

Cabinet

Minutes



Monday 4 January 2021

NOTE: This meeting was held remotely. A recording of the meeting can be watched at on YouTube at: <https://www.youtube.com/watch?v=dXM8uhbEefs&feature=youtu.be>

PRESENT

Councillor Stephen Cowan, Leader of the Council
Councillor Sue Fennimore, Deputy Leader
Councillor Ben Coleman, Cabinet Member for Health and Adult Social Care
Councillor Adam Connell, Cabinet Member for Public Services Reform
Councillor Larry Culhane, Cabinet Member for Children and Education
Councillor Wesley Harcourt, Cabinet Member for the Environment
Councillor Andrew Jones, Cabinet Member for the Economy
Councillor Lisa Homan, Cabinet Member for Housing
Councillor Sue Macmillan, Cabinet Member for Strategy
Councillor Max Schmid, Cabinet Member for Finance and Commercial Services

ALSO PRESENT

Shirley Cupit, Chair of Defend Council Homes Unit (DCHU)

INTRODUCTION

Covid-19

The Leader thanked all council officers who had worked hard late into the night over the Christmas holidays, dealing with the issues caused by the pandemic. He also thanked Councillor Sue Fennimore for helping to organize the alternative pensioners' Christmas party and ensure over 600 pensioners had their hot Christmas meals and presents delivered to their homes. He expressed his gratitude to the NHS heroes and everyone who had worked with the Council to save Charing Cross Hospital, that would have been closed by the Government in 2019. The Leader sent his sympathies to the business communities who were struggling with the consequences of the pandemic.

The Leader stated that on Sunday 13 December all London's council leaders were called to an emergency meeting to be given an update on the spread of the virus. The Director of Public Health reported that since the start of December the disease had moved to an exponential speed of growth, with the epicenter in London and Kent. All London's council leaders asked at that meeting for tougher measures to be introduced immediately to contain the movement of people across the country during the second half of December

and further spreading of the virus. However, the Government resisted the call for action. As the disease was now out of control the only solution appeared to be another full lockdown for at least one month.

Following advice by Public Health officials, the Council believed that the way forward was to strengthen schools readiness and security, make more effective online teaching on secondary schools, delay opening all schools for at least one month, calling on the Government to delay the return of students to universities for at least a month to avoid people traveling across the country. Pubs should be fully closed and further test centres should be available on hot spot areas, secondary to the vaccination programme. The Government should also provide an extensive business support mechanism to help the business struggling with the consequences of the lockdown.

The Leader added that H&F Council was urging people to stay at home and only mix with their own bubble. Group sports or any mixing outdoors should not be allowed at this stage. Mask should always be worn outdoors, and always sanitising when touching surfaces outside home. The Leader believed that local governments should be given greater power to enforce some of these measures.

Councillor Larry Culhane thanked all schools within the borough for playing a crucial role in the attempt to control the virus. Most schools remained opened throughout the pandemic for children of key workers and vulnerable children. The inaction of Government was reflected in education, starting with the delay in sorting out the exams results that had been cancelled 4 months earlier. It also imposed a testing scheme for the return to school with a very short notice just before the Christmas break, which should have been introduced months earlier. As a result, teaching staff had to work over Christmas to prepare for the scheme.

The Leader stated that the Council had already spent millions of pounds to deal with the challenges created by this pandemic, and not all the money promised by the Government had been returned. With the second wave, new measures would need to be taken moving forward. He was very grateful to all the officers and Councilors for rising to the challenge.

Hammersmith Bridge

The Leader stated that there had been some rumors that Government Ministers had asked H&F Council to pay a large sum of money towards the Hammersmith Bridge restoration, but the Council had refused, which was untrue. The Council had so far spent £5.7m by comprehensively accessing the damage to the bridge and carrying out works. The Council was also paying approximately £200,000 out of the taxpayers' money to commission a temporary bridge. The plans would be presented to the Hammersmith Bridge Taskforce and the Secretary of State for Transport, Grant Shapps MP, shortly. An additional £2.7m would be spent this year on works on the stabilisation and other factors to stop the bridge falling into the river. These expenses, added to the £25m spent so far on Covid-19 and the future expenditures on the second wave, gave an idea of the financial pressures the Council was facing.

The Leader meet with the Secretary of State for Transport, Grant Shapps MP, on 25 November and was told that the Department for Transport (DfT) wanted a 50% contribution from the Council to the cost of repairing the bridge, amounting to around £64m. He told the Leader that the Council could raise the money by requesting the Borough's taxpayers to pay an increased Council Tax or by using its reserves. The Leader replied that this would not be beneficial to the Council's residents. Moreover, the Council's auditors had recommended that to ensure financial resilience the Council should work to increase reserves over the medium term. The Council could not afford this sum before the pandemic and certainly could not afford it now, when many people were facing unemployment and poverty.

The Leader added that Hammersmith Bridge linked many parts of London and although H&F residents wanted the bridge fixed, they did not believe it was reasonable for them to pay for the majority of those works. He said that the transport minister Baroness Vere wrote to the Leader in October and confirmed that normally bridges were paid by Transport for London (TfL), however, they were not able to contribute with more than £16m. The Council and TfL had put together £22m so far, which was the local offer contribution that Baroness Vere was looking for.

Unfortunately the Hammersmith Bridge Taskforce had never added financing options onto any of the Taskforce meeting's agenda, which had significantly delayed the implementation of any action so far. The Leader had written to the Secretary of State for Transport to highlight this issue and hoped they would find a way forward to get the works moving as quickly as possible. He stressed that the Government, rather than the residents and businesses of Hammersmith & Fulham, should bear the remaining full cost of repairing the bridge.

1. MINUTES OF THE CABINET MEETING HELD ON 7 DECEMBER 2020

RESOLVED:

That the minutes of the meeting of the Cabinet held on 7 December 2020 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATION OF INTERESTS

There were no declarations of interest.

4. COUNCIL TAX SUPPORT SCHEME 21/22

Councillor Max Schmid stated that the Council Tax Support scheme operated by offering a discount to residents who needed help paying their Council Tax. The Council was determined to support lower income families and was paying £9,1m for the scheme. The Council was proposing no changes to the scheme this year; and this was particularly important in light of the financial challenges residents were facing due to the economic impacts of Covid-19, including the rise in unemployment and the continued increases in living costs.

AGREED UNANIMOUSLY BY CABINET:

It is recommended that Cabinet agrees the following recommendations to be approved by full Council:

1. That the Council Tax Support Scheme in operation in 2020/2021 shall continue in 2021/2022.
2. That the Council shall apply the annual uprating of allowances, applicable amounts and income set out in the DWP Housing Benefit circular to the Council Tax Support scheme for 2021/2022.

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.

5. COUNCIL TAX BASE AND COLLECTION RATE 2021-22 AND DELEGATION OF THE BUSINESS RATE ESTIMATE

Councillor Max Schmid stressed that the Council was committed to continue to lead on Ethical Debt collection by working closely with vulnerable residents and not employing Enforcement Agents for the collection of Council Tax. The 2020/21 Council Tax income had been adversely impacted by the Covid-19 pandemic, with an estimated in-year loss of £6m, which would lead to significant pressures on the Council's budget. The Government had announced that it would fund only 75% of these irrecoverable losses, despite previously having stated that it would be fully funded by the Government.

AGREED UNANIMOUSLY BY CABINET:

That Cabinet approves the following recommendations to Full Council for the financial year 2021/22:

1. That the estimated numbers of properties for each Valuation Band as set out in this report be approved.
2. That an estimated collection rate of 97.0% be approved.
3. That the Council Tax Base of 80,930 Band "D" equivalent properties be approved.
4. To delegate authority to the Director of Finance in consultation with the Cabinet Member for Finance and Commercial Services, to determine the business rates tax base for 2021/22.
5. To note the provisional in-year 2020/21 council tax collection fund deficit of £6m and that the estimate will continue to be reviewed. The overall deficit, taking account of prior years, is estimated at £5.550m.
6. To confirm, subject to confirmation of an estimated financial benefit, that the London Borough of Hammersmith and Fulham wishes to continue in a pan-London business rates pool in 2021/22.

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.

6. CAPITAL PROGRAMME MONITOR & BUDGET VARIATIONS, 2020/21 (SECOND QUARTER)

Councillor Max Schmid stated that this report provided detailed analysis of the Council's capital programme financial position and highlighted any potential risks and their impact on the Council's resources. He noted that despite the financial pressures, the Council was still fully committed to build affordable housing.

AGREED UNANIMOUSLY BY CABINET:

1. To approve the proposed budget variations to the capital programme totalling £9.1m (summarised in Table 1 and detailed in Appendix 2).

2. To note the potential risks regarding the Housing Capital Programme, as summarised in paragraphs 26, 27 and 28.
3. To approve budget amendments of £1,016,000, funded from borrowing, to complete transport and parks schemes for which expected TfL grants and section 106 contributions are no longer available (see Appendix 2 for detail).
4. To approve funding from borrowing of £455,000 for previously approved transport schemes for which S106 and TfL funding contributions are no longer available.

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.

7. CORPORATE REVENUE MONITOR MONTH 6 (SEPTEMBER 2020)

Councillor Max Schmid paid tribute to the finance officers as – with the exclusion of the financial difficulties caused by the pandemic – the Council was in a better position this year than in the previous year due to the financial mitigation measures put into place by officers.

AGREED UNANIMOUSLY BY CABINET:

1. To delegate authority to the Director of Finance, in consultation with the Cabinet Member for Finance and Commercial Services, to take all decisions necessary to facilitate the closing of the final accounts.
2. To approve the General Fund virements of £0.610m as detailed in appendix 9.
3. To note General Fund forecast, overspend of £5.722m and requirement for urgent further action to significantly reduce the forecast overspend.
4. To note the Housing Revenue underspend of £0.948m.
5. To note the in-year Dedicated Schools Grant overspend of £3.558m.

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.

8. DEFEND COUNCIL HOMES POLICY

The Leader thanked Shirley Cupit, Chair of Defend Council Homes Unit (DCHU), for all her hard work done on the Defend Council Homes Policy. He stressed that this policy represented a major landmark in delivering the Council's commitment to protect Council homes now and in the future. He added that this Administration had also saved the West Kensington and Gibbs Green Estates from demolition.

Councillor Lisa Homan stated that the Council had been through a number of stages and process to get to this stage. In 2017 the Council set up the Defend Council Homes Unit to look at new ways of safeguarding the homes of council tenants and leaseholders, chaired by Shirley Cupit, a resident whose home had been at risk of demolition. This policy had been through a very robust consultation with residents. She thanked Shirley Cupit and all residents involved in creating this policy and highly recommended it for Cabinet approval.

Shirley Cupit, Chair of DCHU, stated that this policy would give a legal protection to residents and the opportunity to have a saying on decisions that would affect their homes. She added that this policy was not anti-development but against the non-involvement of residents on these decisions. The consultation had received over 1,000 individual responses from residents – and impressive result considering it had been carried out in the middle of a pandemic. The responses had been overwhelmingly in favour of the policy: 92% of respondents supported its introduction. She added that this policy showed how this Council genuinely wanted to listen to its residents and she wholeheartedly recommended it for Cabinet approval.

AGREED UNANIMOUSLY BY CABINET:

That Cabinet:

- 1) Carefully considers all responses to the section 105 consultation on the Defend Council Homes Policy and notes the significant level of support for the Policy from residents living in Council homes.
- 2) Agrees that the Defend Council Homes Policy, attached as Appendix 1, be formally adopted as a policy of the Council and that all necessary steps, including but not limited to entering into any necessary documents, be taken to implement the policy.

- 3) Authorises the Head of Law to register a restriction on title with HM Land Registry of all freehold titles within the Housing Revenue Account (HRA) as follows: “No disposition of the registered estate by the proprietor of the registered estate is to be registered without a certificate signed by Hammersmith and Fulham Council [or their conveyancer] that the provisions of the Defend Council Homes Policy (in the terms in effect as at the date of certificate) have been complied with or that they do not apply to the disposition”.
- 4) Approves that the one-off costs of implementation of up to £140,000 are funded from:
 - a. the current balance of £46,700 held in the earmarked reserve for “Protecting the future of Council homes”;
 - b. existing revenue budgets of £93,300 within the Place division of the Housing Revenue Account.
- 5) Agrees the timetable for implementation set out in the next steps and timeline section.

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.

9. PROCUREMENT STRATEGY FOR TRAVEL CARE TAXI SERVICES

Councillor Larry Culhane explained that the current Taxi Travel Care Framework was due to expire on 25 May 2021 with no option to extend, therefore a re-procurement of a taxi passenger transport service was required. The Council wanted to procure again from 2021 on a similar basis and would invest more money and provide a much better service than the framework inherited by the Tri-borough agreement, which had already been terminated.

Councillor Ben Coleman stated that he was delighted that this new framework would ensure that safe transport would be provided for some of the most vulnerable children and young people in the borough. There had been issues reported by parents about the unsafe transport of disable children to school offered by the provider. Therefore, since 2014 there was a determination to change this Tri-borough contract, which was only about transport and had nothing about caring for vulnerable young people.

Councillor Sue Macmillan, the Cabinet Member for Children and Education in 2014, endorsed Councillor Coleman’s comments and reiterated that the former contract was not suitable or appropriate for children with special needs.

However, the new procurement would result in the provision of an optimum service.

AGREED UNANIMOUSLY BY CABINET:

That Cabinet approves the procurement strategy, attached as Appendix A, to run an open procedure to establish a framework for the provision of travel care taxi services for a period of 4 years from May 2021.

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.

10. UPDATE TO COLLABORATION AGREEMENT FOR CHILDREN'S SOCIAL CARE

Councillor Larry Culhane stated that in 2018 the Council left the Tri-borough agreement for substantive children's services, but some services had still remained. This report was seeking approval to terminate the collaborative delivery in three areas, the main one being the Local Safeguarding Children's Partnership service. Returning the services to sovereign delivery in H&F would enable greater control and improved integration of services across Children's Social Care.

AGREED UNANIMOUSLY BY CABINET:

1. To vary the Collaborative Delivery Agreement dated 5 April 2018 between the London Borough of Hammersmith and Fulham, Royal Borough of Kensington and Chelsea and Westminster City Council from 1 April 2021, unless agreed otherwise, to enable H&F to terminate its involvement with the collaborative delivery of:
 - the Children's Placements Service; and
 - the Local Safeguarding Children's Partnership;
 - and to reduce H&F's financial contribution of £150k per annum towards the Action for Change Programme by approximately 50%;
2. To delegate authority to the Chief Executive Officer to approve any future variations, extensions or disaggregation or termination (in full or in part) by H&F of the Collaborative Delivery 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.

11. PROCUREMENT STRATEGY FOR SCHOOL MEALS

Councillor Larry Culhane stated that the current contract could not be extended so there was a need for a re-procurement. School Meals service was used by children and young people in H&F, which ensured that school aged children in the Borough were offered at least one nutritionally hot meal each day in schools. There was no requirement for a school to enter into this new arrangement, but they would need to make their own arrangements that would work better for them.

AGREED UNANIMOUSLY BY CABINET:

1. Appendix A and Appendix B are not for publication on the basis that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).
2. To approve the procurement strategy at Appendix A of this report to run a mini competition under ESPO Catering Services framework 704_18 Lot 1 (Education). The estimated contract value is as detailed in Appendix A.

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.

12. ROUGH SLEEPING SERVICES PROCUREMENT STRATEGY

Councillor Lisa Homan informed that the procurement strategy for eight existing service contracts for rough sleepers and people with a history of homelessness was approved by Cabinet in February 2020. However, it did not get implemented due to the impact of the pandemic. The revised procurement strategy proposed to procure three new contracts for rough sleepers to replace existing contracts.

Councillor Sue Fennimore stated that this strategy gave an opportunity to build on the excellent work being done by the Council to end rough sleepers in the Borough and to support vulnerable people with a better and more cohesive service.

AGREED UNANIMOUSLY BY CABINET:

1. Appendix 2 is not for publication on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).
2. That the Business Case & Procurement Strategy for the procurement of three new Rough Sleeping Services contracts as set out in Appendix 1 attached is 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.

13. CONTRACT AWARD FOR MAJOR REFURBISHMENT WORKS TO MAYSTAR ESTATE W14

Councillor Lisa Homan stated that this report was seeking approval to award a contract for the major refurbishment of various housing properties comprising the Maystar Estate W14. This project was one which the Council had committed to deliver as part of the Asset Management Compliance Strategy and Capital Programme.

AGREED UNANIMOUSLY BY CABINET:

1. Appendices 1, 2 and 3 are not for publication on the basis that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).
2. That Cabinet approves, subject to completion of consultation with affected leaseholders under Section 20 of the Landlord and Tenant Act 1985, the appointment of Axis Europe PLC via the South East Consortium Internal and External Works Framework ("SEC") Lot 1b: Major Refurbishment over £1m, to undertake major refurbishment works to the Maystar estate W14 for a sum of £5,179,155.65. The project is expected to be awarded on 18th January 2021 with a site completion date of 17th January 2022.
3. That Cabinet approves a contingency sum detailed in exempt Appendix 3 to deal with any unforeseen works that may arise during the delivery of the project.
4. That Cabinet approves a budget of £20,000 for miscellaneous costs that may arise outside of the contract, generally internal recharges to other council services such as planning or building control fees, parking suspensions, arboricultural advice.

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.

14. DISPOSAL OF LAND - WATERMEADOW COURT, WATERMEADOW LANE, LONDON, SW6 2RW

Councillor Andrew Jones stated that this report was seeking approval to dispose of the Watermeadow Court site to Peabody Housing Association and Mount Anvil. The conditions of sale included delivery of 50% (108) genuinely affordable homes on the site. This represented a significant improvement on the consented scheme which delivered only 17% affordable homes. The expectation was that construction of the project would start in the summer of 2021 and complete by summer 2024. The Council would have nomination rights to the affordable rent homes ensuring that all homes would be available to residents of the borough.

AGREED UNANIMOUSLY BY CABINET:

1. Appendices 2, 3, 4 & 5 are not for publication on the basis that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 and/o information in respect of which a claim to legal professional privilege could be maintained in legal proceedings as set out in paragraph 5 of Schedule 12A of the Local Government Act 1972 (as amended).
2. To approve the disposal of the Land, shown marked in red on the plan attached at Appendix 1, to Mount Anvil New Holdings Ltd or another company controlled by Mount Anvil and Peabody under a land sale agreement on a 255-year lease at the consideration set out in exempt appendix 2.
3. To delegate authority to the Strategic Director for Economy in consultation with the Head of Law to agree the contracts of sale with Mount Anvil New Holdings Ltd or another company controlled by Mount Anvil and Peabody based on the terms set out in the report and exempt appendix 3 and approve any other necessary documents to complete the sale.

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.

15. HARTOPP POINT & LANNOY POINT SITE - NEW COUNCIL HOMES

Councillor Andrew Jones stated that the buildings on this site were due to be demolished after surveys had identified serious structural defects. Therefore, there was a need for redevelopment and an opportunity to increase the number of genuinely affordable housing on the site. Following extensive consultation with the local residents, this report was seeking budget approval to take the project forward and proceed with design development.

Councillor Lisa Homan stated that the work done with residents was a testament of how the Council should be consulting with residents on anything that might affect them. The Council had made the commitment to carry on engaging with residents throughout the consultation process going forward.

AGREED UNANIMOUSLY BY CABINET:

1. Appendix 1 is not for publication on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).
2. To consider, this Stage 1 (Feasibility) Development Appraisal Report and approve progression to Stage 2 (Planning) and Stage 3 (Procurement), for Hartopp Point and Lannoy Point site, Dawes Road, Fulham SW6.
3. To approve a project development budget of £3,715,262 for progression and delivery up to and including LBHF's development stage 2 (i.e.: Planning or RIBA Stages 2 & 3) & stage 3 (i.e.: Procurement or RIBA Stage 4) to be funded from:
 - i. a previously approved budget of £250,000 for early feasibility work
 - ii. underspends of £198,062 and £500,000 from the previously approved CPO and acquisition budgets respectively for Hartopp Point and Lannoy Point
 - iii. a new budget of £2,767,200 from HRA borrowing.
4. To delegate authority to the Strategic Director for the Economy in consultation with the Cabinet Member for the Economy to extend appointments of the consultant teams beyond RIBA stage 1, in line with recommendation 1.2.

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.

16. FORWARD PLAN OF KEY DECISIONS

The Key Decision List was noted.

17. ANY OTHER BUSINESS

The Leader noted that the Prime Minister would be broadcasting at 8pm tonight. He stressed that we were living on unprecedented times and the scale of the spread of the virus was worse now than during the first wave. He

believed that a lockdown was imminent and urged everybody to stay at home to save lives and stop the spread of the virus and not mix with anyone outside their bubble. This would help containing the length of the lockdown and save business and livelihoods.

Meeting started: 6.10 pm
Meeting ended: 8.05 pm

Chair