHF's new data protection clauses available from capitalEsourcing as these are compliant with the General Data Protection Regulation (GDPR) in force from May 2018.
- 12.3 Implications verified/completed by Kevin Rainsbury, IT Strategic Relationship Manager, tel. 020 7641 5995.

## **13. RISK MANAGEMENT**

- 13.1 Local authorities have a duty to keep Highways well-maintained as recognised in the Council's risk register, risk number 8, Managing Statutory Duties. Well-managed highways play a central role in the lives of the communities they serve, and are essential for economic growth. The Well-Managed Highways Infrastructure Code of Practice 2016 advocates a risk-based approach to all aspects of highway maintenance. The Annual Local Authority Road Maintenance Survey (ALARM) aims to take a snapshot of the general condition of the local road network, providing a means of tracking any improvement or deterioration. At the same time, questions are asked related to funding, the type of maintenance carried out and the issue affecting maintenance service levels, to help provide context to the results. Contract payments are made on completion of the work, no advance payment is made, mitigating financial risk exposure to the Council.
- 13.2 Implications verified/completed by Michael Sloniowski, Risk Manager, tel. 020 8753 2587.

## **14. SOCIAL VALUES**

- 14.1 The Contractor is required to run apprenticeship schemes. The Council's current term contractor has annual company targets to fulfil for recruiting apprentices. Typically, apprenticeships last between 2 and 4 years leading to a recognised and accredited qualification.
- 14.2 Apprenticeships are advertised widely, potentially to reach applicants who are not in education, employment or training, or who are ex-offenders looking for an opportunity to gain training. Contractor also supports Women in to construction initiative through work placement and apprenticeships.

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

None.

**OTHER IMPLICATIONS**

1. **Business Plan:** None.
2. **Risk Management:** Risks identified in this report have been considered and mitigation actions addressed.
3. **Health and Wellbeing, including Health and Safety Implications:** The Council requires the contractors to comply with all the relevant Health and Safety legislation, including signing and guarding of works.
4. **Crime and Disorder:** None
5. **Staffing:** None
6. **Human Rights:** None
7. **Impact on the Environment:** The contractors are required by the Council to observe good environmental practice and comply with the relevant statutes, codes of practice and industry guidance. Currently, the highway maintenance contractor is trialling an electric 3.5t pick-up trucks and electric vans to use on the contract.
8. **Energy measure issues:** None.
9. **Sustainability:** The contractors are required to recycle all recyclable waste material arising from the works or reuse materials where possible.
10. **Communications:** The Council sends out notification letters to local residents prior to commencement of work and uses the Council's website to publicise the annual work programme.

**CARRIGEWAY PLANNED  
MAINTENANCE 2018-19**

Street Name	Treatment Areas	Scheme Area	Scheme Cost	Cumulative Cost
North End Road	Charleville Road -Mund Street	3545	£106,350	<b>£106,350</b>
North End Road	Mund to Fane Street	2267	£68,010	<b>£174,360</b>
Fulham Palace Road	Fulham Road to Bishops Park Road	3260	£58,680	<b>£233,040</b>
Peterborough Road	Hugon Road to Clancarty Road	3000	£54,000	<b>£287,040</b>
Bishop's Road	Whole section	2785	£50,130	<b>£337,170</b>
Barons Court Road	Palliser Road to Vereker Road	2365	£42,570	<b>£379,740</b>
Bishop's Road	Whole section	325	£5,850	<b>£385,590</b>
North End Road	Archel Road- Lillie Road	1400	£25,200	<b>£410,790</b>
Coningham Road	Goldhawk Rd To Scotts Rd	2200	£66,000	<b>£476,790</b>
Gowan Avenue	Whole road	3150	£94,500	<b>£571,290</b>
Milson Road	Whole Road	3500	£105,000	<b>£676,290</b>
Bishop's Road	Whole section	1015	£18,270	<b>£694,560</b>
<b>Total</b>				<b>£694,560</b>
<b>Reserves</b>				
Sulgrave Road	Whole Road	4500	£81,000	£775,560
Hazlebury Road	Whole Road	1625	£29,250	£804,810
Goldhawk Road	Askew Road to Ravenscourt Square	2300	£41,400	£846,210
Brook Green	South Arm (Footway Project to be completed first)	3600	£64,800	£911,010
Australia Road	Bloemfontein Road to India Way	2000	£60,000	£971,010
Yew Tree	Whole Road	3000	£54,000	£1,025,010
Cobbold Road	Askew Road To Gayford Road	2400	£43,200	£1,068,210
Friston Street	Whole Road	710	£12,780	£1,080,990
Lillie Road	Munster to Moylan	1950	£35,100	£1,116,090
Ashchurch Park Villas	Whole Road	2200	£39,600	£1,155,690




**FOOTWAY PLANNED  
MAINTENANCE 2018-19**

Street Name	Treatment Area	Scheme Area	Scheme Cost	Cumulative Cost
Musgrave Crescent	Moore Park Road to Tyrawley Road	373	£15,293	<b>£15,293</b>
Yew Tree (F/W First)	Bryony Road to Hilary Road	1300	£98,800	<b>£114,093</b>
Hetley Road	Uxbridge Road to Godolphin Road	1116	£45,756	<b>£159,849</b>
Overstone Road	Whole Road	1386	£56,826	<b>£216,675</b>
Bramber Rd (F/W First)	North End Road To Normand Road	600	£24,600	<b>£241,275</b>
Studdridge Street	South Footway	1175	£48,175	<b>£289,450</b>
Chancellors Road	os 14-58 Northside footway	450	£18,450	<b>£307,900</b>
Chipstead Street	Studdridge Street To New Kings Road	1015	£41,615	<b>£349,515</b>
Ceylon Road	Whole Road	400	£30,400	<b>£379,915</b>
Mellitus Street	Wulfstan Street to Stokesley Street	1730	£70,930	<b>£450,845</b>
Hazlitt Road	Blythe Road to Sinclair Road	781	£59,356	<b>£510,201</b>
Sterne Street	Shepherds Bush Place to Caxton Rd	1000	£41,000	<b>£551,201</b>
Margravine Road	From Caxton Grove To Greyhound Rd	1291	£98,116	<b>£649,317</b>
Roxwell Road	Percy Road to Vespan Road	950	£38,950	<b>£688,267</b>
Avonmore Road	Kensington High Street to Lisgar Terr	981	£40,221	<b>£728,488</b>
Gratton Road	Whole Road	546	£22,386	<b>£750,874</b>
Dalling Road	Western Footway (Pub to Wellesley)	490	£37,240	<b>£788,114</b>
Margravine Road	From St Dunstons Road To Caxton Gr	790	£60,040	<b>£848,154</b>
Hildyard Road	Whole Road	380	£28,880	<b>£877,034</b>
Bowerdean Street	Whole Road	315	£12,915	<b>£889,949</b>
Bagleys Lane	Harwood Terr To Peterhouse Gdns	320	£13,120	<b>£903,069</b>
Lisgar Terrace	Whole Road	640	£48,640	<b>£951,709</b>
<b>Total</b>				<b>£951,709</b>
<b>Reserves</b>				
Westville Road South		1120	£85,120	£1,036,829
Stamford Brook Rd	Roundabout to Emlyn Road	1200	£108,000	£1,144,829
Peterborough Road	Daisy Lane To Carnawath Rd	450	£18,450	£1,163,279
Quarrendon Street	Whole Road	530	£21,730	£1,185,009
Kelvedon Road	Both Sides	1151	£87,476	£1,272,485
Rylett Road	Whole Road	800	£60,800	£1,333,285
Tournay Road	Both Sides	845	£64,220	£1,397,505
Pearcroft Road	Bagleys Lane To Sandilands Road	350	£26,600	£1,424,105
Ashcombe Street	Whole Road	420	£17,220	£1,441,325
Barclay Road	Fulham Road To Effie Road	350	£14,350	£1,455,675
Binden Road	Whole Road	685	£28,085	£1,483,760

## S106 FUNDED SCHEMES FOR 2017-18

Street Name	Treatment Area	Scheme Area	Estimated Scheme Cost	Cumulative Cost
Gironde Road	Part (carriageway)	432	£44,333	£44,333
Mendora Road	Part (footway)	1200	£70,000	£114,333
Sinclair Road and Sinclair Gardens	Part (footway and Carriageway)	2500	£270,000	£384,333
Bloemfontein Road	Part (footway and Carriageway)	2500	£195,000	£579,333
Ranelagh Gardens	Part (carriageway)	1400	£17,930	£597,263
Steventon Road	All (footway)	2500	£125,000	£722,263

<p><b>London Borough of Hammersmith &amp; Fulham</b></p> <p><b>CABINET</b></p> <p><b>16 APRIL 2018</b></p>	
<b>LEISURE CONTRACT RE-PROCUREMENT</b>	
<b>Report of the Cabinet Member for Environment, Transport &amp; Residents' Services – Councillor Wesley Harcourt</b>	
<b>Open Report</b>	
<b>Classification: For decision</b> <b>Key Decision: Yes</b>	
<b>Consultation:</b> Representatives of the Legal, Financial, Procurement, and Leisure Service teams have been consulted throughout this exercise and will continue to part of the project team managing this procurement until the contract is awarded.	
<b>Wards Affected:</b> All	
<b>Accountable Director:</b> Mahmood Siddiqi – Bi-borough Director Highways & Parks	
<b>Report Author:</b> Jeremy Plester – Senior Project Manager (Leisure Services)	<b>Contact Details:</b> Tel: 020 7938 8175 E-mail: <a href="mailto:Jeremy.plester@rbkc.gov.uk">Jeremy.plester@rbkc.gov.uk</a>

## 1. EXECUTIVE SUMMARY

- 1.1. This report is seeking Cabinet permission to approach the market to procure a new contract for the management of the council's leisure and sports centre facilities. The current contract expires at the end of January 2019 and a new contract will need to be procured well in advance of this date as the process of transferring management responsibilities between the outgoing incumbent and the new contractor can be lengthy and complex.
- 1.2. Capital investment has resulted in substantial reduced management fees. Overall the current performance of the contracted portfolio is strong and indicates the potential for increased income. Officers are therefore confident that the new contract will result in a net positive financial contribution for the Council.

- 1.3. The leisure centres contract facilitates the delivery of a number of Council priorities including health and wellbeing, the volunteering strategy, the engagement of the voluntary sector and education through the positive engagement of schools. It directly contributes to the Councils' vision of taking pride in Hammersmith and Fulham and striving to be the best.
- 1.4. The outputs from the leisure management contract closely align with a number of indicators within the Public Health Outcomes Framework, particularly 'Utilisation of green space for exercise/health reasons' and the proportion of physically active and inactive adults' indicators. The outputs of the contract also align with the priorities of the LBHF Health and Wellbeing Strategy. All of which positively and directly contributes to improving the quality of life of all our residents. Further detail and evidence is provided in sections six (6) and seven (7) of this report.
- 1.5. The appendices to this report provide additional information and implications in connection with the main report.

## **2. RECOMMENDATIONS**

- 2.1. To approve the Business Case & Procurement Strategy for the leisure and sports centre facilities as set out in Appendix 1, attached to the report.
- 2.2. That delegated authority be granted to the Bi-borough Director Highways & Parks, in consultation with the Cabinet Member for Environment, Transport & Residents' Services, to award the contract for leisure and sports centre facilities to the successful tenderer.

## **3. REASONS FOR RECOMMENDATIONS**

- 3.1. To comply with the requirements contained in Contract Standing Orders which requires Cabinet approval before a regulated procurement exercise is commenced.

## **4. PROPOSAL AND ISSUES**

- 4.1. The main leisure operator contract for the borough is currently held by Greenwich Leisure Limited (GLL) and this expires in January 2019. This contract covers the management of Lillie Road Fitness Centre, and Hammersmith Broadway Fitness and Squash centre. The borough has 3 other council run leisure facilities. Linford Christie Outdoor Sports Centre (LCOSC) is managed in-house. Fulham Pools is managed under a separate contract with Virgin Active (with a 50-year lease until end October 2050). Lastly, the Phoenix Fitness Centre and Janet Adegoke swimming pool is managed under a separate contract, also held by GLL and also expiring in January 2019.

**Table 1 - LBHF Leisure Centres**

Centre	Provider	Contract Commencement	Contract Termination
Linford Christie Outdoor Sports Centre	In-house	N/A	N/A
Phoenix Fitness Centre and Janet Adegoke Swimming Pool	GLL	4 <sup>th</sup> November 2017	31st Jan 2019 (without option to extend)
Hammersmith Fitness & Squash Centre	GLL	1 <sup>st</sup> February 2004	31st Jan 2019 (without option to extend)
Lillie Road Fitness Centre	GLL	1 <sup>st</sup> February 2004	31st Jan 2019 (without option to extend)
Fulham Pools	Virgin Active	30 <sup>th</sup> November 2001	17 <sup>th</sup> October 2050 (50 year lease)

- 4.2. **Proposal.** We are proposing to go out to tender for a new larger combined leisure contract that will package the majority of the portfolio together, (with the exception of Fulham Pools and the Linford Christie Outdoor Sports Centre (LCOSC)). The larger contract will make the combined package much more attractive to prospective bidders which will help to drive competition in favour of the council. It will also give the council more efficient and effective control over the management of the portfolio with fewer contracts. There are also efficiencies of scale to be gained by the winning contractor as the overall package is larger, which also helps to drive cost efficiency in favour of the council.
- 4.3. Fulham Pools is currently under a long-term lease and will therefore not be included in this exercise. LCOSC is currently managed in-house and is also not included in this exercise.
- 4.4. We are also proposing to include the provision of the borough's sports development activities in the new contract. This is very common practice in other leisure contracts and would require the transfer of existing council staff to the new operator through the TUPE process. The Sports Development team deliver a variety of activities directly linked to the leisure contract. Sports Development is the process by which sport is managed in order to ensure a positive change in sporting behaviour or physical activity throughout the community. This involves:
- Identifying the need for sport in the community.
  - Giving direction to sport and organisations providing sports services.
  - Creating links between various organisations involved in providing sport so that integrated frameworks exist.
  - Promoting sport within communities.

- Organising sporting activities in an effective way.

The main roles of Hammersmith and Fulham's Sports Development Team are to:

- Develop and communicate a vision of the significance of sport to the community.
- Identify and communicate the particular needs of the various parts of the community for sport.
- Play a lead role in identifying the sporting activities, which will meet these needs.
- Develop and facilitate partnerships to deliver these sporting activities.
- Supporting schools and clubs in their activities to ensure an integrated framework of sporting activities is provided in an effective way.
- Organise the service directly where no other organisation is placed to carry out this function.
- Measure and review the effectiveness of the sporting service.

- 4.5. **Issues.** Any outsourcing or transfer of contract may require that staff employed by the incumbent provider be transferred under TUPE regulations to the new operators.

## **5. OPTIONS AND ANALYSIS OF OPTIONS**

- 5.1. A Service Review Team (SRT) has undertaken a service review in accordance with Contracts Standing Orders. Appendix 1 sets out the commercial and procurement options, together with an analysis of these options.

## **6. CONSULTATION**

- 6.1. Details of consultation undertaken by the SRT are given in Appendix 1 (Section 8).

## **7. EQUALITY IMPLICATIONS**

- 7.1. The Council has had due regard to its Public Sector Equality Duty contained in Section 149 of the Equality Act 2010.
- 7.2. It is not anticipated that there will be any negative impacts on protected groups as no relevant change to current service is being recommended. The commissioning and procurement options will not impact on access by users of the service.
- 7.3. There are important inequalities in the amount of physical activity achieved between different communities which are likely to impact on future health and wellbeing. The LBHF Community Sport and Physical Activity Strategy 2017-2021 (available online) provides detailed information and sets out how the borough engages with residents and approaches inequalities in leisure activities. The existing service already proactively supports equality through

both the council's Sports Development programme and the activities of the individual centres, and will continue to do so throughout the new contract.

- 7.4. Implications verified and completed by: Peter Smith, Head of Policy and Strategy, tel. 020 8753 2206.

## 8. LEGAL IMPLICATIONS

- 8.1. The Council has power under the Local Government (Miscellaneous Provisions) Act 1976 to provide such recreational facilities as it thinks fit including the provision of buildings, equipment, supplies and assistance of any kind. The Council may make such facilities available either without charge or on payment of such charges as it thinks fit.
- 8.2. The Sport England contracts which are proposed to be used for the council leisure facilities were published in 2016 following consultation with local authorities and operators in the leisure industry. They have the benefit of being familiar to many external providers, they are comprehensive in the range of relevant issues they provide for and represent a balanced approach to management of the facilities.
- 8.3. The recommended procurement strategy using concession contracts where the operator's income is at financial risk allows the Council to adopt a flexible procurement procedure and negotiate commercial and legal issues with potential operators.
- 8.4. Implications verified/completed by: Andre Jaskowiak, Senior Solicitor, Shared Legal Services, tel. 020 7361 2756.

## 9. FINANCIAL IMPLICATIONS

- 9.1. The current performance of the Leisure Centres is a net cost of £23k, as set out in table 2 below:

**Table 2: Financial Year 2017/18 - Financial position**

<b>Leisure Facilities</b>	<b>2016/2017 Outturn</b>	<b>2017/2018 Budget</b>	<b>2017/2018 Actual</b>
	Net (£)	Net (£)	Net (£)
Lillie Road Fitness Centre	- 40,000	- 35,000	- 40,000
H F & Squash Centre - (Broadway)	- 35,000	- 35,000	- 35,000
Phoenix Fitness Centre	368,944	61,000	133,163
Leisure Pass	- 35,000	- 35,000	- 35,000
<b>Total</b>	<b>258,944</b>	<b>- 44,000</b>	<b>23,163</b>

- 9.2. Since 2016/17, due to capital investment, there has been a significant improvement in the financial performance of the Phoenix Fitness Centre which has enabled the Council to reduce the operating subsidy from £369k in

2016-17 to £133k in 2017-18. The proposed tender is expected to result in a net contribution of income to the Council.

- 9.3. Further analysis of the current performance of the centres and financial implications are set out in Appendix 1 (Paragraph 2).
- 9.4 Implications verified/completed by: Carmen Lomotey, Principal Accountant, Environmental Services Finance, tel. 020 8753 2721.

## **10. HR IMPLICATIONS**

- 10.1 The re-tender of the existing contracts may have a secondary TUPE requirement should an alternative supplier be chosen. If this is the case the council and the transferring organisation would provide the new organisation with TUPE information and there may be implications for exit costs should the new organisation determine a reduction in staffing. This would be a workstream for due diligence during preferred bidder stage. Staff and trade unions will be consulted.
- 10.2 The inclusion of the Sports Development Team will require a TUPE transfer from the council to a new supplier. As part of the tender and TUPE discussions both the council and the preferred-bidder will undertake due diligence to assess the potential impact on staff potentially transferring and will undertake a consultation with the staff and trade unions.
- 10.3 Pension liabilities are still to be considered for any staff transferring out of the council and would be subject to the agreement of the Pensions Authority for the admission type, if any, of the new contractor into the pension scheme.
- 10.4 Implications verified/completed by: Mark Grimley, Director of Corporate Services, tel. 020 8753 1550.

## **11. IMPLICATIONS FOR BUSINESS**

- 11.1. This is a major contract with the potential to create economic and social value, including creating business opportunities for local SME suppliers and employment and skills opportunities for local residents.
- 11.2. The commissioning team will work closely with the Economic Development Team to ensure that appropriate economic and social value is incorporated into the tender specification and implemented once the contract is awarded.
- 11.3. Implications verified/completed by: Albena Karameros, Economic Development Team, tel. 020 7938 8583.

## **12. COMMERCIAL IMPLICATIONS**

- 12.1. The Commercial & Procurement Division has worked with the SRT in preparing and agreeing the Business Case & Procurement Strategy as set out in Appendix 1.



### **Commercial implications**

- 12.2. Details of the commercial implications identified by the SRT are given in Appendix 1 (Section 4).

### **Procurement implications**

- 12.3. Details of the procurement implications identified by the SRT are given in Appendix 1 (Section 5).
- 12.4. The proposed long-term strategy to merge the contracts from the termination date of the current three contracts (Phoenix Fitness Centre and Janet Adegoke Swimming Pool, Hammersmith Fitness & Squash Centre and Lillie Road Fitness Centre) on 31st January 2019 and a competitive procurement process be undertaken in order to establish a borough-wide leisure management contract seeks to provide financial and operational benefits to the council and residents as detailed in the report
- 12.5. The service department will need to obtain Cabinet approval for any proposals to award an extension (depending on whether the contractor has performed well, met the KPIs and stated business plan). It is recommended that any proposal shall be presented no later than 31<sup>st</sup> January 2028 to provide an opportunity, if required, to retender the contract.
- 12.6. Implications verified/completed by: Joanna Angelides, Procurement Consultant, tel. 0208 753 2586.

### **13. IT IMPLICATIONS**

- 13.1. The new supplier of the extended Leisure Centre and Sports Development Team services will be processing personal data on behalf of H&F, for example client information, staff data (including TUPE'd staff), schools and community information gathered as part of established partnership working. In addition to newly created data, established soft and hard copy information held by the in-house provider, current contractor and the in-house Sports Development Team will need to be migrated to the new provider. As such, a Privacy Impact Assessment is required as soon as possible to ensure all potential data protection risks are properly assessed and mitigating actions agreed and implemented to ensure a smooth transition, some of which will need to be included in the forthcoming tender packs. For example, a contract schedule or SLA that includes or incorporates H&F's information sharing agreement template and a Supplier Security Checklist to ensure the systems used by the new contractor comply with H&F's regulatory requirements.
- 13.2. The new contract needs to include H&F's new data protection clauses available from capitalEsourcing as these are compliant with the General Data Protection Regulation (GDPR) in force from May 2018.

13.3. The only relevant technical or system implications associated with this procurement relate to decommissioning the systems currently used by the in-house leisure centre and Sports Development Team plus the transfer of data from these systems into those provided by the new supplier.

13.4. Implications verified/completed by: Ciara Shimidzu, Head of Information and Strategy, tel. 020 8753 3895.

#### 13.5. **RISK MANAGEMENT**

13.6. No additional strategic risk management comments required for the strategy

13.7. Implications verified/completed by: Michael Sloniowski - Principal Consultant (Risk Management), tel. 020 8753 2587.

#### 14. **OTHER IMPLICATION PARAGRAPHS**

14.1. **Health and wellbeing.** The LBHF Health and Wellbeing Strategy sets out how Health and wellbeing is being promoted in the borough. The operations of the council's leisure and sports facilities link directly into the strategy as they are widely used by residents. The council also runs a concessionary pass to encourage wider participation. This is discussed in greater depth in section 7 of Appendix 1.

#### **LIST OF APPENDICES**

Appendix 1 – Business Case & Procurement Strategy

**APPENDIX 1:**  
**REPORT RELATING TO**  
**BUSINESS CASE;**  
**PROCUREMENT STRATEGY; and**  
**PROJECT MANAGEMENT AND GOVERNANCE**  
**FOR LEISURE CONTRACT RE-PROCUREMENT**

**BUSINESS CASE**

**1. BUSINESS CASE – WHY THE PROCUREMENT IS NEEDED**

**The Requirement.** To approach the market to procure a new contract for an established operator to manage the council's leisure and sports centre facilities. This will be a single borough contract, sovereign to LBHF. The current operators contract is also sovereign to LBHF and expires at the end of January 2019. A new contract will need to be procured well in advance of this date as the process of transferring management responsibilities between the outgoing incumbent and the new contractor can be lengthy and complex.

The main leisure operator contract for the borough is currently held by Greenwich Leisure Limited (GLL) and expires in January 2019. This contract covers the management of Lillie Road Fitness centre and Hammersmith Broadway Fitness & Squash, and generates approximately £75,000 income for the borough annually. The borough has 3 other council run leisure facilities. Linford Christie Outdoor Sports Centre is currently managed in-house and is out of scope for this exercise, Fulham Pools which is managed under a separate contract with Virgin Active (50-year lease until end October 2050), and the Phoenix Fitness Centre and Janet Adegoke swimming pool which again is managed under a separate contract (which also terminates in January 2019).

The Janet Adegoke swimming pool and the linked gym facility at Phoenix High School are a dual use facility shared between the school and the council's leisure service. The council's leisure operator contract for the Phoenix Fitness Centre and Janet Adegoke swimming pool is a standalone contract. The contract is also held by GLL and is currently scheduled to expire in January 2019. The contract has historically been heavily subsidised by the council although following on from capital investment last year this subsidy has been significantly reduced and is expected to end the need for a subsidy by the end of the current contract term.

The activities within the sports and leisure management contract make a positive contribution to a variety of Council and community outcomes. This includes children and young people's access via multiple school and community learn to swim programmes, gym and classes for Secondary School pupils, as well as a venue for numerous junior community sports clubs supporting athletes to reach regional and national competition

By continuing to listen to the community and adapt the service to resident's needs, exemplified in extending women only and men only sessions in White City, we hope

that the future of leisure in the borough will aid the council to be the best in the country, by making it the happiest and healthiest.

The council's new Health and Wellbeing Strategy has key aims to support good mental health for all, support children and families to be healthier, and reversing the rising numbers of acquired long term health conditions. Access to good and varied leisure activities is proven to support each of these aims, and will help with making a difference to the council's community sport and physical activity strategy 2017-2021.

#### **Rationale for contracting out the service.**

The leisure market is well established and very specialised. The council does not currently retain the management expertise required for running such facilities internally so if there was a requirement to run the service in-house a completely new management and operational team would need to be employed. The current centre staff would also need their contracts transferred to the council via TUPE arrangements. This option would certainly increase the cost of running the centres for the council as we would miss out on the management and supply chain economies of scale delivered by contracting a large established provider with a wide portfolio, as well as the expertise gained from a wider portfolio. It would also mean that that risk and liability of centre operation would sit with the council.

#### **Current contract performance.**

Overall attendance numbers have increased steadily and the net cost of providing the service to each Hammersmith and Fulham resident has decreased from a significant subsidy to breakeven in 2018-19. As a result of the commercial approach taken, GLL has proved that it was possible to operate a council leisure centre without the need for public subsidy, and deliver a high quality service that generates a positive outcome for the Council.

The investment which has taken place throughout the course of the contract has brought significant improvements to the range and quality of leisure provision, has increased usage levels and has generated significant additional income to the Council.

It has become clear that the active role of the "client" or "contract management" team in the success of a service delivered through a contract is vital.

## **2. FINANCIAL INFORMATION**

The current performance of the 3 currently contracted Leisure Centres is a net cost of £23k.

The detailed financial picture of the portfolio (budget and actual) is shown below in table 3:

**Table 3: Financial Year 2017/18 - Financial position**

Leisure Facilities	2016/2017	2017/2018 Budget			2017/2018 Actual		
	Net (£)	Income (£)	Expenditure (£)	Net (£)	Income (£)	Expenditure (£)	Net (£)
Lillie Road Fitness Centre	- 40,000	- 35,000		- 35,000	- 40,000	-	- 40,000
H F & Squash Centre - (Broadway)	- 35,000	- 35,000		- 35,000	- 35,000	-	- 35,000
Phoenix Fitness Centre	368,944		61,000	61,000	-	133,163	133,163
Leisure Pass	- 35,000	- 35,000		- 35,000	- 35,000	-	- 35,000
<b>Total</b>	<b>258,944</b>	<b>- 105,000</b>	<b>61,000</b>	<b>- 44,000</b>	<b>- 110,000</b>	<b>133,163</b>	<b>23,163</b>

In 2016 the Council invested £265k in Phoenix Leisure Centre which has significantly reduced the ongoing subsidy from £369k in 2016/17 to £133k in 2017/18 and has increased the centre's ability to improve income and membership. Working in partnership with the School increasing community time and access has, along with previous swimming initiatives funded by the Education Department, has helped improve the performance of the centre.

Consequently, the net cost of currently contracted services has been reduced from £259k in 2016/2017 to £23k in 2017/2018.

Based on this improved performance the new contract should result in net income payable to Council. However, it is not possible to provide estimates of future income at this stage as this is largely dependent on the supplier's business model and investment.

### 3. OPTIONS APPRAISAL AND RISK ASSESSMENT

Table A – Options Appraisal					
Options	Title	Description	Benefits	Drawbacks	Recommended
Option 1	Do nothing	The council could in theory opt to let the contracts expire and close the council run public facilities.	Some marginal internal savings of contract manager and maintenance costs.	There would be a significant loss to the council's leisure and fitness offering and potential backlash from users and residents. There would inevitably be human resource issues to resolve including redundancy costs.	✘
Option 2	Manage the facilities in-house.	The council could opt to bring the management of the facilities in-house and run the centres without a contracted external operator.	Full internal control of the service operations.	The council does not currently retain the management expertise required for running such facilities internally so a new management team would need to be employed. The operational staff would also need to be employed by the council via TUPE arrangements. This option would certainly increase the cost of running the centres for the council as we would miss out on the management and supply chain economies of scale delivered by contracting an established provider with a large portfolio, it would also mean that that risk and liability of centre operations sit with the council.	✘
Option 3	Re-procure new contracts maintaining the existing multi-contract arrangement	The council could re-let the expiring contracts in their current format keeping the Phoenix Fitness Centre under a separate contract to the rest of the portfolio.	Fewer amendments required to the contract specification documents prior to tender.	Inefficient portfolio management and missing out on economies of scale. More contracts mean a more complicated management arrangement for the service, more meetings, more points of contact and differing contract specification to manage. This also means potentially differing brands and operations practices throughout the borough's portfolio. The larger contract package is more attractive to potential bidders and will help the council achieve the most financial benefit from this exercise.	✘
Option 4	Procure a single new combined contract covering the whole portfolio (not including Fulham Pools or	Approach the market to tender for a single new combined contract covering the whole portfolio with the exception of Fulham Pools and LCOSC. Fulham pools is out of scope	This will allow the council to manage the majority of the portfolio under a single contract. This is the simplest, most efficient, and most effective option. It minimises the	None that can be identified.	✔

	<p><b>LCOSC)</b></p>	<p>for this exercise given the complication and cost of buying out the existing long term lease, and LCOSC is managed in-house.</p> <p>The provision of the current Sports Development staff also to be included in with the new contract.</p>	<p>workload for the contract management team as there is one point of contact and shared messages and practices through the contract. It also maximises the specialist expertise, resource, and supply chain efficiency gained.</p> <p>Combining the sports development service in with the contract simplifies reporting structures and maximises the benefit of the expertise of the provider.</p>		
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#### 4. THE MARKET

The leisure operator market is well developed and mature. There are a small number of well-established potential suppliers. Most are relatively large organisations managing a large portfolio of contracts across a variety of areas, although some are limited to some extent geographically in their area of operation.

During December 2017 officers undertook an extensive soft market testing exercise. The 7 most established leisure operators covering the London area were invited to take part. One declined to take part in the exercise or subsequent tender as they are shifting their focus. Another was unable to attend any of the dates. 5 others were sent a questionnaire covering 23 key lines of enquiry, and subsequently met with members of the project team to discuss their results in detail. This exercise provided us with valuable, detailed, and up to date information on the current shape of the market including insight into market movement, delivery models, innovations and industry development, financial trends, contract duration and specification issues, technology, and marketing and communication.

Officers have also discussed this process with colleagues at Westminster, Brent, and Ealing councils. Although the contract size and specification varies between the boroughs the basic method of approaching the market and procuring new contracts is similar and well established with a multi-staged procurement process including provision for negotiation being the most suitable and effective. This is discussed in further detail below.

Some of the key findings from the market testing exercise are as follows:

Contract Length – for traditional operational concession contracts such as this a contract length of 10 years with an option to extend for a further 5 years is widely accepted as suitable and attractive to bidders. The larger contract package would also be seen favourably in terms of return on bid investment and bidding costs. The size of a larger contract package could lead to the acceptance of lower percentage return on sales given its size and scale.

Packaging – The general view was that a single contract and fewer lots are simpler and more efficient to manage. There are some economies of scale to be gained as there are more sites to be flexible amongst allowing for some shared staffing resources. A larger package also leads to a more joined up membership approach, sharing of good practice and experience, and access to a wider range of facilities for customers. Any requirements for investment needs to be clear from the start as this needs to be factored for.

Pricing – The overall total price for the contract will be broken down into prices for each individual facility.

Social Value – Due to the nature of the business the management of the centres in our portfolio will provide for hundreds of jobs locally. Additionally, a larger contract package means greater flexibility and employment development / career opportunities for staff as there is a larger organisational structure in place.



Mobilisation and TUPE – Ideally the mobilisation period of 2-3 months would be allowed. If the information provided for handover, particularly condition surveys, membership information, and TUPE information is correct and comprehensive then this process can be accelerated. Where TUPE applies, taking on pensions is the biggest issue and is exposed to future risk of actuarial assessment. Pension risk will be priced into the contract unless an agreement for pension pass through or a cap and collared approach forms part of the contract so that risk is shared.

A number of market providers are moving towards a preference for long term asset transfer rather than operational contracts and therefore had differing preferences on contract length, package, investment potential and risk from those suppliers that still focus on the more traditional operations model. For factors relevant to the operational model, the message from the market was fairly consistent on most lines of enquiry.

The leisure operator market is dominated by a small number of large competitive suppliers with expansive portfolios. As a result, most of the supply chain is tied up in existing large national contracts but some of the more technical services required (engineering, repairs, surveys etc.) will be London based contracts as a matter of efficiency.

## **PROCUREMENT STRATEGY**

### **5. CONTRACT PACKAGE, LENGTH AND SPECIFICATION**

**Contract Package.** The intention is to procure a single sovereign contract to commence on the 1st February 2019. This contract will provide for the management of the Lillie Road Fitness Centre, the Hammersmith Broadway Fitness & Squash centre, and Phoenix Fitness Centre and Janet Adegoke swimming pool. This contract will also incorporate the borough's Sports Development activities.

Leisure Services is currently a shared service with RBKC. The RBKC leisure contract is also expiring in at the end of January 2019 and a similar procurement exercise is currently required to re-let this. Although 2 completely separate sovereign contracts will be tendered, some of the activities leading up to tender will inevitably be carried out together as the same staff will be delivering the work for both boroughs. We also intend to advertise the contracts at the same time as, through the chosen procurement route, additional financial benefits may be gained for each borough through the negotiation phase of the exercise if there are two contracts on offer concurrently in neighbouring boroughs.

The Sport England standard form of contract will be used as this is widely recognised and approved throughout the market and makes clear provision for any required change and break clauses.

Service Concession contract i.e. a contract for pecuniary interest concluded in writing by means of which one or more contracting authorities entrust the provision and the management of services (other than the execution of works) to one or more economic operators, the consideration of which consists either solely in the right to

exploit the services that are the subject of the contract or in that right together with payment.

A concession contract must meet the following requirements:

- (i) The award of the contract involves the transfer to the concessionaire of an operating risk in exploiting the works or services encompassing demand or supply risk or both.
- (ii) The part of the risk transferred to the concessionaire involves real exposure to the vagaries of the market, such that any potential estimated loss incurred by the concessionaire is not merely nominal or negligible. The concessionaire shall be deemed to assume operating risk where, under normal operating conditions, it is not guaranteed to recoup the investments made or the costs incurred in operating the works or the services which are the subject-matter of the concession contract.

**Duration of the Concession.** Chapter 3 of Part 2 of the Concession Contracts Regulations 2016 (“CCR”) contains rules relating to the duration of concession contracts and provides that the duration of such contracts must be limited and based upon the works or services requested. In particular, where a concession exceeds five years, its maximum duration shall not exceed the time that a concessionaire could reasonably be expected to take to recoup the investments made in operating the works or services together with a return on invested capital taking into account the investments (both initially and during the term) required to achieve the specific contractual objectives. (Regulation 18).

In this instance the new main concession contract will be a 10-year contract with the option to extend for up to a further 5 years (1st February 2019 to 31<sup>st</sup> January 2029 with an option to extend up to a further 5 years). Suitable break and change clauses will be considered for inclusion.

**Specification.**

The services specification sets out the performance standards that the contractor shall meet in the delivery of the services during the contract period. It details the requirements that the contractor shall meet for the ongoing operation of the Facilities, associated buildings, grounds, pitches, courts and any other leisure amenities as specified within the schedule throughout the contract period.

The structure of this services specification directly relates to how the performance standards will be assessed for the purpose of the payment and performance monitoring system and is set out in the table below.

<b>Headline Requirement</b>	
<b>Part 1A – General</b>	<ul style="list-style-type: none"> <li>• Specified Facilities</li> <li>• Property Database</li> </ul>
<b>Part 1B – Annual Performance Requirements</b>	<ul style="list-style-type: none"> <li>• Authority’s Outcomes</li> <li>• Quality Management Accreditation</li> <li>• Participation Targets</li> <li>• Sport England National Benchmarking Service</li> </ul>

	(SENBS) <ul style="list-style-type: none"> <li>• Inclusive Fitness Initiative (IFI) Mark</li> </ul>
<b>Part 1C - Service Performance Requirements</b>	<ul style="list-style-type: none"> <li>• Cleaning</li> <li>• Environmental and Energy Management</li> <li>• Customer Service</li> <li>• Catering and Vending</li> <li>• IT Systems</li> <li>• Maintenance of Buildings, Plant and Equipment</li> <li>• Grounds Maintenance</li> <li>• Event Management</li> <li>• Reporting             <ul style="list-style-type: none"> <li>○ Sports &amp; Activity Development Plan</li> <li>○ Marketing and Publicity</li> <li>○ Major Incident Reporting</li> <li>○ Other Reporting</li> </ul> </li> </ul>
<b>Part 1D - Facility Performance Requirements</b>	<ul style="list-style-type: none"> <li>• Pricing Requirements</li> <li>• Opening Hours</li> <li>• Activity Programming             <ul style="list-style-type: none"> <li>○ Programmes of Use</li> <li>○ Booking Systems</li> </ul> </li> <li>• Health and Safety Management</li> <li>• Equipment</li> <li>• Access</li> <li>• Legislation and Policy</li> <li>• Water (Hot and Cold Installations)</li> <li>• Drainage</li> <li>• Ventilation</li> <li>• Heating (Thermal Comfort)</li> <li>• Lighting</li> <li>• Pool Water Quality (Swimming Pool Installations)</li> <li>• CCTV and Security</li> <li>• Staffing</li> </ul>

The terms and expressions used in this Schedule shall bear the same meaning as set out in the “Definitions and Interpretation” and “Payment and Performance Monitoring System”.

The full Service Specification proposed will follow the following structure and will provide the Contractor with the requirements and Performance Standards of the Authority.

**Required Outcome**

Provides the Contractor with a high level view of the outcome and context of the requirements of the Authority which the Contractor shall meet.

**Performance Standards**

A list of standards that relate to the output that

the Contractor shall meet but which are covered by regulations, Legislation, British Standards etc. that set out the level of performance that the Contractor shall deliver in order to meet the requirements of the Authority. These must be met by the Contractor if the Services Specification is deemed to be achieved.

## **Reporting Requirements**

This details the reporting requirements which the Contractor shall meet in relation to the specified Performance Standard.

## **6. SOCIAL VALUE, LOCAL ECONOMIC AND COMMUNITY BENEFITS**

LBHF are passionate about making our leisure facilities and spaces better for everyone. We want to empower local communities to achieve better quality of life. Our aim is to increase participation in leisure, sport and culture to improve health and social wellbeing outcomes through the promotion, provision and delivery of quality facilities and services.

We strongly believe providing quality leisure and fitness facilities at affordable prices is key to this and would encourage people to improve their health and happiness, by leading an active lifestyle.

Our collective ambition with a reputable leisure operator is to set the benchmark for sporting and social inclusion and we aim to do this through:

- Creating a healthier, more active community working with our partners to develop programmes for health, crime diversion, children and young people
- Improving services for those with disabilities by introducing Inclusive Fitness Initiative gyms
- Supporting local organisations to be more inclusive in their working practices with accessible provision for disabled residents and other hard to reach groups in the community.
- Increase inclusive sports opportunities for disabled children.
- Extend the opportunity for families to be active together across the community.
- Reducing the barriers (e.g. travel & finance) that lead to inactivity and social isolation.
- Ensuring social enterprise and community benefit exists in everything we do
- Investing into facilities to make them modern and relevant for today's customers
- Recruiting local people for local jobs and being an employer of choice
- Developing people to ensure career development through the organisation
- Partnering with other social enterprises and organisations committed to Fairtrade.

- Investing in the communities we partner to improve health and social wellbeing
- We will use our experience to ensure we work with local residents and local agendas, helping target specific or disadvantaged groups and achieving shared partner objectives.

**Delivery.** Throughout the life of the contract officers will continue to work on how best the local economic and community benefits can be achieved from the design of the service. There is much more to your local leisure centre than a swim or a session in the gym and sport can have a positive influence in our community. In order to realise the council's ambition for the service we will expect the following from the successful bidder:

- To provide a range of sporting opportunities for local communities by delivering inspirational programmes, campaigns and events, in all of our facilities
- To foster young sporting talent and established athletes through our sports grants scheme
- To provide inclusive and accessible programmes are designed to accommodate diverse groups in our local community.

Reducing the impact on the environment.

- To deliver an annual strategic action plan focused on continued reductions in energy and water use, through more efficient services, investment in new technologies and changes in behaviour
- To provide recycling facilities to minimise waste we send to landfill
- Where possible, work with fair trade suppliers and support other charities and Social Enterprises

Ensure employment opportunities

- As part of this tender exercise prospective suppliers will be evaluated on their proposals for encouraging jobs and economic opportunities for local residents
- All staff to receive extensive training to prepare them for present and future roles. Making a difference in our communities by improving career prospects through employment and training opportunities.
- Where possible leisure staff to be representative of our local community.
- Help to improve the health of our community

Ensure the leisure operator is passionate about improving the health of people in our communities and recognise that we are all different in the challenges that we face. So they are;

- To work with customers to ensure they reach their goals, by providing a full and varied programme of activities
- To encourage everyone in the community to stay active by participating in 5 x 30 minutes of exercise per week (whether walking, gardening, sport or fitness)

- To ensure those who are returning to exercise, can access introductory schemes to ease themselves back into a healthier lifestyle
- To ensure that our sports and fitness equipment is provided with accessibility and inclusion in mind
- Run schemes to help people with health conditions where physical activity may improve their overall wellbeing

## 7. **OTHER STRATEGIC POLICY OBJECTIVES**

The new LBHF Health and Wellbeing Strategy has key aims to support good mental health for all, support children and families to be healthier, and reversing the rising numbers of acquired long term health conditions. Access to good and varied leisure activities is proven to support each of these aims, and will help with making a difference to the new community sport and physical activity strategy 2017-2021.

This strategy will take a life course approach – start well, stay well and age well and will seek to reinforce ‘health prevention is better than cure’. The four broad priority areas are:

- Good mental health for all
- Giving children, young people and families the best possible start in life
- Addressing the rising tide of long-term conditions
- Delivering a high quality and sustainable health and social care system

Information has been used from the 2015/16 Shared Services Public Health report which focused on physical activity, and a borough insight report prepared by London Sport. The evidence has helped to identify the priority themes by highlighting some of the inequalities.

Other important documents have influenced the creation of the strategy, this is to ensure it is informed by current national policy, and important sector developments including Everyone Active Every Day (Public Health England), Towards an Active Nation (Sport England), Sporting Future: A New Strategy for an Active Nation (Government) and Childhood Obesity: A Plan for Action (Government). Aligning this strategy to Sport England’s priorities will help to secure future investment as they invest £1 billion in facility, training and revenue projects across the country over the next five years. Hammersmith & Fulham will be proactive and innovative in its approach to securing funding from this and other opportunities. Links to the documents mentioned above can be found on the website: [www.lbhf.gov.uk/cspanstrategy](http://www.lbhf.gov.uk/cspanstrategy)

The outputs from the leisure management contract also closely align with a number of indicators within the Public Health Outcomes Framework, particularly ‘Utilisation of green space for exercise/health reasons’ and the ‘Proportion of physically active and inactive adults’ indicators. The deliverables also make a positive contribution to a wider range of other Public Health outcomes which include:

- Child development at 2-2.5 years
- Excess weight in 4-5 and 10-11 year olds

- Excess weight in adults
- Self-reported well-being
- Falls and injuries in the over 65s
- Mortality from causes considered preventable
- Mortality from all cardiovascular diseases and cancer
- Health-related quality of life for older people

The leisure centres contract also facilitates the delivery of a number of wider Council priorities including the volunteering strategy, the engagement of the voluntary sector and education through the positive engagement of schools.

Secondary School Users (*SEN School)	Primary School Users
Fulham Boys (Free) School Phoenix Academy Sacred Heart Jack Tizard* Queensmill*	Holy Cross All Saints Avonmore Langford Normand Croft Queens Manor Sir John Lillie St Augustine's St John's Walham St Thomas of Canterbury Sullivan Ark Bentworth Ark Conway Ark Swift Brackenbury Good Shepherd Miles Coverdale St Johns XXIII St Mary's St Stephen's Wendell Park Wormholt Park

## 8. STAKEHOLDER CONSULTATION

There are a range of stakeholders involved in the commissioning of leisure management services. Stakeholder engagement with key market suppliers was undertaken through a soft market testing exercise in December 2017. The feedback gained from the stakeholder engagement event will ensure that the new service specification meets the needs of service users to a greater degree than at present. LBHF CSPAN are a strategic partnership committed to the development and improvement of sport and physical activity borough wide. CSPAN is one of 33

Community Sport and Physical Activity Networks in London. We will continue to engage with the LBHF CSPAN group through the normal quarterly meetings.

Internal Stakeholder engagement has taken place throughout the procurement process with the procurement, legal, and finance departments represented on the project board. This arrangement will continue until the new contract has been awarded.

## 9. **PROCUREMENT PROCEDURE**

The Competitive Procedure with Negotiation (CPN) has been identified as the most appropriate procurement procedure for this type of contract procurement and is the standard approach for this type of contract in the Leisure market. The salient features are:

- The procurement is complex and will require negotiation – justifying the use of CPN
- We can specify to a very large extent what we want the contractor to do and the price mechanism
- The procedure permits the use of suitability selection criteria so weak bidders can be excluded at any early stage
- Initial tenders form the basis of negotiations whose purpose is to improve the offer
- We do not anticipate more than 2 rounds of negotiation
- By applying the award criteria, we can reduce the number of offers
- When we feel it appropriate, we will call for final tenders which will be the ones upon which the award decision will be made.

This is a preferable procedure to Competitive Dialogue whose essential purpose is to help the buying authority to draw up a specification which tenders can then offer to provide. Through rounds of dialogue, the technological, financial, ecological etc. impacts of possible solutions are discussed until the buyer is satisfied that the optimum solution has been identified. It then invites bidders to provide that solution. In the present case, we are able to specify our requirements to a very large extent but need to explore some of the peripheral issues.

### **EU public procurement**

A concession contract whose value is equal to or greater than £4,551,413.00 is subject to the Concession Contract Regulations 2016 (“CCR”). In general, “value” will be the total turnover of the concessionaire generated over the duration of the contract (net of value added tax) as estimated by the contracting authority or utility, in consideration for the works and services which are the object of the concession contract and the supplies incidental to such works and services. The estimated value must be calculated using an objective method specified in the concession documents.

The so called light touch regime for social and other specific services listed in schedule 3 of the CCR will not apply to leisure services of the type being procured. The same general principles that apply to other procurement rules apply to the



award of concession contracts. In particular, contracting authorities must treat economic operators equally and without discrimination and shall act in a transparent and proportionate manner.

## **Procedures**

There are no set procurement procedures to follow in the CCR. The design of the most appropriate procurement process is left to the contracting authority. There are however a number of principles that have to be followed.

The procedure-

- must be transparent, and not be discriminatory. Treaty principles have to be followed;
- must avoid distorting competition;
- must include measures to combat fraud, favouritism and corruption;
- must prevent, identify and remedy any conflict of interest;
- must include the publication in the OJEU of a concession notice completed in line with Annex V of the Directive and any additional information that might be useful;
- must adhere to the minimum time limits of 30 days for single staged tenders, or 22 days for multi staged tenders from publication of advert to receipt of tenders (both minimum timescales can be reduced by 5 days where e-submission is allowed);
- must provide electronic availability of the concession documents;
- must include self-declaration on exclusion grounds;
- must list award criteria in descending order of importance;
- must include a request for contact details of any sub-contractors working on a works concession at a facility under the oversight of the contracting authority/utility;
- must include the publication in OJEU of a concession award notice no later than 48 days after the award of the concession contract. However, award notices for concessions within the social and other specific services categories can be grouped together and forwarded to the OJEU on a quarterly basis, within 48 days of the end of each quarter;
- must include notification at the end of the process of the award of the concession and an explanation of the grounds for decision to each organisation involved, or the fact that no award is to take place, or the decision to recommence the procedure.

## **Time limits**

The CCR lays down very few time limits as the design of the procedure by the contracting authority should reflect the complexity of the concession. The time limits that are stipulated are-

- any additional information provided must be at least 6 days before the deadline set for the receipt of the tender.

- the minimum time limit for receipt of applications (whether or not this includes tenders) is 30 days from the date the concession notice is sent for publication.
- if the procedure includes successive stages the minimum time limit for the receipt of initial tenders is 22 days.
- if the whole process is conducted by electronic means then time limits for receipt of tenders can be reduced by 5 days.
- on receipt of a written request for a debrief it must be provided within 15 days.
- the usual standstill periods apply i.e. 10 days if the information has been provided by electronic means; or if the information has been provided by a method other than electronically then either 15 days or 10 days from the day the last economic operator received it.

### **Stages in the Process (Regulations 36 – 41)**

The CCR16 includes procedural rules to ensure concessionaires established in other countries covered by the EU procurement rules are treated on equal terms, to avoid national discrimination.

The rules in particular cover the following:

- specification stage - how requirements must be described, avoiding brand names and other references which would have the effect of favouring or eliminating particular providers, products or services and the requirement to accept equivalence.
- The CCR also makes clear that there is scope for building into the specification equality issues (e.g. access issues for the disabled) and social/environmental issues (e.g. a requirement to conform to social or environmental labels).
- Selection (exclusion) stage - there are a number of grounds for the exclusion of potential concessionaires based on evidence of unsuitability, some of which are mandatory. Reasons include criminal conviction for certain offences (mandatory), failure to pay taxes (mandatory) and previous poor performance that has led to
- early termination, damages or other comparable sanctions (discretionary). Some of the grounds for mandatory exclusion are subject to account being taken of remedial action by the potential concessionaire, e.g. organisational changes. There are statutory limits to the duration of any exclusion period.
- Selection (evaluation) stage - those potential concessionaires not excluded are assessed on the basis of their professional and technical ability and their economic and financial standing, e.g. whether they meet proportionate levels of financial soundness. The CCR does not specify what the economic and

financial criteria are to be except that they are to be non-discriminatory and proportionate to the subject-matter of the concession contract.

- Negotiation stage- can be included in the procedure but the subject-matter of the concession contract, the award criteria and the minimum requirements cannot be changed during the negotiations.
- Award stage - the award of contract must be based on objective criteria that identify an overall economic advantage for the contracting authority or utility. This can include social, environmental and innovative requirements provided they relate to the subject matter of the contract.
- standstill period - a standstill period is required in the same way as for public contracts, and the published standstill guidance should be followed.

## 10. **CONTRACT AWARD CRITERIA**

### **General principles**

The contracting authority must inform the participants of the envisaged award procedure and indicative completion deadline and any modifications to them. Modifications to elements disclosed in the concession notice must be advertised to all economic operators. While there may be negotiations with candidates and tenderers, the subject matter of the contract, the award criteria and minimum requirements must not be changed by these negotiations (Regulation 37).

### **Selection and exclusion criteria**

Regulation 38 states that selection criteria must be non-discriminatory and proportionate to the subject-matter of the concession. They may relate to the ability of the concessionaire to perform the contract, taking into account the subject-matter of the concession contract and the purpose of ensuring genuine competition.

An economic operator may rely on the capacities of other entities but must prove that it will have the necessary resources at its disposal throughout the contract period.

There are certain mandatory and discretionary grounds of exclusion of candidates and tenderers which will be applied accordingly.

### **Award criteria**

Concession contracts must be awarded on the basis of objective criteria which comply with the principles of equality, non-discrimination, transparency and proportionality and which ensure that tenders are assessed in conditions of effective competition so as to identify an overall economic advantage for the contracting authority or utility (that is, the award criteria).

The award criteria must be linked to the subject matter of the contract, must not represent an unrestricted freedom of choice for the commissioner and may include environmental, social or innovation criteria and must be listed in descending order of importance. The CCR 2016 permit a contracting authority or a utility to:

- Consider a tender which proposes an innovative solution with an exceptional level of functional performance.
- Modify the ranking order of the award criteria if the contracting authority or utility informs all tenderers about the modification and issues a new invitation to tender and (where the award criteria were published in, or simultaneously with, the concession notice) a new concession notice.

### Specifics

We are recommending a 3 stage process be applied with initial SQ (Selection Questionnaire) used to qualify and shortlist bidders for subsequent ISDS (Invitation to Submit Detailed Solution) and ISFT (Invitation to Submit Final Tenders) stages. We are recommending that the additional ISOS (Invitation to Submit Outline Solution) stage be omitted in this instance due to the already limited number of potential bidders in the market.

We will award the contract on the basis of the most economically advantageous tender according to the evaluation process. The table below shows the proposed envelope weightings which we believe will give us the greatest opportunity to negotiate the best deal for the council balancing service quality and financial gain.

### ISDS and ISFT stages

The overall Level 1 Evaluation Criteria and weightings which will apply to the ISDS and ISFT stage evaluation are set out in the following table. Each of these criteria are broken down into sub-criteria, set out as Level 2 Evaluation Criteria, which will be used to determine the score for each of the Level 1 Evaluation Criterion to which they relate. These evaluation criteria will remain the same throughout the dialogue and Final Bid stages.

<b>Evaluation Criteria</b>	<b>ISDS Evaluation Criteria Weighting Range</b>	<b>Final Tender Evaluation Criteria Weighting Range</b>
Commercial	50%	50%
Technical	50%	50%
<b>Total</b>	<b>100%</b>	<b>100%</b>

The 50/50 commercial and technical ratio was chosen due to the relatively low financial income the new contract is likely to generate for the council, and the high quality impact of the service provided.

### Level 1 Criteria

	<b>Weighting (%)</b>
Technical	50%
Commercial	50%
<b>Total</b>	<b>100%</b>

## Level 2 Evaluation Criteria and Weightings

In relation to Commercial, the weightings will be allocated as follows:

<b>Commercial</b>	<b>Weighting</b>
Payment including benefit of capital investment	30%
Viability of the Business Plan	5%
Added value investment proposals	5%
Other legal and commercial proposals	5%
Profit/surplus share proposals	5%
<b>Total</b>	<b>50%</b>

**Quality.** Quality will be assessed through a series of relevant method statements as set out below.

<b>Commercial Theme</b>				
<b>Ref No.</b>	<b>Question No.</b>	<b>Question</b>	<b>Weighting</b>	
1	1.1	Are there opportunities within the facilities, either through service delivery or through capital developments that you believe could be implemented to improve the net financial position of the Contract?  Note: If the opportunities identified here are in relation to capital investment, please provide initial details of the high level cost of capital funding and the types of projects you envisage	20%	<b>30%</b>
	1.2	Would the opportunities identified in 1.1 realise any risks, and would any of these risks remain with the Council? How could these risks be mitigated?	10%	
2	2.1	How does your company's vision and objectives meet the strategic objectives of The Council	5%	<b>10%</b>
	2.2	How will you balance the financial challenges of maximising income against meeting the wider participation and health outcomes at the Facilities and within the local community?	5%	

<b>Technical Theme</b>				
<b>Ref No.</b>	<b>Question No.</b>	<b>Question</b>	<b>Weighting</b>	
3	3.1	What type of community development	5%	<b>15%</b>

		programmes will you implement across the Council area at the Facilities and in the neighbouring communities?		
	3.2	How will you measure the outcomes and impacts of the community development programmes identified in 3.1?	5%	
	3.3	How will you ensure the programme of activities is designed to meet the Centre's aims and objectives? That, the programme is dynamic, innovative and responsive to the requirements of the customers and potential customers? And that activities contribute to healthy lifestyles, social inclusion, lifelong learning, community safety and encourage health and wellbeing and reduction of health inequalities?	5%	
4	4.1	What will be your overall approach to pricing policy, given the Council's current specification for Fitness membership/pay as you go/centre membership/concessions etc., to maximise income but at the same time to ensure that price isn't a barrier for residents to use the facilities?	10%	
5	5.1	What performance information will you provide to the Council to demonstrate your successful delivery of the Contract?	3%	<b>10%</b>
	5.2	How will you measure the continuous improvement of service provision taking into consideration local and national agendas?	4%	
	5.4	How will your services in this Contract be benchmarked to demonstrate that the Council is receiving excellent value for money?	3%	
6	6.1	How would you measure whether the customer's expectations and aspirations are being met, and ideally exceeded? And also, how would you manage all forms of customer feedback about both positive and negative experiences?	2.5%	<b>10%</b>
	6.2	How will you ensure staff are appropriately trained, qualified and in sufficient quantity to deliver the standard of service promised to customers? Also that staff training and personal development is a key focus for your organisation	2.5%	
	6.3	How will you help to create more jobs and economic opportunities for local residents?.	5%	
7	7.1	How will you use technology based systems (i.e. remote purchasing, on-line bookings, kiosks, reward cards/schemes etc.) and also Web or Cloud based technologies (i.e. social media platforms, virtual instruction, digital media	3%	<b>5%</b>

		etc.) to market, communicate and improve the service offering to existing users and non-users?		
	7.2	How will you ensure that publicity materials, advertising materials etc. are always available and presented in a professional and current format through all media types?	2%	
8	8.1	What will be your approach towards reducing the carbon footprint of the Centres and their operations, and to ensuring that all 3 <sup>rd</sup> parties have aligned policies with respect to environmental impact and energy conservation?	2.5%	5%
	8.2	Please outline measures that you would introduce at the Facilities to reduce carbon emissions.	2.5%	
9	9.1	What would be your approach to mobilising the Contract to ensure is a seamless transfer from the existing Contractor, with particular focus on the staff, stakeholders customers ?	5%	

**Payment.** The payment will be evaluated as set out below:

- The Payment is the overall cost proposals submitted by the Bidder for the provision of the Services calculated by reference to the rates, prices, costs and proposals as set out in the Financial Model submitted by the Bidder.
- The Bidder's Payment score for their Solution is evaluated in relation to the best priced Solution.
- The best priced Solution will be awarded the maximum score of 10, each of the remaining Solutions will be awarded points on a pro rata basis relative to the best Solution.

Where errors in the computation of a tender are found, the Bidder will be given details of such errors and afforded an opportunity of confirming or withdrawing its offer. If confirmed an endorsement will be added to the relevant schedule indicating that all rates or prices inserted therein by the tenderer are to be considered as reduced or increased in the same proportion as the corrected total of priced items exceeds or falls short of such items. This endorsement will then be required to be signed by both parties to the Contract.

**Business Plan.** The Viability of the Business Plan will be evaluated taking into account the following:

- review of income and expenditure projections for each centre given the Bidders technical and capital development proposals
- review of income and expenditure against current performance given evidence of improved performance provided by the Bidders
- an assessment of how the projections reflect the level of service detailed in the Bidder's method statements.

**Added Value.** The Added Value Investment Proposals will be evaluated on how they would enhance the quality of the Facilities for Users and attract current non users to participate and whether the proposals are fully costed, with a detailed programme of works and accompanying risk register. Costs are to include all building, professional fees and contingencies as detailed in the Financial Model. The Financial Model should clearly demonstrate the business case for the development proposals.

**Legal and Commercial Proposals.** Other Legal and Commercial Proposals will be evaluated on the basis of acceptance of the Leisure Management Contract with reasonable amendment for appropriate risk allocation and management, including the Performance Management System.

**Profit / surplus sharing proposals.** The profit/surplus sharing proposals will be evaluated on the proportion of potential share passed to the Council, with a transparent mechanism for sharing provided by the Bidder.

## **PROJECT MANAGEMENT AND GOVERNANCE**

### **11. PROJECT MANAGEMENT**

The project team and SRT is comprised of the following officers:

<b>Name</b>	<b>Role</b>
Mahmood Siddiqi	Director / SRO
Ullash Karia	Head of Leisure
Christopher Allen	Leisure Sports and Physical Activity Manager
Joanna Angelides	LBHF Procurement Lead
Prakash Patel	Finance Special Projects
Carmen Lomotey	Finance Lead
Andre Jaskowiak	Legal Lead
Jeremy Plester	Project Manager

Procurement risks will be identified, and tracked by the project team and escalated via the lead officers and SRO accordingly. Mitigation activities will be applied as directed.

Leisure Services will be undertaking short-listing of bidders and evaluating the returned tenders as advised by the borough's legal and procurement leads.

The cabinet member for Environment, Transport & Residents Services will receive regular updates from the service through policy board meetings.

### **12. INDICATIVE TIMETABLE**



<b>Date</b>	<b>Action</b>	<b>Progress</b>
Sept 2017	Notes and discussion at both Policy Boards	Complete
Oct 2017	Decide procurement strategy and start to work up business case etc.	Complete
Nov 2017	Soft market testing	Complete
Dec 2017	Determine procurement strategy and route to market	Complete
Feb – April 2018	Submit LBHF procurement strategy	In progress
Feb - April 2018	Work up contract spec / tender package etc.	
May 2018	SQ tender stage	
June 2018	Main Tender Package out	
End August 2018	2nd stage Bids back in	
Sept 2018	Evaluation and 2 weeks of dialogue	
Oct 2018	Final tender evaluation & final LBHF and RBKC approval	
Nov 2018	Alcatel Period (10 days), plus Award / announce contract	
Dec 2018	Mobilisation period commences if relevant	
1 <sup>st</sup> Feb 2019	Service Commencement	

### **13. CONTRACT MANAGEMENT**

Following the award of the contract the Leisure Services Management team will manage the contract. The team will monitor the contract performance against set KPIs in accordance with the requirements set out in the new contract.

#### **Monitoring and Reporting**

The contractor shall monitor and report on its performance in the delivery of the services in accordance with the specification and against the performance standards.

In addition, the Council shall undertake its own performance monitoring of the Services at any stage during the contract for any purpose including in order to ensure that the services are being provided in accordance with this contract. The contractor will use its reasonable endeavours to assist the Council in such an exercise. The Council shall be entitled to notify the contractor of the outcome of its performance monitoring exercise, and the contractor shall have due regard to the Council's comments in relation to the future provision of the services.

The reporting structure will be as follows: monthly contract meetings, quarterly business meetings, an annual report and a triennial contractual review of performance.

Within ten business days of the end of each contract quarter, the contractor shall submit a performance monitoring report showing for the previous contract quarter each instance of a non-rectified performance failure.

The performance monitoring report shall provide the Council with all the information set out in the services specification. The contractor shall also assess performance against the key performance indicators within the services specification and include a completed key performance indicator assessment as an appendix to the performance monitoring report on a quarterly basis.

### **Subcontracting**

In the concession procurement documents, the contracting authority may ask the tenderer to indicate in its tender any share of the concession contract that it may intend to subcontract to third parties and any proposed subcontractors (CCR r42). Contracting authorities and utilities may verify whether there are grounds for exclusion of subcontractors under regulation 38(8) to (25).

### **Termination**


Every concession contract must contain provisions enabling the authority to terminate the contract where—

- (a) a modification of the concession contract has taken place, which would have required a new concession contract award procedure in accordance with regulation 43(10);
  
- (b) the concessionaire has, at the time of the contract award, been convicted of one of the crimes giving rise to mandatory exclusion from the procurement.  
or
  
- (c) the European Court finds the concession contract was awarded without complying with obligations under the Treaties and the Concessions Directive.

To the extent that a concession contract does not contain provisions enabling the contracting authority to terminate the contract on any of the grounds (a) to (c) a power for the contracting authority or utility to do so on giving reasonable notice to the concessionaire shall be an implied term of that concession contract.

### **Modification of concession contracts during their term**

The same grounds for modification found in Regulation 72 of the Public Contracts Regulations 2015 are applied to concession contract under CCR r 43.

<p><b>London Borough of Hammersmith &amp; Fulham</b></p> <p><b>CABINET UPDATE</b></p> <p><b>16 APRIL 2018</b></p>	
<b>HR, PAYROLL AND FINANCE SERVICE TRANSITION PROGRAMME</b>	
<b>Report of the Cabinet Member for Finance: Councillor Max Schmid</b>	
<p><b>Open report</b> A separate report on the exempt part of the Cabinet agenda provides financial information.</p>	
<p><b>Classification – For Information</b></p> <p><b>Key Decision: No</b></p>	
<p><b>Consultation:</b> HR, Payroll and Finance Sponsoring Group Hampshire Onboarding Programme Board</p>	
<b>Wards Affected:</b> None	
<b>Accountable Director:</b> Mark Grimley, Director Corporate Services	
<p><b>Report Author:</b> Matt Caswell, Head of Environmental Services Programme Delivery</p>	<p><b>Contact Details:</b> Tel: 020 753 2708 E-mail: matt.caswell@lbhf.gov.uk</p>

## 1. EXECUTIVE SUMMARY

- 1.1. In September 2017, the Cabinet agreed to move to HR, Payroll and Finance services currently provided by BT to a public to public partnership led by Hampshire County Council (HCC) using the SAP platform.
- 1.2. The report recommended that quarterly updates be provided to Cabinet on the progress of the move to the Hampshire Partnership, including costs.
- 1.3. This report summarises the work carried out since September 2017 and the key activities scheduled between January and March 2018.

## 2. RECOMMENDATIONS

- 2.1. That the content of the report be noted.

### **3. SUMMARY OF PROGRESS FROM SEPTEMBER TO JANUARY 2017**

#### **Legal process to join the Hampshire Partnership**

3.1. One of the outstanding matters at the time of writing the last Cabinet report was to confirm and finalise a number of areas with HCC that needed to be detailed in the legal documentation in order for LBHF to formally join the partnership. These were primarily concerned with:

- Agreeing suitable business as usual governance arrangements for LBHF within the partnership
- Clarifying the cost sharing mechanisms of the partnership

3.2. Following a series of discussions led by the LBHF Commercial Director with the HCC Corporate Services Director, agreement was reached on these issues during December 2017. Contractual arrangements were finalised on the 8<sup>th</sup> January 2018 following agreement from the LBHF Chief Executive and Cabinet Member for Finance.

#### **Programme Mobilisation**

3.3. Deloitte were engaged to manage a mobilisation phase for the programme. The primary purpose of this was to:

- Develop a detailed set of programme documentation to prepare the Council ahead of the Fit-Gap design phase starting in January
- To carry out a number of data analysis and design activities to identify any early risks and put in place mitigating actions
- Support the development of plans and options papers for ICT enabling projects which were critical to the delivery of the Hampshire implementation project

3.4. Key outputs of the phase were:

- Hampshire Onboarding Project Initiation Document (PID)
- Detailed project schedule
- Communications and engagement strategy
- Key lessons for the Hampshire Onboarding Programme report
- Establishment of risk, issue and dependency logs.
- Programme readiness checklist

3.5. In December 2017, the LBHF Sponsoring Group agreed to move forward to the 'Fit-Gap' design phase in January 2018.

#### 4. PLANNED WORK FROM JANUARY TO MARCH 2018

##### Design phase and Fit-Gap workshops

- 4.1. The Hampshire onboarding programme formally commenced on 9<sup>th</sup> January 2018 with the Hampshire implementation project being led by Deloitte on behalf of LBHF and HCC.
- 4.2. The primary purpose of this phase (which runs to March 2018) is to understand in detail the Hampshire model, and the business process and policy changes that LBHF will need to make to adapt to fit the solution.
- 4.3. During January, the programme team has been established and a series of 'Fit-Gap' workshops have started between HCC and LBHF subject matter experts. These workshops will continue into February.
- 4.4. The output of this phase will be a change impact assessment report setting out the actions required by LBHF such as changing business processes and policies. This will form the basis of the work for the programme's business deployment team which will lead on supporting this change in the organisation.
- 4.5. Whilst there will be some additions to the Hampshire model, particularly around Unitary services which will be new to the partnership, the principle is that LBHF will adapt to the model and not seek to bespoke SAP processes.
- 4.6. A joint Sponsors Gate Review meeting will take place at the end of this phase to sign off the design phase and agree to move into the system build phase.

#### 5. KEY RISKS

- 5.1. The table below outlines the key risks and mitigating actions in place.

Risk	Mitigation
<p><b>Scale of change in LBHF</b> – there are a number of competing programmes taking place (Moving On, Town Hall Refurbishment, IT desktop strategy) which will impact resource availability and capacity in the business. This may lead to conflicts in deliverables between programmes and subsequent delays.</p>	<p>The programme management and business readiness workstreams are mapping out the change environmental across the Council over the next 12 months. Plans will be made to address potential crunch points and interdependencies early to minimise the impact.</p>
<p><b>Role of the manager</b> - this has been identified as a major area of risk if the business change management is not put in place to support managers with the change in their responsibilities. This could lead to a huge number of helpdesk calls and people to lose confidence in the service early on with the subsequent impacts.</p>	<p>A fully resourced change management workstream with additional service based super-users has been scoped. The role of the manager will be considered specifically when delivering comms, familiarisation, testing and go-live support.</p>

**6. CONSULTATION**

6.1. N/A

**7. FINANCIAL IMPLICATIONS**

7.1. These are set out in the exempt part of the Cabinet agenda.

**8. EQUALITY IMPLICATIONS**

8.1. N/A

**9. LEGAL IMPLICATIONS**

9.1. N/A

**10. IMPLICATIONS FOR BUSINESS**

10.1. N/A

**11. COMMERCIAL IMPLICATIONS**

11.1 N/A

**12. IT IMPLICATIONS**

12.1. N/A

**13. RISK MANAGEMENT**

13.1. N/A

**14. BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

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

## NOTICE OF CONSIDERATION OF A KEY DECISION

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

## NOTICE OF THE INTENTION TO CONDUCT BUSINESS IN PRIVATE

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

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

## KEY DECISIONS PROPOSED TO BE MADE BY CABINET ON 4 JUNE

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

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

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

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

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

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

## **Access to Cabinet reports and other relevant documents**

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

## **Decisions**

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

## **Making your Views Heard**

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

## **LONDON BOROUGH OF HAMMERSMITH & FULHAM: CABINET 2017/18**

<b>Leader:</b>	<b>Councillor Stephen Cowan</b>
<b>Deputy Leader:</b>	<b>Councillor Sue Fennimore</b>
<b>Cabinet Member for Environment, Transport &amp; Residents Services:</b>	<b>Councillor Wesley Harcourt</b>
<b>Cabinet Member for Housing:</b>	<b>Councillor Lisa Homan</b>
<b>Cabinet Member for Economic Development and Regeneration:</b>	<b>Councillor Andrew Jones</b>
<b>Cabinet Member for Health and Adult Social Care:</b>	<b>Councillor Ben Coleman</b>
<b>Cabinet Member for Children and Education:</b>	<b>Councillor Sue Macmillan</b>
<b>Cabinet Member for Finance:</b>	<b>Councillor Max Schmid</b>

*Key Decisions List No. 65 (published 29 March 2018)*



## KEY DECISIONS LIST - CABINET ON 4 JUNE 2018

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

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

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet <i>(other relevant documents may be submitted)</i>
<b>4 June 2018</b>				
Cabinet	4 Jun 2018	<p><b>Corporate Property Services Framework</b></p> <p>The report outlines revised LOTS to ensure external advice can be secured on a wide range of property advice to ensure the administrations outcomes on assets are delivered.</p>	Cabinet Member for Finance	<p>A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.</p>
	Reason: Expenditure more than £100,000		Ward(s): All Wards	
Cabinet	4 Jun 2018	<p><b>Upgrade of Community Alarm Monitoring and Associated Disaster Recovery Solution</b></p> <p>To request approval for the necessary upgrade to the IT system supporting the council's Careline Service.</p> <p>PART OPEN</p> <p>PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	Cabinet Member for Health and Adult Social Care	<p>A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.</p>
	Reason: Expenditure more than £100,000		Ward(s): All Wards	

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Cabinet	4 Jun 2018	<p><b>DEMOLITION OF WATERMEADOW COURT - APPROVAL TO ALLOCATE ADDITIONAL FUNDS TO THE WATERMEADOW COURT DEMOLITION BUDGET</b></p> <p>The report requests additional funds be allocated to the project to cover the cost of removing significant fly-tipped material, and pay for site security.</p> <p>PART OPEN</p> <p>PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	Cabinet Member for Economic Development and Regeneration	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure more than £100,000		Ward(s): Sands End	
Cabinet	4 Jun 2018	<p><b>Appropriation of Watermeadow Court and Edith Summerskill House</b></p> <p>The report requests approval for delegated authority to grant resolution to appropriate rights affecting Edith Summerskill House and Watermeadow Court in order to deliver new housing.</p> <p>PART OPEN</p> <p>PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in</p>	Cabinet Member for Economic Development and Regeneration	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure more than £100,000		Ward(s): All Wards	

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		maintaining the exemption outweighs the public interest in disclosing the information.		
Cabinet	4 Jun 2018  Reason: Expenditure more than £100,000	<p><b>Access Agreement and Call-Off from the WLA Dynamic Purchasing Vehicles for Children’s Residential Homes, SEN Provision and Independent Fostering Agencies</b></p> <p>This report seeks approval to enter into an access agreement with the lead West London Alliance Boroughs for permission to access and call-off framework agreements for:</p> <ul style="list-style-type: none"> <li>• Independent Fostering Agencies</li> <li>• Special Educational Needs for Independent and non-maintained special schools</li> <li>• Children’s Residential Homes</li> </ul> <p>The aim is to ensure there is good quality, locally available provision for LBHF’s LAC and children with SEN, which represents value for money and is compliant with Public Contracts Regulations 2015. These Dynamic Purchasing Vehicles will be used by 9 WLA boroughs, other interested local authorities and organisations that carry out part or all of the statutory duties relating to children.</p> <p>Entering an access agreement does not commit the Council to the procurement of placement through the associated frameworks. It will however, enable it to call-off any framework subject to an internal appraisal of both quality and value for money.</p>	Cabinet Member for Children and Education  Ward(s): All Wards  Contact officer: Wesley Hedger Tel: 07590 629529 Wesley.Hedger@rbkc.gov.uk	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
Cabinet	4 Jun 2018  Reason: Income more than	<p><b>Procurement of My Time Active Service</b></p> <p>Procurement Decision sought on Mytime Active Family Weight Management Programme</p>	Cabinet Member for Health and Adult Social Care  Ward(s): All Wards	A detailed report for this item will be available at least five working days before the date of the meeting and

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
	£100,000	<p>PART OPEN</p> <p>PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	Contact officer: Mary Dos Santos Justo Tel: 020 7641 3626 mjusto@westminster.gov.uk	will include details of any supporting documentation and / or background papers to be considered.
Cabinet	<p>4 Jun 2018</p> <p>Reason: Expenditure more than £100,000</p>	<p><b>Contract extension request for Behaviour Change contracts</b></p> <p>This report seeks the Cabinet approval of a contract extension of the Healthy Hearts contract for one year and a direct award to extend the Stop Smoking Service contract for nine months to make them co-terminus. This is to ensure the Public Services Reform department has sufficient time to look into possible re-procurement options without the need for further Direct Awards whilst continuing with high performing contracts for our residents.</p> <p>PART OPEN</p> <p>PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	<p>Cabinet Member for Health and Adult Social Care</p> <p>Ward(s): All Wards</p> <p>Contact officer: Christine Mead, Neil Colquhoun Tel: 020 7641 4662, Tel: SOCNECO cmead@westminster.gov.uk , Neil.Colquhoun@rbkc.gov.uk</p>	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet ( <i>other relevant documents may be submitted</i> )
Cabinet	4 Jun 2018	<p><b>HRA Housing Capital Programme 2018/19 to 2021/22</b></p> <p>This report provides specific details of the 2018/19 and 2019/20 housing capital programme, proposes budget envelopes for the following two financial years, and seeks authority to proceed with the various projects identified in Appendix 1.</p>	Cabinet Member for Housing	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet	4 Jun 2018	<p><b>Main Contractor Procurement &amp; Contract Award For TBAP Bridge AP Academy Site</b></p> <p>Following a procurement exercise over the summer 2016 this decision will be to award the contract to the successful contractor.</p> <p>PART OPEN</p> <p>PART PRIVATE</p> <p>Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	Cabinet Member for Children and Education	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Expenditure more than £100,000		Ward(s): Palace Riverside	
Cabinet	4 Jun 2018	<p><b>H&amp;F Emergency planning to major incidents</b></p> <p>This report is a follow up to the immediate Emergency Planning Lessons Learned Report, which was presented to the Finance and Delivery Policy and Accountability Committee (PAC) on 6th September 2017.</p> <p>A further and separate review of the H&amp;F Emergency Planning</p>	Deputy Leader	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Affects 2 or more wards		Ward(s): Addison	

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		service and the response to both Grenfell Tower and the Parsons Green incident has been commissioned from an independent consultant and the results will be incorporated in this report once that review has been completed.		
Cabinet	4 Jun 2018  Reason: Expenditure more than £100,000	<b>Implementation of the Recommendations of the Poverty and Worklessness Commission</b>  This report sets out proposals for the implementation of the recommendations of the H&F Poverty and Worklessness Commission. It seeks funding for a Policy and Project Officer post and community capacity building resources to establish 'community hubs' in areas of deprivation across the borough. It also seeks funding for a review of volunteering across the borough.	Deputy Leader  Ward(s): All Wards  Contact officer: Peter Smith Tel: 020 8753 2206 peter.smith@lbhf.gov.uk	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
Cabinet	4 Jun 2018  Reason: Expenditure more than £100,000	<b>60 Benworth Road - educational capital investment</b>  Capital investment in the schools largely funded by the Academy with a capital receipt from an asset of the caretakers house next to the school to allow.  PART OPEN  PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	Cabinet Member for Finance  Ward(s): North End  Contact officer: Nigel Brown Tel: 020 8753 2835 Nigel.Brown@lbhf.gov.uk	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.

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Cabinet	4 Jun 2018  Reason: Affects 2 or more wards	<p><b>Procurement Of Contract Framework For The Planned Upgrade Of Existing Controlled Access Systems Serving Housing Properties And The Provision Of New Systems</b></p> <p>This report establishes the rationale for going out to procurement for a contract framework to carry out the council's planned programme of replacement and upgrade of controlled access systems serving housing properties and the provision of new systems.</p>	<p>Cabinet Member for Housing</p> <p>Ward(s): All Wards</p> <p>Contact officer: Vince Conway Tel: 020 8753 1915 Vince.Conway@lbhf.gov.uk</p>	<p>A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.</p>
Cabinet	4 Jun 2018  Reason: Expenditure more than £100,000	<p><b>Corporate Planned Maintenance Programme (CPMP) 2018/2019</b></p> <p>To provide proposals for the delivery and funding of the 2018/2019 Corporate Planned Maintenance Programme (CPMP) for the Council's corporate property portfolio.</p> <p>PART OPEN</p> <p>PART PRIVATE</p> <p>Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Information relating to any individual. Information which is likely to reveal the identity of an individual. Information relating to the financial or business affairs of any particular person (including the authority holding that information) Information relating to any consultations or negotiations, or</p>	<p>Cabinet Member for Environment, Transport &amp; Residents' Services</p> <p>Ward(s): All Wards</p> <p>Contact officer: Nigel Brown Tel: 020 8753 2835 Nigel.Brown@lbhf.gov.uk</p>	<p>A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.</p>

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision <b>Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.</b>	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet ( <i>other relevant documents may be submitted</i> )
		<p>contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p> <p>Information which reveals that the authority proposes - to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or to make an order or direction under any enactment,</p> <p>Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p> <p>Information which is subject to any obligation of confidentiality.</p> <p>Information which relates in any way to matters concerning national security.</p> <p>The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.</p>		
Cabinet	<p>4 Jun 2018</p> <hr/> <p>Reason: Income more than £100,000</p>	<p><b>Commercial property lettings</b></p> <p>Proposal to generate income from commercial properties within the LBHF portfolio that are currently vacant or non income producing.</p>	<p>Cabinet Member for Environment, Transport &amp; Residents' Services</p> <hr/> <p>Ward(s): All Wards</p> <hr/> <p>Contact officer: Henry Azariah Tel: 020 8753 5191 Henry.Azariah@lbhf.gov.uk</p>	<p>A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.</p>



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Cabinet	4 Jun 2018	<p><b>Designation of conservation area extensions and conservation area boundary amendments and adoption of conservation area character profiles</b></p> <p>Designation of conservation area extensions and boundary amendments affecting 11 existing conservation areas and adoption of conservation area character profiles for three existing conservation areas.</p>	Cabinet Member for Environment, Transport & Residents' Services	A detailed report for this item will be available at least five working days before the date of the meeting and will include details of any supporting documentation and / or background papers to be considered.
	Reason: Affects 2 or more wards		Ward(s): Avonmore and Brook Green; College Park and Old Oak; Fulham Broadway; Fulham Reach; Hammersmith Broadway; Munster; Parsons Green and Walham; Shepherds Bush Green; Town; Wormholt and White City	
	Contact officer: Paul Goodacre, Adam O'Neill Tel: 020 8753 3314, paul.goodacre@lbhf.gov.uk,			