

Cabinet

Agenda

MONDAY
15 MAY 2023
7.00 pm

MAIN HALL
FIRST FLOOR
3 SHORTLANDS
LONDON W6 8DA

Watch the meeting
live on YouTube:
<https://youtube.com/live/zi45LAfdILk?feature=share>

Membership

Councillor Stephen Cowan, Leader of the Council
Councillor Ben Coleman, Deputy Leader
Councillor Rebecca Harvey, Cabinet Member for Social Inclusion and Community Safety
Councillor Bora Kwon, Cabinet Member for Civic Renewal,
Councillor Alex Sanderson, Cabinet Member for Children and Education
Councillor Wesley Harcourt, Cabinet Member for Climate Change and Ecology
Councillor Andrew Jones, Cabinet Member for The Economy,
Councillor Frances Umeh, Cabinet Member for Housing and Homelessness
Councillor Rowan Ree, Cabinet Member for Finance and Reform
Councillor Sharon Holder, Cabinet Member for Public Realm

Date Issued
03 May 2023

If you require further information relating to this agenda please contact:
Katia Neale, Committee Coordinator, tel: 07776 672 956 or email:
katia.neale@lbhf.gov.uk

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

PUBLIC NOTICE

The Cabinet hereby gives notice of its intention that it may want to hold part of this meeting in private to consider the exempt elements of items **6-7** 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 but spaces are limited. To register for a place please contact katia.neale@lbhf.gov.uk. Seats will be allocated on a first come first serve basis. A loop system for hearing impairment is provided, together with disabled access to the building.

Shortlands



3 Shortlands,
Hammersmith,
London W6 8DA

-  **Closest Underground Station**
Hammersmith
-  **Closest Bus Stop**
Latymer Court (Stop G)

DEPUTATIONS

Members of the public may submit a request for a deputation to the Cabinet on item numbers **4-7** on this agenda using the Council's Deputation Request Form. The completed Form, to be sent to Katia Neale 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 10 May 2023.**

COUNCILLORS' CALL-IN TO SCRUTINY COMMITTEES

A decision list regarding items on this agenda will be published by **Tuesday 16 May 2023**. Items on the agenda may be called in to the relevant Accountability Committee.

The deadline for receipt of call-in requests is: **Friday 19 May 2023 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 **Friday 19 May 2023**.

Cabinet Agenda

15 May 2023

<u>Item</u>		<u>Pages</u>
1.	MINUTES OF THE CABINET MEETING HELD ON 17 APRIL 2023	5 - 7
2.	APOLOGIES FOR ABSENCE	
3.	DECLARATION OF INTERESTS	
<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 Standards Committee.</p>		
4.	COMMUNITY EQUIPMENT AND ASSISTIVE TECHNOLOGY CONTRACT	8 - 15
5.	PROCUREMENT STRATEGY - CONTRACT FOR UNATTENDED CCTV CAMERA SYSTEM	16 - 25
6.	FARM LANE - NEW COUNCIL DEVELOPMENT	26 - 78

This report has one appendix which contains information exempt within the meaning of Schedule 12A to the Local Government Act 1972 and is not for publication. The appendix has therefore been circulated to Cabinet Members only.

Any discussions on the contents of an exempt appendix will require Cabinet to pass the proposed resolution identified at the end of the agenda to exclude members of the public and the press the proceedings for that discussion.

7. LILLIE ROAD - NEW COUNCIL DEVELOPMENT

79 - 133

This report has one appendix which contains information exempt within the meaning of Schedule 12A to the Local Government Act 1972 and is not for publication. The appendix has therefore been circulated to Cabinet Members only.

Any discussions on the contents of an exempt appendix will require Cabinet to pass the proposed resolution identified at the end of the agenda to exclude members of the public and the press the proceedings for that discussion.

8. FORWARD PLAN OF KEY DECISIONS

134 - 161

9. DISCUSSION OF EXEMPT ELEMENTS (ONLY IF REQUIRED)

LOCAL GOVERNMENT ACT 1972 - ACCESS TO INFORMATION

Proposed resolution:

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.

London Borough of Hammersmith & Fulham

Cabinet

Minutes



Monday 17 April 2023

NOTE: This meeting was held remotely. A recording of the meeting can be watched at on YouTube at: <https://www.youtube.com/watch?v=VuZLhNJpB50>

PRESENT

Councillor Stephen Cowan, Leader of the Council
Councillor Ben Coleman, Deputy Leader
Councillor Wesley Harcourt, Cabinet Member for Climate Change and Ecology
Councillor Andrew Jones, Cabinet Member for The Economy
Councillor Rebecca Harvey, Cabinet Member for Social Inclusion and Community Safety
Councillor Bora Kwon, Cabinet Member for Civic Renewal
Councillor Rowan Ree, Cabinet Member for Finance and Reform
Councillor Alex Sanderson, Cabinet Member for Children and Education
Councillor Frances Umeh, Cabinet Member for Housing and Homelessness

ALSO PRESENT

Councillor Jose Afonso

ALSO PRESENT VIRTUALLY

Councillor Patricia Quigley

1. MINUTES OF THE CABINET MEETING HELD ON 6 MARCH 2023

RESOLVED:

That the minutes of the meeting of the Cabinet held on 6 March 2023 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Sharon Holder.

3. DECLARATION OF INTERESTS

There were no declarations of interest.

4. CORPORATE REVENUE BUDGET REVIEW 2022/23 (MONTH 9 – DECEMBER 2022)

Councillor Rowan Ree introduced the report setting out the current revenue budget forecast and action plans for the departments with forecast overspends. This was the fourth corporate revenue financial performance report compiled for 2022/23.

Councillor Jose Afonso asked a question related to page 14 on the agenda about inflation upturn and pay negotiations. He asked whether the Council would consider operating a performance related pay to encourage performance.

The Leader responded that they had had extensive conversations about performance related pay in the past but decided that it would be more beneficial to pay people fairly and expect them to work to very high standards. They introduced a performance criterion of continuous improvement involving a training and development programme seeking to pursue performance which was not related to pay. Therefore, they would not consider introducing a performance related pay and there were also many examples of its ineffectiveness across sectors.

Councillor Jose Afonso asked a question in relation to page 32 on the agenda. He asked whether the Council was seeking 66% of costs for the full repair and stabilisation works of Hammersmith Bridge.

The Leader replied that they were seeking the money to fully restore the bridge. Hammersmith Bridge had an ancient and unique structure which was riddled with rust and decay due to over 70 years of disrepair. The cost to fully fix it would be around £200m. The Government and TfL had decided that Hammersmith and Fulham tax payers should pay one third of the total cost, which was unprecedented. He stressed that residents alone should not be responsible for paying the full cost as it should be paid by all users, hence the reason they were proposing a toll on the bridge.

In relation to page 47 on the agenda, Councillor Jose Afonso asked the reason for the increase in void properties and the consequent loss of rental revenue.

The Leader explained that there were currently genuine challenges in the housing sector causing serious problems for repairing void properties. The difficulty in getting skilled labour and building materials had affected all aspects of their housing management. The new Director of Housing, Richard Shwe, was finding many innovative ways forward on this issue. He stressed that it was a priority to give residents the best council housing service in the country.

AGREED UNANIMOUSLY BY THE CABINET MEMBERS:

1. To delegate authority to the Director of Finance, in consultation with the Cabinet Member for Finance and Reform, to take all decisions necessary to facilitate the closing of the final accounts.

2. To note the General Fund forecast overspend of £1.890m.
3. To note that the forecast drawdown from the Housing Revenue Account general balance will be £6.329m. This is £2.279m more than budgeted.
4. To note the requirement for significant further action to reduce the forecast overspends and balance the budget.
5. To note the in-year Dedicated Schools Grant High Needs Block forecasted surplus of nil.
6. To approve General Fund virements totalling £0.190m as detailed in appendix 10.

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. FORWARD PLAN OF KEY DECISIONS

The Key Decision List was noted.

Meeting started: 7.00 pm
Meeting ended: 7.14 pm

Chair

Agenda Item 4

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Cabinet

Date: 15/05/2023

Subject: Community Equipment and Assistive Technology Contract

Report of: Councillor Ben Coleman – Deputy Leader

Report author: Adie Smith - Programme Lead, Adults' Social Care

Responsible Director: Lisa Redfern - Strategic Director of Social Care

SUMMARY

Currently H&F Council forms part of the London Consortium Agreement with twenty other Local Authorities. The consortium created a framework for London based Social Care and Health Services to buy community equipment. This is a demand led contract from which the latest data intelligence suggests that the average usage is split 40% H&F Social Care and 60% Health.

The framework has reached an end and the consortium has gone through a procurement for a new provider (NRS) to supply community equipment. The recommended decision is to stay with the consortium for another 5+2 years.

RECOMMENDATIONS

1. To approve the decision to remain with London Consortium Community Equipment Framework, managed by RBKC and WCC who have awarded the NRS contract for 5+2 years.
2. To enter into a 'Call-off' agreement from the 1 April 2023 to 31 March 2028 with a potential extension for 2 years from the above-mentioned framework to appoint NRS as the Council's supplier of Community Equipment, Assistive Technology and Minor Adaptations.
3. To approve the £13,723,200 as the total value for seven years

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	This contract will continue to support the Council in enabling its residents to access community equipment and independent lives.
Creating a compassionate council	Understanding the needs of the operational teams and how they meet the wants of our residents, we aim to provide a smooth continuity of service.
Doing things with local residents, not to them	A number of our residents work for the recommended supplier. This will ensure those residents remain in consistent employment.
Being ruthlessly financially efficient	This contract supports the Council in its objective to achieve Best Value
Taking pride in H&F	Those residents who work for the recommended supplier can continue to advocate for the needs of the H&F residents and provide them with a service to be proud of.
Rising to the challenge of the climate and ecological emergency	By utilising a local depot (Greenford) and a contractor who are committed to creating a fleet of electric vehicles, we are supporting the reduction CO2 emissions across London and the ULEZ.

Financial Impact

This contract is demand led.

The estimated annual contractual value with NRS:

The NRS total spend	£2,328,271
Less savings compared to previous contractor	-£150,000
Less estimated credits for recycled equipment at 10%	-£217,821
Total revised annual contract value in 2023-24	£1,960,450

The budget for this contract is part of a pooled budget between Health - Integrated Care Board (ICB) and Adult Social Care, who are the main funders of the contract. Economy, Children's Services, and Imperial Healthcare Trust also contribute to the budget.

The table below details the annual cost and partner contributions to the contract. It shows the total cost and partner contributions for the 5 years of the initial contract award, and the total cost and partner contributions should the contract be extended to 7 years.

	Years		
	1	5	7
Estimated Costs	£1,960,450	£9,802,250	£13,723,150
Funding Source			
NWL Integrated Care Board	£1,148,100	£5,740,500	£8,036,700
Adult Social Care	652,600	£3,263,000	£4,568,200
Economy	50,700	253,500	354,900
Children's Services	25,000	125,000	175,000
Imperial Health Care Trust	33,200	166,000	232,400
Discharge grant(LA & IBC)	51,000	255,000	357,000
Total Funding Sources	£1,960,600	£9,803,000	£13,724,200
Underspend	(£150)	(£750)	(£1,050)

The partner contributions from the Integrated Care Board and Imperial Healthcare are still to be confirmed. The figures in the table are the 2022/23 contributions.

The Adult Social Care contribution will allow the Department to deliver savings of £150,000 that were approved as part of the overall Council Budget for 2023/24 and the MTFS.

The pooled budget agreement shares the risks and rewards for this contract 60% to the Integrated Care Board and 40% to Adult Social Care.

Any under- or overspend on this demand led contract would be split 60/40%.

The discharge grant funding has only been confirmed for 2023/24 and 2024/25. For planning purposes, we are assuming the grant will be ongoing for the 7 years of the contract award. If the grant ends during this period, the shortfall will be met from increased partner contributions.

Inflationary uplifts for this contract as summarised as follow:

- Activity fees – discretion of the contracting authority and in line with the average annual consumer price index
- Equipment purchase price – not exceeding the average annual rate of CPI (January – December)
- No uplift for any recycled equipment.

This will need to be managed through the annual uplifts process.

Financial Implications completed by: Prakash Daryanani Head of Finance (ASC & PH) 16th March 2023

Verified by Sukvinder Kalsi, Director of Finance, 5th April 2023

Legal Implications

The Council has the power to procure this equipment and technology to enable it to fulfil its duties under the Care Act 2014.

This is a public supply contract under the Public Contracts Regulations 2015. The contract has been procured by way of a competitive tendering exercise carried out jointly with other authorities as part of the London Consortium. The framework agreement which has been put in place as a result of the procurement allows for authorities to call-off contracts under it to meet their needs. The requirements of the PCR have been fulfilled by the procurement process which has been followed.

The proposed award is a high value contract for the purposes of the Council's Contract Standing Orders. This requires a contract of this value to be procured by way of competitive tendering. These requirements have been met by the competition which has taken place.

The award of this contract is a key decision under the Council's constitution. It needs to be placed on the key decision list on the Council's website.

John Sharland, Senior solicitor (Contracts and procurement)
22nd March 2023

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Proposals and Analysis of Options

Background

1. The current contract is due to end 31 March 2023 and the consortium led by Bi-Borough have procured a new supplier (NRS) for the next 5 + 2 years
2. The reason for this tight deadline is that the incumbent provider (Medequip) challenged in court the Consortium's procurement process. The challenge eventually was not upheld in court, but it did mean that the mobilisation period was significantly reduced.
3. Concurrently, Hammersmith and Fulham explored other options to ensure that the new potential contract is value for money and therefore whether it is in the Council's interest to remain with the consortium.
4. See below for the four options explored:

Options Appraisal

Option 1 - To remain within the consortium and add 'Minor Adaptations and Assistive Tech/Telecare' to the 'Call off' agreement. (Recommended)

5. The advantage of remaining with the consortium is that the monitoring and quality assurance as well as price of equipment it taken on by the consortium on behalf of 20+ Local Authorities
6. The main risk identified were the short mobilisation period and the exclusion of "telecare and minor adaptations" to the service specification.
7. As the consortium excluded these areas it was important to ensure that (1) locally the services were not reduced and (2) further potential savings could be materialised.
8. The new specification has benefits compared to the current one, including (but not exhaustive)
 - a. An extended working hours offer (Mon – Sat from 08.00 – 20.00) This provides potentially further support for an earlier hospital discharge.
 - b. No license fee to pay for the IT system (a saving of around £10k)
9. In discussing the telecare and minor adaptations aspects, the Council has negotiated at least the same service provision and a matching or 5% discount on equipment compared to the current provision.
10. Due to the short mobilisation period, the council expressed concerns over service continuity to our residents. In conversation with NRS the risks have been mitigated due to a commitment by NRS in supplying 50 additional staff to cover current demand and respond to service issues when they arise. A mobilisation plan – overseen by the consortium – is in place.
11. Therefore the Council was assured of (1) service continuity and (2) and savings compared to the current contract.
12. In terms of value for money, the most frequently prescribed 27 Community Equipment products and the most frequently ordered 5 items of Telecare equate to 60% of the total use.
13. In addition, NRS have offered up a 0.25% discount for invoices paid within 14 days.

Option 2 - To exit the London Consortium and direct award Medequip to deliver 'Continuity of Service' under the Kent Commercial Services (KCS) Integrated Community Care Equipment Framework. (Not recommended)

14. The advantage is that this could be a quick procurement process. The framework - owned by Kent County Council's Procurement Services - enables any user to Direct Award under the PCR – 15 compliant route to market

'Continuity of existing goods/services from an awarded supplier'. The supplier therefore would be Medequip.

15. This framework agreement lasts until Oct 2024. However, there is a clause within the framework agreement that allows a Council to award for any duration of time beyond this date, as long as it is signed off and commences before Oct 24.
16. The plan here was to award a 'Call-Off' Contract for 24 months, with a break clause after 12. Starting April 1 2023.
17. This would provide further time to enable the Adults' Commissioning Team to analyse and improve the level of service and ensure we are meeting the need of our residents without compromising service continuity.
18. The most frequently prescribed 27 Community Equipment products and the most frequently ordered 5 items of telecare equate to 60% of the total use. This breakdown of items identifies a like for service with a saving of £188,682 per year, based on the current contract pricing.
19. In addition to this saving Medequip agreed to work with practitioners to increase the levels of recyclable returns.
20. The disadvantage of this option is that (1) the contract monitoring would transfer to the commissioning team; (2) further fees around access to the IT system and (3) due to TUPE arrangements from Medequip to NRS, local knowledge and expertise would not remain with Medequip.
21. In addition, there would be added pressure to discharge teams, as they would have to prescribe potentially different products from different suppliers depending upon their patients post code.
22. Lastly, to exit the London Consortium and to direct award Medequip would require leaving the consortium which would need a 6 month notice to be given.

Option 3 - Remain in the consortium for the use of Community Equipment and procure our own Assistive Technology partner. (Not recommended)

23. The key issue here is there would be no Assistive Technology on offer after March 2023 for some time as The Council will need to tender for this provision.
24. This is both a significant and highly likely risk to continuity of service to our residents.

Option 4 – Do nothing (Not recommended)

25. This is not an option as the service will end on the 31 March and this would mean no service to our residents.

Reasons for Decision

26. This decision is required in order to ensure continuity of service with the least amount of disruption and value for money for the residents of Hammersmith and Fulham.
27. The recommended option provides the less risk towards this continuation of service, and the least disruption to our operational teams.
28. It is clear that substantial saving can be made by either Option 1 or Option 2. On balance, sufficient assurance was given by NRS that services will continue for residents and any risk to that was mitigated by NRS to Hammersmith and Fulham to remain in the consortium with the additional benefits that are described in Option 1.

Equality Implications

29. There are no anticipated negative implications for groups with protected characteristics, under the Equalities Act 2010, by the approval of this proposal.
30. Whilst the decision impacts some whom may be deemed as vulnerable, no service is to be de-commissioned and mitigation is in place to limit and service interruption.
31. As part of the commissioning relationship with the provider, improved quality of service delivery will be a key driver and monitored regularly.

Risk Management Implications

32. The report recommends remaining with the London Community Equipment Consortium who have awarded a contract to NRS following a competitive tender process. This is in line with the objective of being ruthlessly financially efficient. The new contract provides an enhanced service over 6 days, with prescribers also able to place order items until later in the day for same day delivery when compared with the current contract. This is important in helping the Council manage hospital discharges, ensuring the safety and wellbeing of vulnerable residents, in line with the objective of being a compassionate council. The new contract will also provide for a 100% green fleet from day one as well as increased recycling of stock, contributing towards the Council's commitment to tackling the climate emergency.

David Hughes, Director of Audit, Fraud, Risk and Insurance, 20 March 2023

Climate and Ecological Emergency Implications

33. This contract will have a positive impact on the council's climate objectives. The Climate and Ecological implications were part of the procurement process evaluation through the consortium. The main implications to respond to the climate emergency are through:

- a. Increased level of equipment reuse (intention to increase this from current 66% to around 90%).
- b. NRS to have an electric only fleet of vans to deliver the equipment.

Jim Cunningham, Climate Policy & Strategy Lead, 22nd March 2023

LIST OF APPENDICES

None

Agenda Item 5

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Cabinet

Date: 15/05/2023

Subject: Procurement strategy - Contract for Unattended CCTV camera system

Report of: Councillor Sharon Holder – Cabinet Member for Public Realm

Report author: Mark Fanneran – Head of Service Development

Responsible Director: Bram Kainth – Strategic Director of Environment

SUMMARY

This report sets out the procurement strategy for Unattended CCTV goods and services. The council has an opportunity to leverage the new technological advances in camera technology to change the target operating model for enforcement, improving operational efficiency.

Unattended CCTV is relatively new technology which rapidly changes, and each supplier has honed their products to solve specific problems. There are limited suppliers on the market and no framework contracts which offer choice for the council on the best technology fit for each situation. We aim to open this framework to the other London boroughs so that we can all benefit from reduced cost of supply.

RECOMMENDATIONS

1. To approve the procurement of a framework contract for an unattended CCTV camera system set out in this strategy.
2. To note that the contract will be for 4 years, and the annual tender value will range from £0 to £15 million per participating Borough.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	Unattended cameras can be used as a tool to help reduce emissions and to support cleaner air for the benefit of all residents.
Creating a compassionate council	We have already seen that using the data from Intelligent unattended

	cameras can help us reduce multiple penalties on drivers and resident visitors who may have been caught out multiple times on new schemes in one day. This has allowed us to apply discretion due to the use of reports from such cameras and then being able to signpost drivers to obey the rules or give them information to aid them to avoid penalties.
Doing things with local residents, not to them	Intelligent unattended cameras allow some schemes to use permitted lists on the cameras which can allow option such as letting residents move freely around the Borough. Such a system in use as an experiment is the SW6 TCPR scheme. This assists us not to unfairly penalise residents or their visitors when trying to solve traffic issues where legislation allows such an exemption.
Being ruthlessly financially efficient	<p>Switching to unattended cameras is cost effective as they are more efficient and require less infrastructure. They can capture more potential contraventions than officers and can be operated without the need for a dedicated control room, thus improving service resilience.</p> <p>Having a hosted server system option opens far cheaper data holding costs outside of LBHF and adds to further resilience due to pioneering infrastructures such as Amazon AWS which are very easily “scaleable” in data size, needs and security. This means simpler solutions and less bandwidth pressure on the LBHF system and less complexity.</p>
Taking pride in H&F	<p>Using such pioneering schemes such as the SW6 TCPR to help lower pollution and congestion is something we can rightly be proud of in line with our aim to meet the 2030 targets that have been set nationally and locally.</p> <p>Monitoring traffic related contraventions leading to increased compliance and safety is also something to be proud of in H&F.</p>
Rising to the challenge of the climate and ecological emergency	The use of unattended cameras can aid any agreed attempts to reduce traffic

	congestion and pollution in specific areas.
--	---

Financial Impact

Any future costs, that may be incurred through contract procurement using the framework, are expected be covered by current revenue budgets within parking services. It is expected that use of unattended cameras will lead to efficiencies to ensure that these are self-financing. There is no minimum spend required and before each call off it will be ensured that there is sufficient budget in place.

The proposed leasing arrangement will help to manage financial risks in relation to investing in rapidly changing technology in relation to maintenance, upgrades and obsolescence as those risks remain with the contractor.

As this will be a call off framework contract and will be open to other authorities to use, the annual tender value will range from £0 to £15 million per borough.

The Council will seek to recover administration costs incurred by recharging other Boroughs that make use of the framework. We envisage at this stage that the administration of the framework will be done by Parking Services staff and contained within existing parking budgets.

Gary Hannaway, Head of Parking Finance, 28/10/2022

Verified by Sukvinder Kalsi, Director of Finance, 02/05/2023

Legal Implications

The Council wishes to procure a 4-year multiple supplier framework for unmanned CCTV hardware and software. The proposed framework is a 'public contract' under the Public Contracts Regulations 2015 ('PCR'). The framework has an estimated potential value of £15m per year over the life of the framework and any call-off contracts awarded under it. This value is above the threshold at which a full EU procurement is required under Part 2. Therefore, the Framework may only be concluded if a call for competition is published in Find a Tender and one of the procurement procedures is used, such as the open procedure set out in this report. The Council wishes to make the framework available to other local authorities. In order to achieve this, the identities of all of the contracting authorities entitled to call-off under the framework must be included in the procurement documents.

The maximum length of each call-off is to be 7 years which is similar to the length of some CCS frameworks. In any event, the length of the call-offs must 'be appropriate to the purchases in question and should reflect value for money considerations.' (CCS Guidance on Framework Agreements October 2016).

The award of the framework must be published in Find a Tender. The standstill period must be observed before entering into the framework agreement.

There are additional relevant provisions in the Council's Contract Standing Orders at 36.2. and 36.4 as to the content of the Procurement Strategy, all of which have been complied with in this report. In addition, it is noted that while the Standing Orders prescribe a 60:40 split (quality to price), this report proposes reversing that split without justifying the reversal. Therefore, when it comes to the report recommending award of the Framework, the report must set out the reasons for deviating from the CSO recommended quality to price split.

Social Value – CSO 39.4 states that 'Before beginning the tendering process, the Contract Officer responsible for it must, in a manner commensurate with the complexity and value of the project ...have due regard to the Council's Social Value responsibilities under the Public Services (Social Value) Act 2012 and Public Sector Equality Duty arising from the Equality Act 2010 and other relevant legislation.' 'Social value must form part of evaluation of the award criteria for any High Value Contract. A minimum of 10% of the overall score shall be attributed to social value in accordance with the Council's Social Value Policy' (CSO 37.2).

Given the value of the Framework, the Procurement Strategy must be approved by Cabinet (CSO 18.1). This report satisfies that requirement.

Finally, as the procurement strategy concerns a contract with estimate value in excess of £300,000 in value it is a Key Decision (see Article 12 of the Constitution) and the report must be submitted to Committee Services for publication on the Council's website.

Joginder Bola, (Senior Solicitor (Contracts & Procurement), 02/05/2023

Background Papers Used in Preparing This Report

None.

DETAILED ANALYSIS

Proposals and Analysis of Options

1. This report sets out the procurement strategy for Unattended CCTV goods and services.
2. The council has an opportunity to leverage the new technological advances in camera technology to change the whole target operating model for enforcement, improving operational efficiency.
3. Unattended CCTV is relatively new technology which rapidly changes, and each supplier has honed their products to solve specific problems. There are limited suppliers on the market and no framework contracts which offer choice for the council on the best technology fit for each situation. We aim to open this tender to the other London boroughs so that we can all benefit from reduced cost of supply.

4. The Parking Service currently uses a digital enforcement solution for monitoring, recording, and processing CCTV related civil enforcement evidence from the existing Public Safety and Traffic CCTV system.
5. The service currently uses 58 pan, zoom, tilt cameras covering 74 sites out of which 36 are busy. There is little scope to increase the PZT camera coverage due to cost and complexity.
6. With the introduction of unattended cameras, there will be the scope to monitor up to 136 sites.
7. The current solution provided by Yunex Ltd, makes use of existing pan, zoom, tilt cameras and is connected to Yunex Ltd's managed onsite recording servers. The potential contraventions are witnessed in real time by officers sitting at fixed CCTV room consoles for hours, with the footage initially being flagged by the officers.
8. The contraventions are then automatically sectioned from the recorded video files, before being transmitted to the server and database for review later.
9. Advancement in technology means unattended cameras can now be used to capture potential contraventions for defined periods of time and upload the footage to the cloud. This means the cameras do not have to be watched by staff in real time, nor the recorded footage stored onsite.
10. Potential contraventions are captured automatically and reviewed by officers at a later date. Upon review, officers confirm if a contravention has occurred and issue a Penalty Charge Notice by post.
11. Switching to unattended cameras is cost effective as they are more efficient and require less infrastructure. They are more resilient and less susceptible to issues resulting in system unavailability. They can also capture more potential contraventions than officers and can be operated without the need for a dedicated control room improving service resilience.
12. Officer time spent monitoring the current cameras can be saved or diverted to other tasks, as best practice using pan, zoom, tilt cameras dictates that the review element must be carried out by a human.
13. As the existing system requires onsite infrastructure and a control room, it requires staff attendance in a shift pattern to operate it. The unattended system enables homeworking, removing the need for shift working and associated costs.
14. Reviews and processing contraventions can be fully done from home. This greatly reduces the need to be in the CCTV room and mitigates against the risk of a pandemic or other event reducing or limiting access to the CCTV room. This therefore substantially increases the Service's resilience and reduces the risk of a loss of service overall.
15. The Unattended Intelligent Cameras are also re-deployable if required, opening a long-held aspiration of being able to react to residents and stakeholders'

concerns which we cannot easily do with pan, zoom, tilt static cameras due to expense and infrastructure limits.

Reasons for Decision

16. Permission is required to go ahead with a procurement exercise that will give the Council the option to replace all or part of the existing manned cameras with unattended cameras for enforcement purposes.
17. An unattended CCTV camera system will contribute to reduced operating costs. The existing contract for pan, zoom, tilt cameras is coming to the end of life and does not cover unattended cameras. There are no available framework contracts to draw down from.

Contract Specifications Summary

18. This contract will be for hardware and software services relating to the provision of unattended CCTV cameras for enforcement and monitoring of any current or future moving traffic and parking related contraventions.
19. The term of the framework contract will be for four (4) years. With individual call off contracts of up to seven (7) years. A specification document has been prepared detailing the Council's requirements.

Procurement Route Analysis of Options

20. We are not aware of any available framework contracts for this, and we will be looking to publish a tender. As it is a niche market, we will be following an open tender procedure route. This should be a quicker process.
21. This will be tendered as a framework contract naming the other London local authorities. Eight other London Local Authorities have already expressed an interest in the framework.

Market Analysis, Local Economy and Social Value

22. It is a niche market that typically involves national or international companies.
23. This is a framework contract with no guarantee of call off from the contract. For each contract over £100k either directly awarded or awarded via mini competition, the supplier will be invited to propose social value measures and method statements as to how these measures will be delivered before the contract is awarded. These KPIs will be included in their contract. The social value element of the bid will account for 10% of the overall score (quality and price making up the remaining 90%). In both scenarios, the proposed measures will amount to at least 10% of the price of the contract or the proposal cannot be accepted.

Risk Assessment and Proposed Mitigations

24. To mitigate this, we need to ensure that the specification is sufficiently detailed

and suitable tests carried out.

Timetable

25.

Key Decision Entry (Strategy)	23/08/2022
Contracts Assurance Board (Strategy)	02/11/2022
Cabinet Sign off (Strategy)	15/05/2023
Find a Tender Service Notice (Minimum 35 days)	29/05/2023
Closing date for clarifications	02/06/2023
Closing date for submissions	09/06/2023
Evaluation of Tenders	12/06/2023 – 19/06/2023
Key Decision Entry (Award)	26/06/2023
CAB (Award)	03/07/2023
Cabinet Member (Award)	07/08/2023
Find a Tender Service Contract Award Notice	14/08/2023
Contract engrossment	14/09/2023
Contract mobilisation and implementation	16/10/2023 – 31/03/2024
Contract Commencement date	01/04/2024

Selection and Award Criteria

26. Tenders will be evaluated on a 60% weighting for price and 40% weighting for quality. The rationale for this comes from the advice of the programme team that this is a commodity service with all providers delivering a comparable service, hence the variance (opposite ratio) from CSOs.
27. The 60% on price will be calculated based on the rates submitted by the tenderer in the form of tender and pricing schedule.
28. The 40% on quality will be evaluated based on the tenderer's response to the method statement.
- 29.

Quality Tier 2 Criteria/Method Statement	Weighting % (Tier 2)
Provision of quality Services	40%
Staff experience	15%
Working with Stakeholders and Other Contractors	10%
Social Value	25%
Additional Services	10%

Contract Management

30. The Head of Service Development (Parking Services) will manage the contract including the social value element.
31. The relevant service levels are included in the specification document. Contract performance will be assessed monthly and quarterly meetings held with the

contractor.

32. KPIs - The Council will require a minimum service availability of 99.5%.

Priority Level	Nature of the Fault	Rectification time from the point of notification
1	System or major element of the system unavailable	2 Hours
2	Faults which place a material restriction on specific functions	2 days
3	Faults causing only operational irritation not preventing any function	14 days
4	Minor faults that do not affect the operation or function of the system	6 months

33. No annual inflationary uplifts will be applied.

Equality Implications

34. There are no equalities implications. The introduction and use of unattended cameras is not expected to have a particular impact on any protected characteristic. When introduced they will either replace existing manned cameras or will be introduced where there are currently no cameras. Any enforcement action will be carried out against contravening vehicles. We will ensure that the software chosen complies with accessibility regulations.

Risk Management Implications

35. Technological advances and innovation in the CCTV industry enable the service to review financial and non-financial benefits from greater automation. This may require a thorough evaluation of a number of comparable systems, references and an assessment of the impact to the current workforce and internal resilience requirements. A system would need to demonstrate a high level of performance, accuracy, resilience and security and compliance with industry standards. Procuring a framework, with potential involvement of other London boroughs, is likely to secure competitive pricing and economies of scale, which is in line with the objective of being ruthlessly financially efficient.

David Hughes, Director of Audit, Fraud, Risk and Insurance, 14 October 2022

Climate and Ecological Emergency Implications

36. The use of unattended camera solution will be suitable and beneficial should the Council wish to enforce emissions-based restrictions or take enforcement action aimed at reducing traffic congestion. The use of unattended cameras will also result in carbon savings when compared to using mobile CCTV enforcement vehicles.

Implications verified by: Hinesh Mehta, *Head of Climate Change*; 07960470125, 18 October 2022.

ICT (required for any changes to IT systems)

DIGITAL SERVICES & INFORMATION MANAGEMENT IMPLICATIONS

1. There are future IT implications highlighted as part of the future procurement process. Therefore, Digital Services should be consulted on these to ensure that any IT requirements (e.g. integrations with H&F systems) are delivered in a timely fashion and in compliance with our standards and processes. Going forward, it is important that Digital services continue to work closely with the services to ensure that a technically feasible solution is delivered that is in alignment with the digital and information strategy.
2. IM implications: a Data Privacy Impact Assessment (DPIA) should be carried out to ensure that all the potential data protection risks around the unattended CCTV goods and services are properly assessed with mitigating actions agreed and implemented.
3. In addition, a (Cloud) Supplier Security Questionnaire(s) should be completed, to ensure that all the potential data protection and information security risks around the unattended CCTV goods and services are properly assessed with mitigating actions agreed and implemented.
4. Any contracts arising from this report will need to include H&F's data protection and processing schedule. This is compliant with UK Data Protection law.
5. Any future supplier will be expected to have a Data Protection policy in place and all staff will be expected to have received Data Protection training.

Implications verified/completed by: Pierre Rogier, Strategic Relationship Manager, Digital services, tel 07391 734087, 18 October 2022.

Local Economy and Social Value

It is a requirement that all contracts let by the council with a value above £100,000 provide social value commitments that are additional to the core services required under the contract. In addition, the evaluation of social value should account for a weighting of a minimum of 10% of the overall score.

Paragraph 24 confirms this will be complied with. Although there is no guarantee of any contract being awarded, for each contract over £100k either directly awarded or awarded via mini competition, the supplier will be invited to propose social value measures and method statements as to how these measures will be delivered before the contract is awarded. These KPIs will be included in their contract.

The social value element of the bid will account for 10% of the overall score (quality and price making up the remaining 90%). In both scenarios, the proposed measures will amount to at least 10% of the price of the contract or the proposal cannot be accepted.

Implications completed by Paul Clarke, Social Value and Economic Development S106 Officer, Economic Development, 26 October 2022.

Consultation

None

LIST OF APPENDICES

None

Agenda Item 6

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Cabinet

Date: 15/05/2023

Subject: Farm Lane – New Council Development

Report of: Councillor Andrew Jones, Cabinet Member for the Economy

Report author: Matt Rumble, Strategic Head of Regeneration and Development

Responsible Director: Jon Pickstone, Strategic Director for the Economy

SUMMARY

This report concerns the proposed development at the site known as 11 Farm Lane, SW6 1PU (“the Site”) for which a planning application was submitted in November 2022 for its redevelopment and was allocated reference number 2022/03329/F3 (“the Development”) and shown edged red on the plan attached at Appendix 6.

This report seeks approval for a further capital budget, and the procurement strategy for the principal construction contractor to enable the successful delivery of the development from the construction phase to practical completion, subject to wider economic conditions maintaining the viability of the scheme and the appropriation of the Site for planning purposes for the redevelopment of the Site.

The proposed scheme will see the redevelopment of the vacant brownfield site to provide 31 new homes of which 16 (52%) will be affordable homes. The development will be built to Passivhaus certified standards, reducing onsite carbon emissions by 80% and delivering substantial energy savings to new residents.

The council’s ambition is to maximise affordable housing across its development programme therefore, subject to planning, and will look to convert market homes in this scheme to affordable through the use of available grants and/or subsidies such as section 106 funding.

Alongside this, the council will develop an innovative model of intermediate affordable housing, aligned to its wider Industrial Strategy objectives of placemaking, inclusion and economic growth. Intermediate affordable homes will be prioritised for key workers on a range of incomes; to support young, growing families on lower incomes; and growth employment sectors of science and innovation.

RECOMMENDATIONS

That Cabinet:

1. Notes that 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. Approves a total Development capital budget, including contingencies, of £18,807,236 of which £1,569,947 has already been approved to deliver the proposed new homes to be funded through a combination of HRA borrowing, Right to Buy receipts and capital receipts from private sales as set out in exempt Appendix 1.
3. Authorises the Strategic Head of Regeneration and Development to take decisions on expenditure against the above budget subject to the continued viability of the Development.
4. Approves the Procurement Strategy, as set out in Appendix 2, to procure a principal construction contractor, using a JCT standard form of building contract, on a design and build basis, for the Development, via the open Find a Tender Service (FTS) procurement route.
5. Delegates authority to the Strategic Director for the Economy in consultation with the Assistant Director of Legal Services, to take any necessary steps to resolve matters arising from the grant of planning permission, including the authority to enter into any associated legal agreements arising from the delivery of the development and enabling deeds and agreements with statutory utility providers and third parties including the surrender and re-grant of a lease on existing sub-station, highways agreements, the stopping up or diversion of footpaths necessary to enable the Development to be carried out pursuant to section 257 of the Town and Country Planning Act 1990 and consider and decide any necessary appropriation to expedite and secure the best use of the land.
6. Confirms that the Site comprising a vacant three storey building, together with outbuildings which is currently held in the General Fund is no longer required for the current purpose for the reasons specified in paragraph 4 and 5 of the 'Detailed Analysis' section of this report.
7. Approves the appropriation of this Site for planning purposes pursuant to section 122 of the Local Government Act 1972 as it will facilitate the carrying out of redevelopment in relation to the land pursuant to section 226(1)(a) of the Town and Country Planning Act 1990).
8. Delegates authority to the Strategic Director for the Economy, in consultation with the Assist Director of Legal Services, to carry out such steps as are necessary to effect the appropriation of the Site for planning purposes under section 122 of the Local Government Act 1972 and subsequently engage the powers under Section 203 of the Housing and Planning Act 2016 in order to authorise any interference with easements, covenants and other rights in respect of the Site including authorisation to take all necessary steps required in relation to any associated claims, settlements relating to compensation under section 204 of the Housing and Planning Act 2016 and other legal agreements so as to enable the Development of the Site.

9. Notes the responses to consultation undertaken by the Council in relation to the Development.

Wards Affected: Lillie

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The Development of the Site would bring about measurable local benefits, including realisable benefits during the construction stage where contractors, under the council's procurement policy, will be incentivised to provide Social Value that is aligned to the council's strategies such as the Industrial Strategy.
Creating a compassionate council	The Development would also help to meet the acute need for affordable housing in the locality as well as the wider borough with the provision of 16 affordable homes. The council will also explore the possibility of converting the market homes to affordable homes after Planning permission is secured.
Doing things with residents, not to them	The scheme involves extensive engagement with the local community at all stages. The construction contractor would be required to work in accordance with council's values of doing things with residents, not to them, throughout all Development stages.
Being ruthlessly financially efficient	Selection of the construction contractor through a robust procurement process would ensure that the project has the best possible chance to deliver high-quality residential homes that are operationally net-zero carbon through the use of external funding and incorporation of private sale homes, demonstrating the ruthless financial efficiency of the development while maximising the number and sizes of affordable homes.
Taking pride in H&F	The aim of the Development is to create a lasting and positive legacy through well-designed architecture and amenities while meeting both the climate challenge and the acute need for affordable housing in the borough.
Rising to the challenge of the climate and ecological emergency	The Development would deliver highly sustainable homes that achieve high levels of energy efficiency and are fossil-fuel free, and so help create and sustain a low carbon community. The brief to the construction contractor will be to meet the targets set out in the emerging Climate Strategy with the aim to achieve a significant reduction in operational carbon usage, thereby reducing

Financial Impact

The total development budget and its funding resources are set out in exempt Appendix 1.

In July 2020 the Cabinet approved a capital budget of £1,569,947 in the General Fund (GF) to facilitate the redevelopment of the Farm Lane Site to the planning and procurement stages. This report seeks an approval of further £17,237,289 to deliver proposed new homes.

The report also approved a recommendation for the site to be appropriated to the Housing Revenue Account (HRA) subject to securing external valuations and approval of the Head of Asset Strategy and Portfolio (Borough Valuer) and to delegate authority to the Director of Finance in consultation with the Head of Asset Strategy and Portfolio (Borough Valuer) and the Cabinet Member of Finance and Commercial Services to take the necessary steps, including securing external valuation of the sites in order to facilitate appropriations and consequently, re-assign the development budget and spend to the HRA from the General Fund.

This appropriation has not taken place yet, and the Site remains in the General Fund.

Development proposal

The total forecast scheme costs represent a significant capital investment in the HRA of **£18,807,236** (including £1,569,947 already approved) and costs will need to be tightly managed within this envelope.

Right to Buy (RtB) funding

The current proposal assumes pre- 2017/18 Right to Buy receipts contribution of £1,937,903 which has been received to date and an additional £1,016,630 of post 17-18 retained receipts.

Costs of disposal

In the General Fund, up to 4% of the expected future receipts can be used towards the costs of disposal (legal and marketing fees directly related to private sale of units). There is no cap for the HRA but a costs of disposal budget of £284,125 is included within the overall additional budget request.

Other risks and mitigation

The Housing Revenue Account (HRA) financial plan agreed by Cabinet on 7 February 2022 set out the significant financial pressures and annual deficit of the HRA requiring the delivery of £3.8m of savings in 2022/23 rising to £8m by 2025/26. The financial plan modelled in the costs, financing and income expected from affordable housing development schemes, including the Development, and

illustrated the importance of new developments and the resulting rental income to the financial sustainability of the HRA.

Due to the wider economic context and increases in inflation, there is a risk that the tenders received for the build contract will be higher than what is currently assumed in the financial appraisal and financial plan. This will potentially put added pressure on the HRA to finance increased capital costs. Given current economic volatility, there is also uncertainty regarding the future level of receipts achievable from the planned asset sales. Where this is the case, this will need to be mitigated as far as possible through value engineering.

The financial appraisal assumes that the Council will be able to borrow at an interest rate of 2.4% in the long term. Due to recent increases, and the potential for further increases should inflation become entrenched within the wider economy, this needs to be monitored closely, as an increase in the interest rate would impact on the potential future financial benefits of the scheme and add further pressure to the HRA. A fuller outline of financial risks is set out in Appendix 1 - Exempt.

If the scheme is no longer considered viable and the decision is taken for the development not to proceed, any works completed would be abortive and capital spend incurred up to that point would need to be written off to revenue. Also, if the forecast intermediate housing and private sale receipts do not materialise, any costs of disposal incurred to date would also be written off to revenue as these costs can only be funded by capital receipts.

The two main external factors that can influence a schemes viability is construction costs, and Open Market Values (OMV). Other financial assumptions and considerations will be monitored and reviewed but have less of an impact as these primary inputs.

As part of the Council's development process and strategic risk management, Officers have set up a governance process with Gateway Reviews to allow review and facilitate decisions to be made at the appropriate 'milestone' stage of a typical schemes journey.

To complement this risk mitigation operationally, we undertake timely and regular reviews and proactively reconcile the emerging schemes costs and values to support or reflect a schemes design development journey or options being considered etc. These primary inputs in turn, are established by commissioning updated professional advice regarding latest construction and tender costs, and, using RICS Red Book methodology when capturing 'comparable' market values etc. – to inform a reconciled viability – and again help reduce risk exposure even further and continually understand the 'status' of the project with regards to its latest financial performance – so intervention can be managed if required.

VAT implications

There are no adverse VAT implications relating to construction of social housing nor to sales of private homes on a long leasehold with a minimum term of 125 years. The contractor should apply a zero-rate of VAT to construction of new dwellings. There is no commercial space being created in the proposed scheme so there is no risk of contribution to the Council's VAT Partial Exemption Ratio.

Finance implications completed by Ariana Murdock, Finance Manager (Strategic Capital), 20th January 2023

VAT implications completed by Joanna Monaghan, Principal Accountant (Taxation), 16th December 2022

Verified by: Sukvinder Kalsi, Director of Finance, 28th April 2023

Legal Implications

The Council has the power under section 122 of the Local Government Act 1972 to appropriate land which is within the Council's ownership that is no longer required for the purpose for which it was held immediately before the appropriation, provided that the new purpose is one for which the Council would be authorised to 'acquire' land by agreement. The Council can acquire land pursuant to section 226 of the Town and Country Planning Act 1990 (TCPA 1990).

Section 226(1) of the TCPA 1990 authorises a local authority to acquire compulsorily any land in their area for planning purposes. This acquisition can take place in one of the following two circumstances if the local authority thinks:

- a) the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land (section 226(1)(a), TCPA 1990); or;*
- b) which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated (section 226(1)(b), TCPA 1990);*

But a local authority must not exercise the power under Section 226(1)(a) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects:

- (a) the promotion or improvement of the economic well-being of their area;*
- (b) the promotion or improvement of the social well-being of their area;*
- (c) the promotion or improvement of the environmental well-being of their area (section 226(1) (1A), TCPA 1990)*

However, in reaching this decision to appropriate the Council must consider the public need within the area for the existing use.

Appropriation requires more than a mere decision to hold land for a different purpose. An authority cannot properly appropriate land planning purposes unless it considers that the resulting interference with third-party rights is necessary.

Appropriation is akin to a compulsory purchase, so the same degree of necessity applies. Article 1 of the First Protocol to the Human Rights Act 1998 also requires an authority to consider whether the new purpose justifies interference with the rights affected. Therefore, a local authority cannot properly appropriate land to planning purposes unless it considers that it has good reason to interfere with third party rights, which would be overridden by sections 203 - 205 of the Housing and Planning Act 2016.

There is no statutory requirement to advertise or consult on a proposal or decision to appropriate land under the general power contained in section 122 of the LGA 1972, unless the appropriation relates to 'special categories' of land, as referred to again further on in this report. It is important, however, that the Council adopts a "conscious deliberative process" to the appropriation of land, to ensure that the statutory powers under which the land was held and the appropriation made is clear at all times.

Recommendation 5 seeks authority to take steps to resolve ancillary matters including those arising from the grant of planning permission for the development including but not limited to stopping up or diverting existing public rights of way pursuant to section 257 of the Town and Country Planning Act 1990. Section 257 of the Town and Country Planning Act enables the Council by order to authorise the stopping up or diversion of any footpath if it is satisfied it is necessary to do so in order to enable development for which planning permission has been granted, to be carried out. This recommendation also includes authorisation to consider and decide to appropriate land which is surplus to requirements. This also enables the delivery of highway infrastructure or otherwise facilitate the redevelopment as well as including the power to enter into legal agreements including leases.

The appropriation approved by the Cabinet in July 2020 has not taken place yet and the Site remains in the General Fund.

Recommendation 6 seeks confirmation that the Site is no longer required for the purpose for which it is held for the reasons set out in paragraphs 4 of the 'Detailed Analysis' section of this report and Recommendation 7 seeks approval for the Site to be appropriated for a planning purpose to facilitate the carrying out of development, redevelopment or improvement on the Site pursuant to section 226(1)(a) of the Town and Country Planning Act 1990) which contributes to achieving the promotion or improvement of the economic, social or environmental well-being of the Site as set out in paragraphs 14 to 17 of the 'Detailed Analysis' section of this report, subject to the appropriate procedural steps being carried out and consideration given to third-party rights under delegated powers.

Recommendation 8 seeks authority for officers to take all necessary steps to progress the appropriation of the Site for planning purposes under section 122 of the Local Government Act 1972 and engage Section 203 of the Housing and Planning Act 2016 by way of officer delegation subject to compliance with the statutory tests if necessary, in order to override any easements or interests in the Site where the land has been appropriated for planning purposes subject to the payment of any necessary compensation. Prior to any delegated decision being taken, the authorised officers have a legal duty to prepare and consider an Equality Impact Assessment and address Human Rights impacts of those persons who are affected. The legal process has been addressed in **Appendix 2** of the report.

Compensation under section 204 of the HPA 2016 is calculated on the same basis as compensation payable under sections 7 and 10 of the Compulsory Purchase Act 1965. It is generally based on the reduction in the value of the claimant's land (rather than any "ransom value") and is sometimes calculated on a "before and after" assessment of what their land was worth before and after the infringement. If there is a dispute about the amount of compensation which is due, the matter can be referred to the Upper Tribunal for determination.

Any exercise of powers under Section 203 of the Housing and Planning Act 2016 will require a further approval pursuant to the delegation. At that stage, the Council acting through that delegation will give further and full consideration to exercising the legal powers available to (i) appropriate land and (ii) override third party rights as required.

The Council's Planning and Development Control Committee resolved to approve planning permission for the Development at the Site, subject to the completion of a Unilateral Undertaking, on 18 April 2023.

Following the appropriation of the Site for 'planning purposes' to carry out the Development and the engagement of Section 203, it is intended to appropriate the Site to the Housing and Revenue Account sometime in the future under Section 232 of the Town and Country Planning Act 1990. Section 232(6) excludes the use of Section 122(1) of the Local Government Act 1972, where appropriation relates to land held for planning purposes.

Section 232(1) of the Town and Country Planning Act 1990 provides:

"232 (1)Where any land has been acquired or appropriated by a local authority for planning purposes and is for the time being held by them for the purposes for which it was so acquired or appropriated, the authority may appropriate the land for any purpose for which they are or may be authorised in any capacity to acquire land by virtue of or under any enactment not contained in this Part or in Chapter V of Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990".

Appropriation to the Housing and Revenue Account is specifically dealt with in section 19(1) of the Housing Act 1985 (the 1985 Act):

"A local housing authority may appropriate for the purposes of this Part [dealing with the provision of housing accommodation] any land for the time being vested in them or at their disposal and the authority have the same powers in relation to land so appropriated as they have in relation to land acquired for the purposes of this part".

The Equality Act 2010 (EqA 2010) created a single general public sector equality duty (PSED) under section 149 of that Act. The PSED applies to public authorities exercising public functions. The PSED requires public authorities to have "due regard" to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the section 149(1)(a) EqA 2010.
- The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (section 149(1)(b) EqA 2010)

The duty on public authorities to have "due regard" to the PSED in section 149(1) of the EqA 2010 is more than simply a requirement to have general regard. It is a continuing duty to which all decision-makers must have regard.

Proper consideration must be given to the PSED and its requirements. An Equalities Impact Assessment in respect of the proposed development has been carried out in accordance with the principles in Appendix 4 and the key findings are summarised at Appendix 5 to this report.

Implications completed by Mrinalini Rajaratnam, Chief Solicitor (Property and Planning), 27th April 2023

Background Papers Used in Preparing This Report

Investment in Affordable Housing and Appropriation of Sites – 6th July 2020
PUBLISHED

DETAILED ANALYSIS

PROPOSALS AND ANALYSIS OF OPTIONS

Background

1. The council's approach to economic growth is guided by its ambitious Industrial Strategy. Economic growth in Hammersmith and Fulham is rooted in imaginative placemaking that creates vibrant, sustainable public spaces and strategic housing development that allows communities to maintain and grow their diversity, cohesion, and ambition. Only by having inviting, liveable places and housing that is accessible to all can the borough realise its ambition of fostering inclusive economic growth.
2. Recognising that the council is well-placed to make a significant direct contribution towards the delivery of high-quality housing, it established the Building Homes and Communities Strategy in 2019. Its overarching aim is to foster diverse, collaborative communities through the provision of a range of affordable housing options, targeted at lower-income households and intermediate options for key-workers. It also provides important community infrastructure such as schools and community halls, promoting opportunity and cohesion.
3. More recently, the council pledged to secure up to 3,000 new affordable homes over the next four years through a range of avenues including the development programme, partnership initiatives and the planning pipeline. The council is committed to defining creative approaches to tackling the housing crisis, and exploring the role of intermediate housing options in retaining and attracting workers needed to grow the borough's most exciting growth sectors, and deliver the borough's most important public services.
4. 11 Farm Lane had historically been used as a children's home, a resource centre and most recently as a day centre for Age Concern on the ground floor and supported housing on the upper floors. The building is currently in disrepair, having not been formally occupied for over a decade. It is currently being secured by property guardians.

5. The Site's freehold was re-acquired from the Earls Court Development Company in December 2019 and, in consultation with Asset Management colleagues, identified for redevelopment for the provision of much needed affordable homes in the borough.
6. An initial feasibility study identified that the Site could accommodate a development of around 30 new homes.
7. In July 2020, Cabinet approved a General Fund capital budget of £1,269,947, with a further £300,000 approved in January 2023 to facilitate the progression of development activities associated with the redevelopment of the Site up to and including planning and procurement (RIBA Stages: 1, 2, 3 & 4).
8. In July 2021, the council appointed Lifschutz Davidson Sandilands (LDS), to act as lead Architect and 'Design Team', while Arcadis were appointed as the 'Control Team' for the scheme, to oversee project management, cost advice and CDM services.

Co-Production & Consultation

9. The engagement process began in November 2021 with an initial public consultation and feedback event, held both in person and online. The Council also consulted with and engaged residents in the wider area in line with the Council's value of "*doing things with local residents, not to them*".
10. Engagement and co-production with local residents have had a direct and material effect on the evolution of the design from a concept design, to the planning submission stage.
11. Between November 2021 and November 2022, the project team has actively engaged a wide range of local residents and stakeholders about the project. Three primary public events at key stages have provided feedback on developing designs and ideas.
12. Some notable changes in the design as a direct result of residents' views include:
 - Height of the proposed building is reduced where closest to residential neighbours, and maximised onto Farm Lane
 - Orientation of proposed living accommodation so bedroom windows are located on elevations facing residential neighbours
 - Ensuring that the scheme is as sustainable as possible
 - Maximising the provision of new trees in the scheme
 - Adding in additional security measures and controlled lighting to the boundary areas to ensure security for both the new homes and existing neighbours.
13. Located to the east of the site is the Farm Lane care home. Representatives of the care home have been shown the designs as they have developed along with the intended project construction programme.

New homes

14. The final design will deliver 31 homes of which:
 - a. 10 homes will be social rent (32%);
 - b. 6 will be intermediate homes (19%) prioritised for key workers
 - c. 15 will be private sale (48%) homes.
15. The delivery of these 16 new affordable homes would equate to 52% affordable housing provision in this Development. The delivery of 15 private homes is in line with the 'Building Homes and Communities Strategy' principle to a self-financed affordable development. The Development is also partly financed by Right to Buy receipts.
16. Three associated accessible parking spaces will be provided within the development, each with an electric car charging point.
17. The council's ambition is to maximise affordable housing across its direct delivery programme. Following planning, officers will explore the use of further subsidy (such as affordable housing S106 funds) to convert the 15 market homes to affordable homes. The focus will be to provide further affordable rent, or low-cost home ownership opportunities for key workers. This will be subject ensuring the subsidy enables the scheme to comply with the council's viability benchmarks set out in appendix 1.

Financial Considerations

18. As part of the development process, professional advice has been regularly commissioned to monitor the financial performance of the scheme and to mitigate council's exposure to financial risk. Such advice has informed the latest estimated build costs and sales values used in the viability, along with a reconciliation of associated development on-costs. These reflect latest inflation figures and respond to market analysis, trends and forecasts.
19. Right to Buy (RtB) receipts have been allocated as capital subsidy to support the funding requirements of this scheme.
20. The viability of the scheme is also reliant on the net sales income of both the private (leasehold) homes and a proportion of the income from intermediate homes. The net balance (debt) of the scheme's overall costs, therefore, will be funded within council's HRA financial plan and associated loan arrangements.
21. The latest RIBA Stage 3 scheme meets the council's approved financial performance hurdles. The scheme performance will continue to be updated to reflect the latest market conditions until the council enters into contract with a principal contractor, subject to further cabinet member approval.

Sustainability

22. The proposed development will be designed and constructed to meet the National, Local and Regional Planning Policies. Through the application of the energy hierarchy, the following energy saving measures have been applied:
- 'Be Lean' – Enhanced building fabric specification and Mechanical Ventilation with Heat Recovery (MVHR) to reduce space heating demand and provide continuous supply of fresh air. Energy efficient controls for lighting, space heating and hot water to reduce unnecessary use of systems.
 - 'Be Clean' – Localised plant room providing communal space heating and hot water. This strategy has been applied to help reduced distribution losses, improving the efficiency of the systems for low temperature distribution.
 - 'Be Green' – Use of Air Source Heat Pumps (ASHP) for low-carbon heating and hot water. Maximisation of solar Photovoltaic (PV) array across residential building where feasible.
 - With the above strategy applied an estimated 80+% operational carbon dioxide emission reduction is achieved.

Design principles

23. Collaborative working with residents and co-production of the design has been the foundation of the Development from the start of the project.
24. Ecology and net zero carbon – The Site was selected early on in the process to be one of first sites to be delivered under the Council's Climate and Ecology Strategy and transitional targets. Based on design, the Development is estimated to reduce on-site carbon emissions by about 80% whilst achieving Passivhaus Classic Certification, and in doing so help bring down residents' energy bills by about 60%.
25. Accessibility and inclusiveness of the design has been one of the core principles underpinning the Development brief from the start. The Council engaged specialist accessibility consultants to maximise accessibility within the Development. Notably, Hammersmith & Fulham Disability Forum Planning Group were engaged and were given the opportunity to feed into the design. Their feedback was valuable and overwhelmingly positive. Secure by Design principles were followed to ensure the safety and wellbeing of all residents.
26. A number of other key principles that have underpinned the design are optimising urban greening and ecology of the Site; providing a high level of permeability across the Site.
27. This Development supports the Council's 2018-2022 Business Plan objectives and aspirations and will accelerate the delivery of much needed affordable housing.

28. Importantly, the Development meets the Council's financial viability tests while maximising the number of affordable homes and utilising external funding.
29. A planning application for the Development was submitted in November 2022 with a planning committee decision expected in March 2023.

Next Stage

30. Following on from design and the submission of a planning application in November 2022, the next stage of the development is the appointment of a principal construction contractor. Cabinet is now requested to approve a Procurement Strategy to procure a principal construction contractor for the Development, along with a development budget to fund the construction stage and other development activities through to completion. Detailed finance comments are set out in Appendix 1 (exempt).
31. Following a soft market testing review set out in the Procurement Strategy, the UK Governments online tendering portal - Find a Tender Service was identified to be the most suitable for the development as it provides access to the maximum number of contractors with demonstrable experience and ability to deliver a development of this size and nature.
32. Appointment of a construction contractor and successful delivery of this Development are dependent on the approval of this report's recommendations. The Development budget will also fund further enabling works that may need to be carried before construction can start on site including pre-commencement of planning conditions.
33. The main milestones of the Development, as the timetable currently stands, are outlined below with practical completion being anticipated during Autumn 2025.

Development's Main Milestones	Month
Planning Application Submission	November 2022
Cabinet approval - Procurement Strategy	May 2023
Cabinet approval - Development Budget	May 2023
Anticipated Planning Application Decision (Committee)	April 2023
Commencement of the Procurement Stage	May 2023
Conclusion of procurement stage with an Award Decision	Jan/Feb 2024
Construction contractor to start on site	May 2024
Completion (18 Months)	Autumn 2025

Options Analysis

Option 1: Do nothing (not recommended)

34. The "do nothing" option would either mean not proceeding with this decision or not proceeding with the Development.

35. Not proceeding with this decision but proceeding with the Development would result in a significant delay to the construction and start on site. This option presents significant risk as prior funding agreements may need to be renegotiated, and there is no guarantee that the Council will receive similar, or any, funding.
36. Not proceeding with the Development would mean immediate write-off of costs incurred by the council to date.
37. Not proceeding with the development would mean that the co-production process with the local community regarding new Council housing would not be delivered and would have reputational risks for the Council.
38. Not proceeding with this Development will also mean starting a new process to help decide the future of the Site, which means continuing to manage a disused site and incur the costs to secure it, until such a time a decision is made about its future.
39. Ultimately not proceeding with this decision or the Development would indefinitely postpone the delivery of much needed genuinely affordable housing in the borough and new community facilities and result in a loss of secured grant/subsidy commitments against the project.

Option 2: Approve this report's recommendations (recommended)

40. This is the recommended option as it will allow the Development to proceed to the construction stage (RIBA 5), commissioning and handover (RIBA 6) and review (RIBA 7), and, deliver on the council's strategic objectives and commitments to increasing provision of genuinely affordable homes in the borough; make best use of council assets, generate long-term sustainable income for the authority, and safeguard the council's investment so far.
41. Analysis of options relating to the Procurement Strategy are set out in Appendix 2 of this report along with analysis of the delegated decision on the potential use of Section 203.

Reasons for Decision

42. Budget Request: to allow the Development to proceed to construction stage, handover and completion, as to achieve the council's overall objectives including increasing the provision of affordable housing in the borough.
43. Procurement Strategy: to comply with requirements contained in Contract Standing Orders (CSO 18), requiring approval of a Procurement Strategy before a regulated procurement exercise is commenced as well as outlining the procurement route selected to achieve best value for the council.

Equality Implications

44. As per the Equality Act 2010, the council must consider its obligations with regard to the Public Sector Equality Duty (PSED). It must carry out its function with due regard to the duties (including under the Human Rights Act 1998) and its effect on the protected characteristics in a relevant and proportionate way. The PSED came into duty on 6th April 2011.
45. An Equality Impact Analysis (EqIA) has been undertaken for the redevelopment, see Appendix 5 for details. It shows that the redevelopment of the site, to provide residential homes of which the majority to be affordable homes, when reviewed against the profile of persons and households on both the council Housing Register and the Home Buy register (affordable homeownership register) to have a positive impact on, the following groups:
- **Age** — the Development provides a higher proportion of affordable homes and so would meet some of the demand of younger and older households seeking first home or downsizing.
 - **Disability** —the Development will incorporate 10% wheelchair homes . Additionally, principles of accessibility by design have underpinned the whole design philosophy of the Development.
 - **Gender reassignment** — the Development will improve lighting within the scheme amenity and have a positive impact on persons with this protected characteristic.
 - **Marriage or civil partnership** — the development is not anticipated to have any impact on persons with this protected characteristic.
 - **Pregnancy and maternity** — the Development is not anticipated to have any impact on persons with this protected characteristic. However, an indirect effect may arise from the addition of seating and play spaces for young children..
 - **Race religion or belief** — the Development will improve lighting in the area creating a greater feeling of safety in the area..
 - **Sex** — the Development is not anticipated to have any negative impact on persons with this protected characteristic. The Council will set clear expectations of working practices within the construction phase to best protect these groups, in accordance with the considerate contractor scheme. It may have an indirect positive impact through the provision of family sized homes to families in overcrowded accommodation to alleviate overcrowding and sibling of different sexes sharing rooms.
 - **Sexual orientation** – the Development is not anticipated to have any impact on persons with this protected characteristic. The lighting within the scheme amenities will help to create a greater sense of safety within the area.

Risk Management Implications

46. This is a significant scheme to build new sustainable homes of the council's modern era development programme. The fact that it has been over 40 years since the council had an active development programme raises contractual, financial and operational risks that have been mitigated against through the

commission and use of external experts and consultants. While this may mitigate against contractual and operational risks, it may result in council development costs to be marginally higher than comparable private developers.

47. The report identifies a number of risks including the currently volatility in the construction sector which could impact on the affordability of this scheme once tenders are received. It should be possible to pass inflation risk to the contractor at the point of tender, though feedback is that contractors are struggling to hold sub-contractors and suppliers to price. The management of this risk transfer needs to be carefully considered to ensure value for money for the Council.
48. The report identifies a number of risks relating to the financing of the scheme, including potential increases in interest rates which would drive up the cost of the scheme, failure to ensure RtB receipt conditions are complied with (so that funding can be used). Officers will need to monitor the inflation/interest rate risks very closely and seek to take mitigating action wherever possible, or to take appropriate action where the scheme is considered to be no longer viable. There is a risk that costs already incurred could no longer be treated as capital and grant funding received may be lost or have to be returned if the scheme is subsequently considered to be no longer viable. Officers must ensure that clear project and governance processes are established for the monitoring and compliance of the project.
49. In any case, specific risks and mitigation for each delegation would be considered as part of the decision to exercise of the delegations to be granted by the recommendations of this report.
50. Appropriate programme and governance arrangements will be put in place to ensure that the programme is delivered, to budget, on time and the required outcomes are achieved. This will include maintaining a programme risk register.
51. Risk implications relating to the Procurement Strategy are set out in Appendix 2 of this report. Risk and mitigation relating to the delegated decision on the potential use of Section 203 are set out in Appendix 3 of this report. Undertaking a competitive procurement process is in line with the Council objective of being ruthlessly financially efficient.

David Hughes, Director of Audit, Fraud, Risk and Insurance, 25 April 2023

Climate and Ecological Emergency Implications

52. New building has climate change impacts through both 'operational' emissions (from ongoing use of the building) and 'embodied' emissions (arising from the materials and construction). With a focus on operational emissions, the development has been designed to achieve Passivhaus certification, thereby achieving a high level of energy efficiency.
53. The proposed design will be a fossil-fuel free development, and achieves operational emissions reduction compared to current industry standards, with an 80% reduction in carbon. This goes beyond the minimum 35% reduction on-

site required by the London Plan and the average 37% achieved by major developments in H&F in 2020.

54. During the detailed design stage, further work will be undertaken by the project and design team to specify materials that will reduce the overall embodied emissions within the design. Demolition of the existing building will also be managed to enable the reuse of suitable materials within the pre-construction stage of the development, with the intent to improve the modelled embodied emission levels above the GLA benchmark.
55. The development has used the H&F climate implications toolkit to maximise sustainability across the range of considerations. The development increases the area of planting and sustainable drainage over the existing Site and includes measures to provide resilience against extreme heat.

Jim Cunningham, Climate Policy & Strategy Lead, April 2023

Local Economy and Social Value

56. Local Economy and Social Value are considered in Appendix 2 – Main Contractor Procurement Strategy.

LIST OF APPENDICES

Appendix 1 – Exempt Finance Comments
Appendix 2 – Procurement Strategy
Appendix 3 – Use of Section 203 Powers
Appendix 4 – Public Sector Equality Duty
Appendix 5 – Equality Impact Assessment
Appendix 6 – Appropriation Site Plan

APPENDIX 2 – FARM LANE MAIN CONTRACTOR PROCUREMENT STRATEGY

Summary

This procurement strategy sets out the procurement route for procuring works by a principal construction contractor for the redevelopment of the vacant brownfield site, situated at 11 Farm Lane, which includes a disused former Children's Centre to provide 31 new homes, of which 16 (52%) will be affordable homes.

The scheme delivers against the Council's Building Homes and Communities (Growth) Strategy, underwrites the Council's Financial Strategy and Housing Revenue Account (HRA) 40 Year Financial Plan (2021-2061), and responds to the Council's recent approved Climate and Ecology Strategy and transitional targets. The development will be built to Passivhaus certified standards reducing onsite carbon emissions by 80% and delivering substantial energy savings to new residents. A planning application for the proposed scheme was submitted in November 2022.

Financial Impact

1. This report proposes to procure through an open tender a single stage design and build construction JCT contract for the proposed development at 11 Farm Lane.
2. There is no direct financial impact of approving this strategy except for minor legal costs which can be funded from the existing RIBA stage 3 development capital budget. The full cost of the construction will not be known until the tender process is complete. Full financial implications and checks on the financial standing of the successful tenderer will be set out in the subsequent contract award decision report.
3. Further funding will be sought from the Cabinet subject to financial viability and deliverability of the project, prior to the agreement of a principal construction contract.

Harun Guleid, Principal Accountant (Development), 30th November 2022

Verified by: Sukvinder Kalsi, Director of Finance, 6th December 2022

Legal Implications

1. The value of the contract will be over EU thresholds and so the Public Contracts Regulations 2015 (PCRs) will apply.
2. It is also a High Value Contract under the Council's Contract Standing Orders (CSOs).

3. The procurement strategy proposed has identified the Find a Tender Service (FTS) for the procurement of the main contractor, using the Open Procedure under the PCRs. This strategy would comply with both the PCRs and the CSOs.
4. All procurement strategies must be submitted to the Contracts Assurance Board before being submitted for approval to the decision maker in accordance with CSO 18.1. Where the procurement strategy concerns a contract with estimate value in excess of £300,000 in value or the expenditure is otherwise significant, then it is a Key Decision (see Article 12 of the Constitution) and the report must be submitted to Committee Services for publication on the Council's website.
5. As the contract value will be over £5,000,000 this procurement strategy would need to be approved by the Cabinet (CSO 18.1).

Joginder Bola, Senior Solicitor (Contracts & Procurement), 29th November 2022

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Background

1. In June 2019, the council launched the Building Homes and Communities (Growth) Strategy, through which it committed to using its assets to:
 - Build up to 1,800 new homes in the borough over 10 years.
 - Utilise assets to help manage demand and avoid costs, for instance from specialist housing or temporary accommodation
 - Generate long-term sustainable income for the council to safeguard frontline services.
2. More recently, the council pledged to secure up to 3,000 new affordable homes over the next four years through a range of avenues including the development programme, partnership initiatives and the planning pipeline.
3. 11 Farm Lane had historically been used as a children's home, a resource centre and most recently as a day centre for Age Concern on the ground floor and supported housing on the upper floors. The building is currently in disrepair having not been formally occupied for over a decade. It is currently being secured by property guardians.

4. The site freehold was re-acquired from the Earls Court Development Company in December 2019 and, in consultation with Asset Management colleagues, identified for redevelopment for the provision of much needed affordable homes in the Borough.
5. An initial feasibility study identified that the site could accommodate a 30-home development.
6. In July 2020, Cabinet approved the capital budget of £1,269,947 in the General Fund to facilitate the progression of development activities associated with the redevelopment of the site up to and including planning and procurement (RIBA Stages: 1, 2, 3 & 4).
7. In July 2021, the council appointed Lifschutz Davidson Sandilands (LDS), to act as lead Architect and 'Design Team' for the scheme.
8. In July 2021, the council appointed Arcadis as the 'Control Team' for the scheme to oversee project management, cost advice and CDM services.
9. Within the proposed scheme there are 31 homes proposed with 16 (52%) affordable homes comprising of:
 - 10 Social Rent homes
 - 6 Shared Ownership homes
 - 15 Private (leasehold) Sale homes.

Reasons for Decision

10. The project requires the authorisation to approve the 'works' procurement strategy and authorise commencement of procurement of the principal construction contractor for the redevelopment of the Farm Lane site.

Contract Specifications Summary

11. An industry recognised standard form of building contract (JCT) will be used for commissioning the principal construction services, to deliver the Farm Lane scheme, through a design and build contract and will include all sub-consultant and sub-contractor services to enable the delivery of the full and detailed project scope of works.
12. The recommended length of contract for the works will be circa 18 months and will be confirmed during the procurement process. There will be provisions to extend the contract and have break clauses to ensure the Council delivers the full scope of the project and this will be managed by the Farm Lane project delivery team.

Procurement Route Analysis of Options

13. The council's technical consultants Arcadis have undertaken an analysis of the preferred route to market which takes into consideration the current analysis,

understanding, engagement and feedback of the market, size and complexity of the proposed scheme, and the potential principal construction services available, with the ability to not only deliver the scheme, but desire to potentially tender for the scheme.

14. Alongside the project team, Arcadis have assessed the market and undertaken a review of the potential procurement routes available to the team and identified as:
 1. FTS open procurement process
 2. Utilising an existing framework agreement
 3. Do nothing option.

Find a Tender Open Procurement process, under PCR2015 (recommended)

15. There are a number of benefits that the project stands to gain by undertaking the Open procurement process to select an appropriate main/principal contractor:
 - Allowing the largest number of potential and appropriately sized contractors to participate in the process (and therefore the greatest level of interest and competition).
 - Promote the opportunity for local SME and Tier 2 and 3 Contractors to access the procurement - who otherwise may have been excluded via the use of a Framework agreement.
 - The opportunity of attracting principal contractors that are proportionally aligned to the size and complexity of the scheme, should promote vfm and ensure we are ruthlessly efficient with public resources
 - Greater flexibility in the procurement process and programme than would be available through the use of a Framework agreement.
 - Ability to award a range of contract types.
 - Size and complexity of the project not limiting the type of contractor able to engage in the procurement process.
 - Allowing us to generate any material changes to the contract – likely JCT – which would be limited under a Framework agreement.
 - References and track record can be requested as part of the selection, which is limited under Framework Agreements (procurement law restricting the ability to ask questions twice).
16. By selecting an open procurement process, a slightly longer pre-qualification and due diligence period (PQQ) will be required to initially shortlist a number of eligible contractors, prior to the issue of an invitation to tender (ITT). This additional period has been accommodated in the project procurement programme.

Utilising an existing framework agreement

17. A wide range of currently available construction frameworks have been reviewed, accompanied by 'soft market testing' engagement to determine if any offer the most suitable procurement route for the proposed scheme. The

consultant project team reviewed the following frameworks in relation to their project suitability (the full review is detailed in appendix 1).

- A2 Dominion, Lot LN3
- London Construction Programme, Lot 1.4
- Notting Hill Genesis
- Procure South East, £12m+
- CCS, Lot 6.2
- CCS, Lot 7.2
- Pagabo
- Hyde Housing

18. Following the framework review and accompanying engagement and 'soft market testing', a number of factors and drivers reduced the suitability of a framework agreement as the proposed procurement route for this particular project:

- The expected Farm Lane contract 'value' sits outside of the primary levels sought by Larger main/principal construction contractors (i.e: Tier 1 and Tier 2) populating several the framework lots.
- A single stage design and build contract is the preferred option for this contract, some the frameworks reviewed cater for only two stage tenders, and, most Tier 1 contractors try to encourage two stage to lock-in and maximise their returns.
- Certain frameworks require additional fees for use, these have not been accommodated within the project budget and ensure we are 'being ruthlessly financially efficient'
- The size, scale and complexity of the project is likely to be attractive to local SME contractors and Tier 2 and 3 contractors - whose representation is limited on a number of the available frameworks.
- Promotes wider market participation and encourages the promotion of growth and opportunity, to help yield the most economically advantageous tender for the Council.

Do nothing option

19. This is not possible, due to the Council's strategic commitments and business plan objectives to deliver this project and the provision of much needed new affordable homes in the Borough.

Market Analysis, Local Economy and Social Value

20. The construction sector signalled a renewed slowdown in business activity growth during November 2022, with cost inflation in the sector dropping to its lowest level since January 2020. The November 2022 S&P Global/CPI UK Construction PMI highlights that business expectations in the UK construction industry are the weakest they have been since May 2020. Meanwhile,

inflationary cost pressure has been negated by softer commodity prices but supported by rising energy prices and supply chain constraints.

21. Despite the recent slowdown in construction industry business activity, cost pressures remain primarily due to energy costs and global supply chain pressures. Employment numbers within the industry remain strong, albeit with a shift to more caution shown to hiring policies according to the S&P Global/CMI.
22. The Council with the support of its external consultants, Arcadis, has carried out detailed soft market analysis, including direct engagement with proportionately sized construction principal contractors. This was to understand market capacity, contractors' appetite for a development of this size, complexity and type, deliverability of the development within the Council timeline, as well as relative desirability of different procurement routes.
23. The soft marketing exercise has identified that the scheme can be procured using a single stage procurement route, with 50% of contractors approached endorsing this approach at this time. This exercise identified that contractors were keen to have a level playing field in terms of contractor size and capability; sufficient design information to mitigate pricing risk (i.e: issue supplementary RIBA 3+ information); a pre-qualification and adherence to a tender programme.
24. It is the council's policy that all contracts let by the council with a value above £100,000 commit to social value contributions that are additional to the core services required under the contract, and/or, those required by SV planning conditions.
25. Paragraph 35 in this strategy describes how social value contributions will be scored as part of the mini competition; that a 10% weighting of the total score will be included in the Quality and Sustainability category of the scoring criteria.
26. As part of the ITT documents, tenderers will be invited to consider Social Value commitments aligned with council strategies and therefore deliverable Social Value can be on a scale commensurate with the large value of this contract. This is to maximise the social value that can be realised from this tender.
27. The Council will secure Social Value through the use of bespoke measures that are suited to construction works and bidders will be required to offer Social Value for evaluation. 10% of the overall quality score will be ascribed to Social Value and both the value and the quality of bidders' proposals will be scored.
28. The scoring will incentivise bidders to maximise their social value offer, however, bids offering a social value of less than 10% of a bid's price will not automatically be rejected. This procurement strategy is seeking dispensation from the requirement to invalidate bids not offering a social value of less than 10% of a bid's price.
29. Social value measures committed to by the winning bidder should be included as conditions in the contract agreement with financial remedies sought for non-

delivery. It is advised that the winning bidder contact the Economic Development team to help them design a detailed delivery plan for the agreed measures. Council services are available to support the winning bidder plan, deliver and measure social value contributions.

Risk Assessment and Proposed Mitigations

30.

No.	Identified risk	Likelihood	Risk Control/Mitigation measure
1	Insufficient interest from suitable contractors in the tender which results in no bids.	Low	The project team carried out soft market testing in Summer 2022, and this revealed that there is 'access' to sufficient market interest and capacity. The council will also develop a procurement strategy, route and brief that is sufficiently detailed and clear to encourage wide contractor participation.
2	Procurement does not achieve required competitiveness and does not provide value for money.	Low	Market engagement has established interest and appetite for this development and to ensure engagement of contractors the tender pack will be reviewed for simplicity and clarity. Use of bespoke Social Value measures that are more suited to construction works
3	Construction market inflation and the period for which tenders might remain valid.	High	This risk is managed, monitored and mitigated with regular reviews with our cost consultants' and where possible supplementary and/or simplification of some aspects of detailed design to ensure design buildability retain costs within budget envelope.
4	Contractor becomes insolvent or no longer has the capacity to deliver scheme	Medium	While the likelihood of this risk is low, the potential impact might be significant depending on construction stage. Before a contract is awarded, robust financial assessments will be undertaken including independent financial and credit checks and where necessary and applicable insolvency cover, bonds and/or parent company guarantees may be requested.
5	Mobilisation/ construction delayed due to unforeseen site issues	Medium	Council to ensure that the internal and external resources are in place to deliver the project in a timely manner. The site has been de-risked through extensive site investigations to eliminate technical issues prior to start on site.
7	No tender commits to a Social Value of 10% or more	Medium	This is mitigated against by inviting tenderers to Social Value commitments that are more aligned with council policies so as to maximise Social Value from the contract to be awarded.
8	Extended procurement	Low	The inclusion of a expressions of interest and pre-qualification period have been included in the overall

	programme due to using FTS.		project programme and will not impact overall project target dates.
--	-----------------------------	--	---

Timetable

Key Decision Entry (Strategy)	October 2022
Contracts Assurance Board (Strategy)	December 2022
SLT/Cabinet Member/Cabinet Sign off (Strategy)	March 2023
PQQ Issue	May 2023
Find a Tender Service Notice	July 2023
ITT Issue	August 2023
Closing date for clarifications	September 2023
Closing date for submissions	October 2023
Evaluation of Tenders	November 2023
Key Decision Entry (Award)	January 2024
CAB (Award)	February 2024
SLT/Cabinet Member (Award)	February 2024
Find a Tender Service Contract Award Notice	March 2024
Contract engrossment	April 2024
Contractor mobilisation and implementation Period	Mar/April 2024
Possession & Contract Commencement date	May 2024

Selection and Award Criteria

31. In accordance with the council's CSOs and PCR 2015 Regulation (67), the contract will be awarded on the basis of the Most Economically Advantageous Tender (MEAT) using a quality to price ratio of: 60:40 in recognition of the complexity of the construction and the specification of a highly sustainable development. This was discussed and agreed between council officers and their professional consultants.
32. In evaluation of price submissions, the lowest priced tenderer will receive 40% and the remaining tenders will be scored proportionately to the lowest price. Tenders will be evaluated in accordance with the following criteria:

Element	Weighting	Scoring basis
Price	40%	Lowest price submitted will receive 40% and the remaining submissions will be scored in accordance with their difference from the lowest price as follow: Score = Lowest Price / Bidder Price x 40%
Quality	60%	Quality scoring will be carried out in accordance with the Framework's terms and weighted as follow: Score = Scored Marks Available x 60%

		Social value evaluation will form part of the quality and weighted at 17% of the 60% quality to account for an overall weight of 10%.
--	--	---

33. Quality evaluation will incorporate sub-elements that will be scored and weighted as follow:

Quality sub-categories	Weighting
Experience – This will be drafted to be compliant with the regulations and will include capability, capacity and quality.	10%
Interview – Working with the Procurement & Commercial group together with Legal the procurement will seek to compliantly deliver community engagement in a form that is yet to be finalised.	5%
Project delivery/ approach / programme / Logistics / Resources	28%
Social Value – 10% of total as per CSOs, is being developed to be integrated into this procurement.	17%
TOTAL	60%

34. In accordance with council's standing orders, Social Value will account 10% of the overall scoring (17% of the 60% quality assessment).
35. An interview with each tenderer will be evaluated and scored as part of the quality evaluation, where each tenderer will be asked the same questions.
36. The council will not bind itself to accept the lowest submission or any tender/submission and reserves the right to accept the whole or any part of any Tender submitted.
37. The council will also reserve the right to seek clarifications before concluding the evaluation stage and where the pricing of a Tender seems abnormally low the Council reserves the right to reject the Tender and exclude it, so it does not affect scoring.
38. The technical specifications, including levels of indemnity and insurances are currently being finalised by officers.
39. The scores awarded to each tender for the Quality and Price elements of the evaluation will be added together to establish the MEAT, which is the tender with the highest combined score for price and, quality.

Tender Appraisal Panel (TAP)

40. A Tender Appraisal Panel (TAP) will be set up in accordance with Contract Standing Orders to oversee the procurement process and evaluate tenders. TAP will include representatives from the Council's Procurement Team, the Development Team and asset management colleagues and supported by external professional consultants led by the council's lead consultants on this project. TAP will manage the procurement process including expression of interest, sifting and the launching of the mini-competition and the issuing of the

full ITT documentation. In addition, TAP will manage and oversee tender clarifications, evaluation, and contract negotiation and award.

41. In accordance with the council's Contract Standing Orders all evaluation panel meetings will be chaired by the Head of Procurement, or a delegated (procurement) officer.
42. The procurement will actively explore resident engagement in line with the Council's policy manifesto.

Contract Management

43. The contract will be managed by a project development team supported by a team of professional services appointed under a separate procurement strategy for the whole life cycle of the development.
44. A suite of KPI's will be used to monitor, measure and report on the performance of both principal construction contractor and sub-contractors. Example of KPI's that might be used to monitor performance:
 - a) Meeting or exceeding programme expectations
 - b) Design Development within the requirements of the Client Brief
 - c) Response times to client RFIs (Requests for information)
 - d) Successfully engaging and involving wider local residents and other stakeholders e.g., Considerate Constructors Scheme
 - e) Responsiveness to issues or concerns raised by residents within a defined period
 - f) Time taken to rectify defects in line with H&F repairs response times
 - g) Understanding and mitigating environmental impact, waste control, noise, water usage, dust during construction.

Equality Implications

45. It is not anticipated that the approval of this Procurement Strategy, as set out in the Recommendations, will have any direct negative impact on any protected groups, under the Equality Act 2010.

Risk Management Implications

46. The report identifies, in the table in paragraph 31 a number of procurement-related and construction market risks, including material price instability which has arisen due to Covid-19 and post-Brexit economic conditions. Officers have set out a range of mitigations to manage these risks and will need to keep these risks under close review throughout the procurement and contract delivery phases. Officers will need to ensure that robust programme and governance arrangements are in place to oversee the scheme, including the maintenance of a programme risk register.
47. A range of procurement routes have been assessed and an option recommended by the appointed technical consultants. The proper use of the

FTS procurement route enables a variety of contractors to enter the procurement process, which is in line with the Council's objective of being ruthlessly financially efficient.

David Hughes, Director of Audit, Fraud, Risk and Insurance, 7th December 2022

Climate and Ecological Emergency Implications

48. On 17th July 2019 LBHF declared a climate emergency, pledging to cut CO2 emissions from the Council's activities to net zero by 2030.
49. The proposals for Farm Lane will target high levels of sustainability for the new development and will aim to promote the climate emergency via a variety of different methods. Through-out the design process the project team have designed clear ways in which to insulate buildings and use recyclable material where possible. The proposal also includes the elimination of fossil fuels along with the installation of solar panels or other renewable energy generation and will look to switch to a renewable energy provider and install measures to help manage building energy demand, such as smart meters, timers on lighting, or building management systems.
50. The design has considered multiple factors to promote ecological benefits of the project, which include avoiding converting green space to hard surfacing and use underutilised space for planting, such as green roofs and walls. The project will also provide space for animals e.g. long grass areas, bird boxes, bat boxes and insect hotels.
51. The design will also look to install water-saving devices in taps, showers and toilets, re-use grey water in new developments and ensure all new building models and mitigates future overheating risk, with adequate ventilation and shading. The development will also convert hard surfacing to green and permeable surfacing where possible and install Sustainable drainage systems (Suds).
52. The Contractor will also seek to construct using construction methods that reduce overall energy use, such as modular, factory-built components, or use of electrical plant on-site.

Jim Cunningham, Climate Policy & Strategy Lead, 6th December 2022

Local Economy and Social Value Implications

53. It is a requirement that all contracts let by the council with a value above £100,000 provide social value commitments that are additional to the core services required under the contract. In addition, the evaluation of social value should account for a weighting of a minimum of 10% of the overall score.
54. As a planning application has been submitted by the council, any social value measures invited to be proposed by bidders should not duplicate any

contributions required in a Section 106 agreement or unilateral undertaking to mitigate the impact of the development on the local area.

55. Paragraph 27 of this Procurement Strategy sets out the intent to use a pared-down menu of social value measures that would not duplicate planning obligations. Paragraph 28 explains that the strategy is to seek dispensation from the minimum policy to require suppliers to propose at least a proxy value of 10% social value.
56. Social value measures committed by the winning bidder should be included as conditions in the contract agreement with financial remedies sought for non-delivery. It is advised that the winning bidder contact the Economic Development team to help them design a detailed delivery plan for the agreed measures. Council services are available to support the winning bidder plan, deliver and measure social value contributions.

Paul Clarke, Social Value Officer, Economic Development Team, 30th November 2022

Consultation

57. A wide-ranging engagement strategy has been adopted and followed during the design development stage of this project. Full details of this are included in the Statement of Community Involvement submitted with the planning application.

LIST OF APPENDICES

None

APPENDIX 3 – USE OF SECTION 203

The Council's statutory powers:

1. Powers to override rights over land acquired or appropriated for planning purposes were previously provided in section 237 of the Town and Country Planning Act 1990 ("1990 Act"). These have more recently been replaced by provisions in section 203 of the Housing and Planning Act 2016.
2. Under Section 203 the Council has powers that would allow the Development to proceed, notwithstanding that it would interfere with the rights to light of neighbouring affected properties.
3. Under Section 204 there is a liability to pay compensation for any interference with a relevant right or interest or breach of a restriction that is authorised by Section 203. The compensation is calculated on the same basis as compensation payable under the Compulsory Purchase Act 1965. It is generally based on the reduction in the value of the claimant's land (rather than any "ransom value") and is sometimes calculated on a "before and after" assessment of what their land was worth before and after the infringement. If there is a dispute about the amount of compensation which is due, the matter can be referred to the Upper Tribunal for determination.
4. Section 226 of the 1990 Act provides that a local authority (subject to the authorisation of the Secretary of State) has the power to acquire compulsorily any land in their area, if it considers that this will facilitate the carrying out of a development, redevelopment, or improvement on or in relation to the land; or is required for a purpose which is necessary to achieve in the interests of the proper planning of an area.
5. Under Section 226(1A) of the 1990 Act, a local authority may not acquire land compulsorily, for the purpose facilitating the carrying out of development, unless they consider that the development is likely to contribute to the achievement of one or more of the following objectives:
 - a) the promotion or improvement of the economic well-being of their area;
 - b) the promotion or improvement of the social well-being of their area;
 - c) the promotion or improvement of the environmental well-being of their area.
6. Section 227 of the 1990 Act provides that the Council may acquire by agreement any land which it requires for any purpose for which it may be authorised to acquire land under Section 226 of the 1990 Act.
7. Section 246 of the 1990 Act provides, in this case, that reference to the acquisition of land for planning purposes is a reference to the acquisition of it under section 226 or 227 of the 1990 Act.

8. The Council will need to be satisfied that there is a compelling case in the public interest for the engagement of the appropriation powers and that their use is proportionate and justified, notwithstanding the interference with the private rights of the landowners affected.

Section 203 Housing and Planning Act 2016

9. Section 203 of the 2016 Act applies where the Council acquires or appropriates land for planning purposes so that easements and third-party rights (including rights of light) may be overridden pursuant to those provisions by development of that land (provided it is carried out in accordance with planning permission).
10. Section 203 operates to translate the right of an owner of an affected property or interest from an injunctable right to an entitlement to compensation only. The compensation is assessed against compulsory purchase compensation principles based on the diminution of the value of the affected property because of the interference with the right.
11. The protection provided by Section 203 applies both to the Council, were it to undertake the Development, and to any third-party deriving title to the Site from the Council.
12. For Section 203 of the 2016 Act to be utilised and come into effect, the development must receive a planning permission and the Council must hold an appropriate interest in the land, the freehold in this case. Additionally, under section 227 of the 1990 Act, the council may acquire land by agreement for planning purposes where that acquisition is for a purpose for which the land could be compulsorily acquired. To do so the Council would need to be satisfied that the circumstances set out in Section 226(1A) of the 1990 Act are met – in summary, that acquiring the Site would facilitate the carrying out of the Development and that the Development in question would contribute to the economic, social, or environmental well-being of the area.
13. It is the opinion of Officers that, for the reasons set out in this report, the Site, if it wasn't owned by the Council, could be acquired compulsorily under Section 226 to facilitate carrying out of the Development assuming such development was to be granted an implementable planning permission, and that such Development would advance all three objectives identified at section 226(1A).
14. Subject to satisfying the relevant requirements, the appropriation may allow provisions of Section 203 of the 2016 Act to be engaged. But for this to happen, it is necessary to consider whether the facilitation of the Development would justify an interference with the rights of third parties. In making that decision regard should be had to the advice and guidance contained in the current DLUHC Guidance on Compulsory Purchase (October 2015). Fundamentally, the decision to engage Section 203 should only be made where it is necessary, there is a compelling case in the public interest and the Council should be certain that the use of these powers being exercised justify interfering with the

human rights of those whose human rights would be affected. Particular consideration should be given to the provisions of Article 8 and Article 1 of the First Protocol to the European Convention on Human Rights.

15. The explanatory note relating to the 2016 Act is helpful in indicating the underlying objective of the provisions. Regarding section 203 powers it provides guidance that the requirement (section 203(2)(c)) that the authority 'could' acquire the land compulsorily for the purposes of the building work was intended only to require that the authority had the relevant enabling powers, not that on the facts of the case a compulsory purchase order would be confirmed for the compulsory acquisition of the land.
16. Following the appropriation of the Site for 'planning purposes' and the engagement of Section 203, if it is intended to appropriate the Site to the Housing and Revenue Account sometime in the future, such appropriation will need to be carried out under Section 232 of the Town and Country Planning Act 1990, as Section 232(6) excludes the use of Section 122(1) of the Local Government Act 1972, where appropriation relates to land held for planning purposes.
17. Section 232(1) of the Town and Country Planning Act 1990 provides:

"232 (1)Where any land has been acquired or appropriated by a local authority for planning purposes and is for the time being held by them for the purposes for which it was so acquired or appropriated, the authority may appropriate the land for any purpose for which they are or may be authorised in any capacity to acquire land by virtue of or under any enactment not contained in this Part or in Chapter V of Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990" .
18. Appropriation to the Housing and Revenue Account is specifically dealt with in section 19(1) of the Housing Act 1985 (the 1985 Act):

"A local housing authority may appropriate for the purposes of this Part [dealing with the provision of housing accommodation] any land for the time being vested in them or at their disposal and the authority have the same powers in relation to land so appropriated as they have in relation to land acquired for the purposes of this part".

Use of Section 203 – Considerations

19. The effect of Section 203 is to allow beneficial regeneration to take place without the risk of injunction being granted to prevent the development from being carried out. However, it is recognised that this can involve the interference with human rights – in particular, the right to peaceful enjoyment of possession and the right to respect for private and family life and home.
20. Considering this, Officers will consider best practice and the approach adopted by this local authority and other local authorities to help any decision on the use

of statutory powers to override easements and rights in that case was appropriate, reasonable, and necessary.

21. These considerations are set out below:

a. Consideration 1: The use of statutory powers is required in that:

- I. The infringements cannot reasonably be avoided;
- II. The easements to be interfered with cannot reasonably be released by agreement with affected owners;
- III. The Development is prejudiced due to the risk of injunction and adequate attempts have been made to remove the injunction risks.

b. Consideration 2: The use of statutory powers will facilitate the carrying out of the Development;

c. Consideration 3: The Development will contribute to the promotion and improvement of the economic, social, or environmental well-being of the area and therefore be in the public interest;

d. Consideration 4: The benefits of the Development could not be achieved without giving rise to the infringements of the identified rights;

e. Consideration 5: Is it in the public interest that the Development is carried out?

f. Consideration 6: Is the public interest to be achieved proportionate to the private rights being infringed by the action of Section 203?

Criteria for application of a successful Section 203

22. The following criteria apply in relation to the application of Section 203 powers:

Considerations 1 and 2:

23. The development of the Site, in line with a granted planning permission, would result in infringement of, or interference in, one or more rights or interests as defined in Section 205(1) of the 2016 Act or breach of a restriction or covenant on or affecting the land which cannot be reasonably released or resolved. Voluntary agreements with those whose rights are affected must be sought and the council must seek such agreements, however, without certainty of extinguishment of such rights within reasonable time, the Development might not proceed.

24. The engagement of Section 203, at the appropriate time, will facilitate the Development which may not proceed without the engagement of Section 203. Without this the Development will be at risk of claims for injunctive relief from rights holders relating to actual or anticipated interference with easement rights or covenants.

25. Lengthy legal proceedings initiated by any affected party may severely affect the viability and deliverability of the Development as a whole specially as part of the funding for the Development is time critical.

Considerations 3 to 6:

26. The successful application of Section 203 requires the establishment of a compelling public interest, which in the case of this Development will bring about a material improvement of the social, environmental and economic wellbeing of the area while at the same time mitigating the impact of the additional homes on surrounding streets through the development being car-free zone. Not developing the Site would be a waste of opportunity to redevelop White City Central with new housing and reprovision of community facilities.
27. Importantly, officers would need to consider and balance the significant public benefit to be gained from the Development against the interference with the private rights of the landowners affected by the use of the delegated powers. Conclusion on the use of Section 203 would need to be proportionate and justified demonstrating a public benefit that significantly outweighs potential interference in an individual's rights including human rights and in particular Articles 1 and 8 of the ECHR. Affected landowners will need to be compensated properly and on a timely basis, in line with statutory guidance.

The Nature of the Third-Party Rights Affecting the Land

28. A third-party right is a right enjoyed by a third party over land owned by another party, one type of such third-party right, being a right of light. A right of light is a long-established legal right which can be acquired by a property by having access to, and use of, light crossing another property, for 20 years or more, after which the right is "*deemed absolute and indefeasible... unless it... was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing*"¹. It is anticipated that the Development will infringe the rights of light of a number of neighbouring properties in varying degrees of magnitude.
29. Any interference with a property's right of light may be prevented by an injunction granted by the Courts. Typically, developers will seek to avoid this risk by reaching private settlements with those whose properties are affected so as to release rights of light and permit interference with the rights, subject to payment of compensation. If an agreement cannot be reached, affected parties might be able to delay or prevent a development from proceeding by threatening, or seeking, an injunction.
30. Appropriation of land for planning purposes translates the right of an owner of an affected property or interest from once enforceable by an injunctable right to an entitlement to compensation only. The compensation is assessed against compulsory purchase compensation principles based on the diminution of the value of the affected property because of the interference with the right of light.

¹ The Prescription Act 1832, section 3; Claim to the use of light enjoyed for 20 years

Legal power available to the Council to procure appropriate insurance

31. The Council's actions are susceptible to third party challenge, and as described above the Council may seek to insure against any costs and liabilities arising from a challenge, if one were to be made, so as to indemnify and limit the Council in respect of all costs and liabilities arising from and linked to appropriation for planning purposes of this site.
32. The Council has the power to enter into any Deeds of Indemnity or insurance required under a range of powers which include:
 - Section 111 Local Government Act 1972 - which gives powers to local authorities to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions; and
 - Section 1 Localism Act 2011 - which contains the local authority's general power of competence and states that a local authority has power to do anything that individuals generally may do.
33. The Council should also be mindful of its best value duties in Section 3 of the Local Government Act 1999 which states a best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

Affected Third Parties

34. The exact number of affected parties and extent of effect may only be ascertained on the granting of an implementable planning decision. And in any case, a variation of the design of the Development that may potentially mitigate impact on third parties would be considered so long as such variation would not result in a significantly and materially different development that diminishes or eliminate the public benefits arising from this proposed Development.
35. On identification of degree and extent of impact on third parties, the council will seek voluntary settlements by agreement. However, it is anticipated that in most instances the level of interference may be negligible and not noticeable and, in some instances, may have a noticeable positive impact.

EQUALITY IMPLICATIONS

36. In deciding to proceed with the acquisition of the Site for planning purposes the council must pay due regard to its Public Sector Equality Duty (PSED), as set out in section 149 of the Equality Act 2010 (the "2010 Act"). Further information regarding how the PSED should be discharged is set out at Appendix 3.
37. While currently there are no anticipated direct negative implications (at this stage) for persons with protected characteristics, under the Equality Act 2010,

by the approval of recommendations outlined in this report, any future decision on the appropriation for planning purposes would need to carefully consider potential impact.

RISK MANAGEMENT IMPLICATIONS

38. There may well be compelling reasons for the council to engage Section 203 and enable the Development to proceed: significant benefits that would be realised locally, at a time when the national economy has been severely affected following the pandemic. The Development may also bring about improvement of the social, environmental and economic wellbeing of the area whilst at the same time meeting the acute housing needs of the borough.
39. However, risks and mitigations associated with the potential use of powers to appropriate the Site for planning purposes would need to be considered at the point the use of the delegation is being considered. This is because the use of these powers is dependent on the development to be facilitated receiving a planning permission.
40. Accordingly, risks and mitigations may only be considered once the Development has received an implantable planning decision and the extent and nature of the impact of the development has been ascertained.

David Hughes, Director of Audit, Fraud, Risk and Insurance, April 2023

APPENDIX 4 - PUBLIC SECTOR EQUALITY DUTY

The Public Sector Equality Duty provides (as far as is relevant) as follows:

1. A public authority must, in the exercise of its functions, have due regard to the need to:
 - eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard to the need to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3. Case law has established the following principles relevant to compliance with the PSED which Council will need to consider:
 - a. Compliance with the general equality duties is a matter of substance, not form.
 - b. The duty to have "due regard" to the various identified "needs" in the relevant sections does not impose a duty to achieve results. It is a duty to have "due regard" to the "need" to achieve the identified goals.
 - c. Due regard is regard that is appropriate in all the circumstances, including the importance of the area of life of people affected by the decision and such countervailing factors as are relevant to the function that the decision maker is performing.
 - d. The weight to be given to the countervailing factors is in principle a matter for the authority. However, in the event of a legal challenge it is for the court to determine whether an authority has given "due regard" to the "needs" listed in Section 149 of the 2010 Act. This will include the court assessing for itself whether, in the circumstances, the local authority has given appropriate weight to those "needs" and not simply deciding whether the authority's decision is a rational or reasonable one.

- e. The duty to have “due regard” to disability equality is particularly important where the decision will have a direct impact on disabled people. The same applies for other protected groups where a decision could directly affect them.

Appendix 5 - H&F Equality Impact Analysis Tool

Conducting an Equality Impact Analysis

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

The tool is informed by the [public sector equality duty](#) which came into force in April 2011. The duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

- 1. Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Equality Act 2010**
- 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it**
- 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it**

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

General points

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

Further advice and guidance can be accessed online and on the intranet:

<https://www.gov.uk/government/publications/public-sector-equality-duty>

<https://officesharedservice.sharepoint.com/sites/Governance/SitePages/Reports.aspx>

H&F Equality Impact Analysis Tool

Page 66

Overall Information	Details of Full Equality Impact Analysis														
Financial Year and Quarter	2023 (Quarter 1)														
Name and details of policy, strategy, function, project, activity, or programme	<p>Farm Lane development</p> <p>The construction phase may well have a substantially different impact on those with protected characteristics than the impacts of the development once completed. The impact of the construction phase is anticipated to primarily affect immediate neighbours, visitors, residents, and employees.</p> <p>The construction contractor will be obliged to observe LBHF policies on Equality and Diversity or to provide their own policies for approval as part of the tender process, prior to appointment. The construction contractor may also be asked to sign up to a code of conduct to mitigate against impact of its work on persons with protected characteristics.</p> <p>Upon appointment, the main contractor will be required to produce a Construction Management Plan and a site waste management plan – that will control site logistics and ensure that locals are disturbed as little as possible by the construction works traffic. It is expected that the hours of work on site will be controlled by planning condition.</p> <p>The completed development may have a substantial positive impact or at the very least no negative impact on some or all persons with protected characteristics.</p> <p>The scheme will deliver 31 homes (including affordable), with the breakdown as follows:</p> <table><tr><th>Description</th><th>Social Rent</th><th>Shared Ownership</th><th>Private Sale</th><th>Total</th></tr><tr><td>TOTAL</td><td>10</td><td>6</td><td>15</td><td>31</td></tr></table> <p>The completed development is anticipated to have a positive impact on residents with protected characteristics and others who are of low- and mid-income households through the delivery of inclusive development that includes significant number of affordable homes.</p> <p>The scope of this EQIA assessment is primarily to consider and assess the impact from Farm Lane development over two distinct phases: construction phase and the completed development.</p>					Description	Social Rent	Shared Ownership	Private Sale	Total	TOTAL	10	6	15	31
Description	Social Rent	Shared Ownership	Private Sale	Total											
TOTAL	10	6	15	31											

		<p>monitoring and enforcement to ensure compliance so as to control or eliminate any negative impact from the construction site on local residents and businesses</p> <p>In addition to planning requirements, the council will set out clear contractual expectations on the construction contractor as part of its Employers Requirements to ensure the contractor engages with neighbouring residents / stakeholders in accordance with the best practice requirements.</p> <p>The construction phase is anticipated to have a positive impact on younger and unemployed residents who will be offered apprenticeships, employment and training during the construction phase. The anticipated positive impact on younger people is in acknowledgement of younger people experiencing higher unemployment rate in comparison to all other working age groups. Offer of apprenticeships, employment and training will be a significant part of the contractor's social value offering or S106 obligations.</p> <p>Due to the location of the site in the middle of a residential area, it is possible that noisy works, even though they may still be within statutory limits, they may have a disproportionately negative impact on younger people especially during exams and revision times as the construction phase is anticipated to be longer than 1 year.</p> <p>The contractor would be required to work with residents around the site and organise work on site in close liaison with residents to mitigate disproportionate impact especially during exams and revision times.</p> <p>Temporary closure of some footpaths alongside the site due to UKPN or other statutory undertakers works often creates barriers that disproportionately negatively impact older people, who are more likely to have age-related impairments. Alternative routes will be accessible, including sufficiently wide routes and appropriately designed and implemented temporary dropped kerbs, and will be</p>	<p>N</p> <p>+</p> <p>-</p> <p>+</p>	
--	--	---	-------------------------------------	--

		well signposted. The impact is anticipated to be neutral but only on the full implementation of identified mitigations.	N	
		<p>Completed Development Phase</p> <p>The completed development will have a positive impact on households and individuals with protected characteristics and others who are of low- and mid-income households by delivering affordable housing.</p> <p>There will be a disproportionate positive impact on younger households because:</p> <p>Younger households have a proportionately lower income, and this development will disproportionately benefit them by delivering affordable housing.</p> <p>All units will be either wheelchair accessible / adaptable (M4(3)) or accessible and adaptable (M4(2)), which will disproportionately benefit older people, who are more likely to have age-related impairments.</p> <p>There will be an inclusively designed scheme amenities offering that will disproportionately benefit older people, who are more likely to have age-related impairments.</p> <p>New amenities will include play space for children and young people.</p> <p>Scheme facilities provided will be inclusively designed, disproportionately benefitting older people, who are more likely to have age-related impairments.</p> <p>Lighting within the development will be instigated, creating a greater sense of safety, which will benefit older people and young people, who may feel more vulnerable when outside in the dark.</p>	+	

		Addition of 3 disabled parking spaces, will improve accessibility, benefitting older people more likely to have age-related impairments.		
	Disability	<p>Construction Phase</p> <p>Temporary closure of some footpaths alongside the site due to UKPN or other statutory undertakers works often creates barriers that disproportionately negatively impact disabled people. Closure will only take place once alternative routes that are accessible, sufficiently wide and appropriately designed and installed with appropriate signpost are made available.</p> <p>Specific obligations on the contractor to carry out required health and safety measure in relation to temporary works will be included in the contract with the construction contractor. Works will be monitored, inspected and overseen by council's consultants.</p> <p>The production of dust during construction phase will create a disproportionate negative impact on disabled people with breathing conditions. Implementation of the council's Construction Site Noise and Dust Pollution policy which seeks to control level of dust by its inclusion of enforceable requirements on the contractor to implement dust suppression measures will help mitigate against this issue.</p> <p>The impact is anticipated to be neutral but only on the full implementation of identified mitigations.</p>	N	
		<p>Completed Development Phase</p> <p>All units and their approaches will be either wheelchair accessible / adaptable Building Regulations ADM (M4(3)) or accessible and adaptable (M4(2)) as a minimum, which will disproportionately benefit disabled people.</p>		

		<p>Accessibility and inclusiveness of the design have been some of the core principles underpinning the design brief from the start. All buildings, approaches and scheme amenities will meet the requirements of required planning policy and design standards. including Building Regulations ADM and BS 8300.</p> <p>The scheme has been designed to provide disabled parking spaces. Residents in the new development will have access to 3 disabled parking accessible spaces once completed. This will disproportionately benefit disabled people.</p> <p>There will be an inclusively designed amenities offering that will disproportionately benefit disabled people. New amenities will include play space for children and young people, which will be designed to be inclusive and have specific inclusive play pieces.</p> <p>Scheme facilities provided will be inclusively designed, disproportionately benefitting disabled people. Households with one or more disabled person in have a proportionately lower income, and this development will also disproportionately benefit them by delivering affordable housing.</p>	<p>+</p> <p>+</p> <p>+</p>	
	Gender reassignment	<p>Construction Phase</p> <p>The development is not anticipated to have any impact on person with this protected characteristic during this stage</p>	N	
		<p>Completed Development Phase</p> <p>Lighting within the scheme amenities will be to a secure by design standard, this will create a greater sense of safety, which will</p>	+	

		benefit trans and non-binary people, who may feel more vulnerable when outside in the dark due to the risk of hate crime.		
	Marriage and Civil Partnership	Construction Phase The construction stage is not anticipated to have any impact on person with this protected characteristic.	N	
		Completed Development Phase The completed development is not anticipated to have any impact on person with this protected characteristic.	N	
	Pregnancy and maternity	Construction Phase Temporary closure of some footpaths alongside the site due to UKPN or other statutory undertakers works often creates barriers that disproportionately negatively impact persons with this protected characteristic. Closure will only take place once alternative routes that are accessible, sufficiently wide and appropriately designed and installed with appropriate signpost are made available. Specific obligations on the contractor to carry out required health and safety measure in relation to temporary works will be included in the contract with the construction contractor. Works will be monitored, inspected and overseen by council's consultants. The production of dust during construction phase will create a disproportionate negative impact on persons with this protected characteristic with breathing conditions. Implementation of the council's Construction Site Noise and Dust Pollution policy which seeks to control level of dust by its inclusion of enforceable requirements on the contractor to implement dust suppression measures will help mitigate against this issue.	N	

		The impact is anticipated to be neutral but only on the full implementation of identified mitigations.		
		Completed Development Phase There will be an inclusively designed estate amenities that will disproportionately benefit new mothers, who are more likely to be using pushchairs. Scheme facilities will also include seating spaces and playground for younger children and so disproportionately benefit new mothers.	+	
	Race, Religion or belief (including non-belief)	Construction Phase The construction stage is not anticipated to have any impact on person with this protected characteristic.	N	
		Completed Development Phase Some BAME communities have a proportionately lower income, and this development may disproportionately benefit them by delivering affordable housing. Lighting within the scheme amenities will be to a SBD standard, creating a greater sense of safety, which will benefit BAME people and people from some religious communities, who may attend religious places very early in the morning or late in the evening and so may feel more vulnerable when outside in the dark.	+	
	Sex	Construction Stage Historically, construction sites were synonymous with inappropriate behaviour including female passers-by receiving un-wanted and inappropriate attention. Additionally, during the construction stage some site workers may operate at heights that may give rise to privacy issues. This is not helped by the fact that the construction industry is one of the most gender-segregated or male dominated	N	

		industry.		
		<p>The council will set clear expectations on the contractor that are contractually enforceable including taking immediate steps to report and investigate any incident of an unacceptable conduct of its employees or sub-contractors and ensure the site is registered under, and operate in accordance with, the considerate contractor scheme.</p>		
		<p>Completed Development Phase</p> <p>The development is not anticipated to have any negative impact on persons with this protected characteristic. It may have indirect positive impact through the provision of family sized homes to families in overcrowded accommodation to alleviate overcrowding and sibling of different sexes sharing rooms.</p> <p>There will be an inclusively designed scheme amenities offering that will disproportionately benefit women, who on average spend more time taking on caring responsibilities for their children and / or older relatives than men.</p> <p>Scheme facilities provided will be inclusively designed, disproportionately benefitting women, who on average spend more time taking on caring responsibilities for their children and / or older relatives than men.</p> <p>New scheme play facilities will disproportionately benefit women, who on average spend more time taking on caring responsibilities for their children and / or older relatives than men.</p> <p>The lighting within the scheme amenities will be to a SBD standard creating a greater sense of safety, which will benefit women, who may feel more vulnerable when outside in the dark.</p>	+	
	Sexual Orientation	<p>Construction Stage</p> <p>The construction stage is not anticipated to have any impact on</p>	N	

		person with this protected characteristic		
		Completed Development Phase The lighting within the scheme amenities will be to a SBD standard, creating a greater sense of safety, which will benefit LGBTQIA+ people, who may feel more vulnerable when outside in the dark due to the risk of hate crime.	+	

Section 03	Analysis of relevant data Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.
Documents and data reviewed	The planning requirement to deliver 10% of disabled parking spaces was used to establish the need for 3 parking spaces on the scheme, the development being a car free scheme. The requirement for proportionate of Bedroom numbers for social rent on this scheme is a Council Planning Policy
New research	New research maybe required to establish or update Local Letting Policy to understand any changes in the Bedroom numbers required foron future schemes (for example).

Section 04	Consultation
Consultation	<p>A series of targeted public engagement activities took place to present the proposed plans to local residents and stakeholders and gather their feedback to co-produce the design proposals.</p> <p>Residents were kept informed via online and in-person public exhibitions, newsletters, flyers/invitations letters, emails to the on the mailing list, door-knocking, meetings with stakeholders and digital promotion on our project websites.</p>
Analysis of consultation outcomes	<p>Residents were able to give feedback on the design proposals in person and online at three public exhibitions where updated designs were presented and feedback from previous stages was summarised. Resident feedback influenced; the height and massing of the proposed residential blocks, the internal layouts and screening on some balconies to resolve potential overlooking issues, and the landscaping design of the perimeter boundary to address security concerns.</p> <p>A Statement of Community Involvement was prepared as part of the planning application which demonstrated</p>

consultation and co-production from the start of the project.

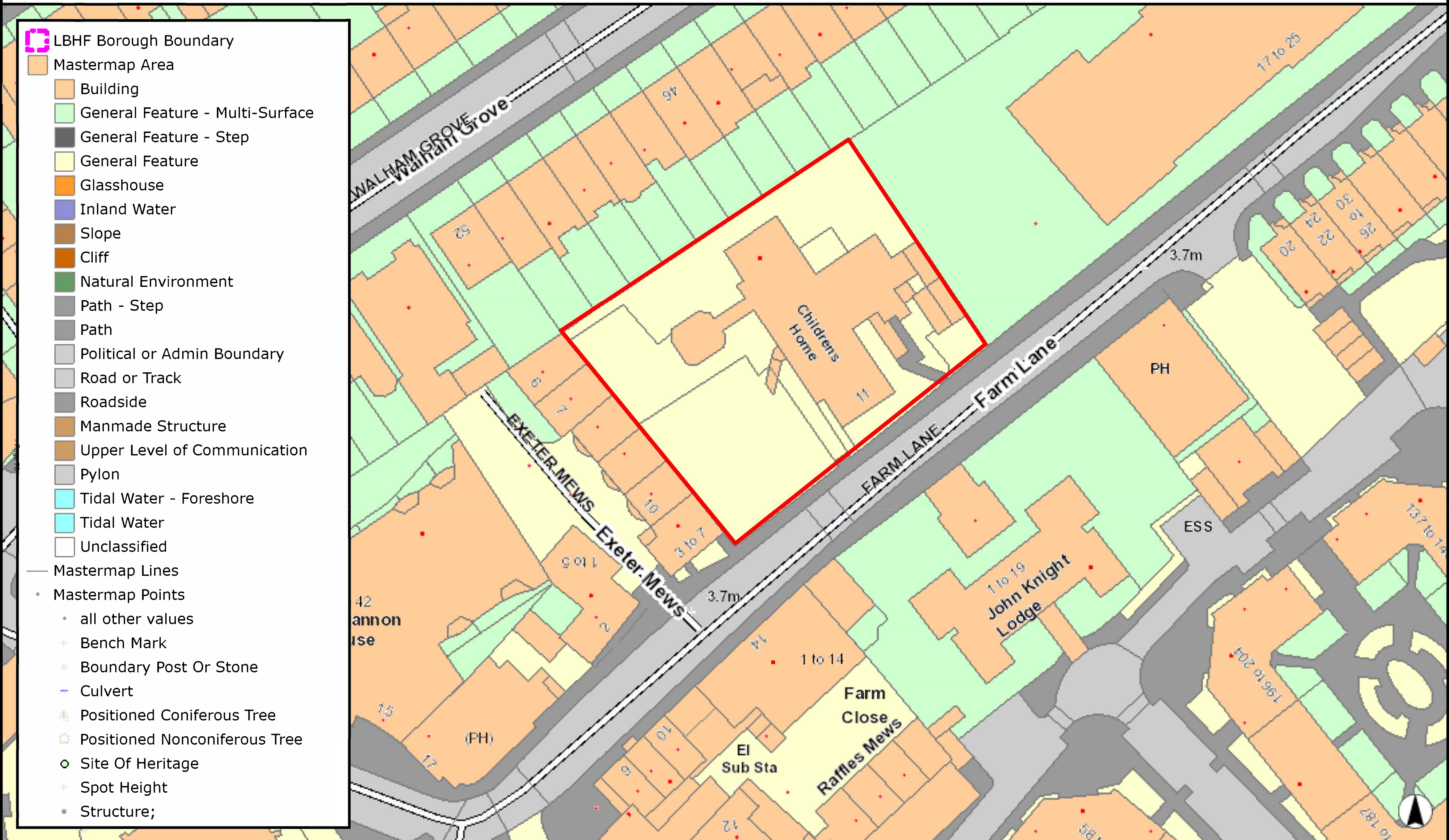
Section 05	Analysis of impact and outcomes
Analysis	<p>The sections above refer to mitigation procedures adopted where a negative impact could be identified. Mitigations identified in this assessment must be adopted to mitigate against identified risks. Additionally, regular review of impacts and mitigations adopted must take place that considers and analysis realisation of foreseen impacts, rise of any unforeseen impact as well as the success of mitigations adopted. The outcome of these reviews would be incorporated into this Equality Impact Assessment.</p> <p>Based on this initial assessment, the project may proceed subject to the recommendation below as no significant disproportionate negative impacts was identified.</p> <p>Recommendations: A clear mitigation action plan to be created specifying a detailed monitoring process to record successful implementation of mitigations identified in this assessment and track actions taken as well as any unexpected or new disproportionate impact identified and any new mitigation that may need to be implemented.</p>

Section 06	Reducing any adverse impacts and recommendations
Outcome of Analysis	As part of the Employers Requirements, the construction contractor must maintain and enforce security over the construction site to prevent any unauthorised access to the site, any potential mitigation strategies post completion will be reviewed and agreed by Officers during the construction stage.

Section 07	Action Plan					
Action Plan	Note: You will only need to use this section if you have identified actions as a result of your analysis					
	Issue identified	Action (s) to be taken	When	Lead officer and department	Expected outcome	Date added to business/service plan

--	--	--	--	--	--	--	--

Section 08	Agreement, publication and monitoring
Senior Managers' sign-off	Name: Matt Rumble Position: Strategic Head of Regeneration and Development Email: matt.rumble@lbhf.gov.uk Telephone No: 07786747488 Considered at relevant DMT: Economy
Key Decision Report (if relevant)	Date of report to Cabinet/Cabinet Member: 15 / 05 / 2023 Key equalities issues have been included: Yes
Equalities Advice (where involved) N/A	Name: Position: Date advice / guidance given: Email: Telephone No:



Report to: Cabinet

Date: 15/05/2023

Subject: Lillie Road – New Council development

Report of: Councillor Andrew Jones, Cabinet Member for the Economy

Report author: Matt Rumble, Strategic Head of Regeneration and Development

Responsible Director: Jon Pickstone, Strategic Director for the Economy

SUMMARY

This report concerns the proposed development of the site known as 70/80 Lillie Road, the (“**Site**”) shown edged red on the plan at appendix 6. The report seeks approval for a capital budget, the procurement strategy for the principal construction contractor and the appropriation of the Site for planning purposes for its redevelopment.

The proposed scheme, in respect of which a planning application has been submitted and allocated reference number 2023/00087/FR3 (“**Development**”), co-produced with local residents and delivered by the council, will see the redevelopment of the Site, which currently includes the West Kensington Tenants & Residents (TRA) Hall and a disused former Nursery. The development will provide 42 new homes, 21 (50%) affordable, and a replacement TRA Hall.

The sustainability of the scheme has been maximised; designed to be built to Passivhaus certified standards, reducing onsite carbon emissions by 71% and delivering substantial energy savings to new residents. A planning application for the proposed scheme was submitted in January 2023. The Lillie Road project is self-funded which will support the long-term financial health of the Housing Revenue Account, without putting pressure on other council budgets.

The council’s ambition is to maximise affordable housing across its development programme therefore, subject to planning, will look to convert the market homes in this scheme to affordable through the use of subsidy such as section 106 funding.

Alongside this, the council will develop an innovative model of intermediate affordable housing, aligned to its wider Industrial Strategy objectives of placemaking, inclusion and economic growth. Intermediate affordable homes will be prioritised for key workers on a range of incomes; to support young, growing families on lower incomes; and growth employment sectors of science and innovation.

RECOMMENDATIONS

That Cabinet:

1. Notes that 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. Approves a total Development capital budget, including contingencies, of £25,218,839 of which £1,802,000 has already been approved, to deliver the proposed new homes and to be funded through a combination of HRA borrowing, Right to Buy receipts and capital receipts from private sales as set out in exempt Appendix 1.
3. Authorises the Strategic Head of Regeneration and Development to take decisions on expenditure against this contingency budget subject to the continued viability of the development.
4. Approves the Procurement Strategy, as set out in Appendix 2, to procure a principal construction contractor, using a JCT standard form of building contract, on a design and build basis via the open Find a Tender Service (FTS) procurement route.
5. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director of Legal Services to carry out the appropriate procedural steps to identify all rights affected and consider whether the area shown shaded yellow on the plan at Appendix 5 is no longer required for the current purpose for which it is held as specified in paragraphs 3 of the 'Detailed Analysis' section of this report.
6. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director of Legal Services to appropriate that part of the Site shaded yellow for planning purposes pursuant to section 122 of the Local Government Act 1972 as it will facilitate the carrying out of redevelopment of the Site pursuant to section 226(1)(a) of the Town and Country Planning Act 1990) on being satisfied that the specified area is surplus and is no longer necessary for the current purpose for which it is held .
7. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director of Legal Services to carry out the appropriate procedural steps to identify all rights affected and consider whether the area shown shaded pink and edged blue on the plan at Appendix 5 is no longer required for the purposes for which it is currently held as specified in paragraph 3 of the 'Detailed Analysis' section of this report.
8. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director of Legal Services to appropriate that part of the Site shaded blue for planning purposes pursuant to section 122 of the Local Government Act 1972 as it will facilitate the carrying out of redevelopment in relation of the Site pursuant to section 226(1)(a) of the Town and Country

Planning Act 1990) on being satisfied that the part of the Site shaded blue is no longer necessary for the current purpose for which it is held.

9. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director, Legal Services to take any necessary steps to resolve matters arising from the grant of planning permission, including the authority to enter into any associated legal agreements arising from the delivery of the development and enabling deeds and agreements with statutory utility providers, housing associations and third parties including the surrender and re-grant of a lease on existing sub-station, highways agreements, apply for the stopping up or diversion of footpaths necessary to enable the Development to be carried out pursuant to section 257 of the Town and Country Planning Act 1990 and consider and decide any necessary appropriation to expedite and secure the best use of the land.
10. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director of Legal Services, to carry out such steps as are necessary to effect the appropriation and to deal with the necessary arrangements to record the appropriation of the Site for planning purposes pursuant to section 122 of the Local Government Act 1972 including the transfer of the land shaded yellow on the plan attached at Appendix 5 from the Housing Revenue Account (HRA) to the General Fund account (GF); to negotiate and enter into agreements by deed and payment of compensation for the release of third-party rights where this can be achieved on reasonable terms within a reasonable timescale; and the subsequent use of powers under Section 203 of the Housing and Planning Act 2016 in order to authorise any interference with easements, covenants and other rights in respect of the Site including authorisation to take all necessary steps required in relation to any associated claims, settlements relating to compensation under section 204 of the Housing and Planning Act 2016 and other legal agreements so as to enable the Development of the Site.
11. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director of Legal Services to note the responses to consultations undertaken by the Council in relation to the Development to carry out such further consultation as is appropriate and to take all such action as is appropriate to deal with any notice served in relation to the Site to facilitate the Development.

Wards Affected: West Kensington

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The Development of the Site would bring about measurable local benefits, including realisable benefits during the construction stage where contractors, under the council's procurement policy, will be incentivised to provide Social Value that is aligned to the

	council's strategies such as the Industrial Strategy.
Creating a compassionate council	The Development would also help to meet the acute need for affordable housing in the locality as well as the wider borough with the provision of 21 affordable homes. The council will also explore the possibility of converting the market homes to affordable homes subject to Planning permission being secured.
Doing things with residents, not to them	The scheme involves extensive engagement with the local community at all stages. The construction contractor would be required to work in accordance with council's values of doing things with residents, not to them, throughout all Development stages.
Being ruthlessly financially efficient	Selection of the construction contractor through a robust procurement process would ensure that the project has the best possible chance to deliver high-quality residential homes that are operationally net-zero carbon through the use of external funding and incorporation of private sale homes, demonstrating the ruthless financial efficiency of the development while maximising the number and sizes of affordable homes.
Taking pride in H&F	The aim of the Development is to create a lasting and positive legacy through well-designed architecture and amenities while meeting both the climate challenge and the acute need for affordable housing in the borough.
Rising to the challenge of the climate and ecological emergency	The Development would deliver highly sustainable homes that achieve high levels of energy efficiency and are fossil-fuel free, and so help create and sustain a low carbon community. The brief to the construction contractor will be to meet the targets set out in the emerging Climate Strategy with the aim to achieve a significant reduction in operational carbon usage, thereby reducing the fuel bills of future residents.

Financial Impact

The total development budget and its funding resources are set out in exempt Appendix 1.

In November 2020 Cabinet approved a capital budget of £1,802,000 in the General Fund (GF) to facilitate the redevelopment of the Lillie Road Site to the planning and procurement stages. This report seeks an approval of further £23,416,839 to deliver proposed new homes.

The report also approved a recommendation for the site to be appropriated to the Housing Revenue Account (HRA) subject to securing external valuations and approval of the Head of Asset Strategy and Portfolio (Borough Valuer) and to delegate authority to the Director of Finance in consultation with the Head of Asset Strategy and Portfolio (Borough Valuer) and the Cabinet Member of Finance and Commercial Services to take the necessary steps, including securing external valuation of the sites in order to facilitate appropriations and consequently, re-assign the development budget and spend to the HRA from the General Fund.

Development proposal

The total forecast scheme costs represent a significant capital investment in the HRA of **£25,218,839** (including £1,802,000 already approved) and costs will need to be tightly managed within this envelope.

Right to Buy (RtB) ringfence funding

The current proposal assumes a pre 2017/18 Right-to-Buy receipts contribution of £3,334,855, some of which has already been received. However, this funding is subject to Right to Buy 1-4-1 receipts retention conditions set out by the Department for Levelling Up, Housing and Communities (DLUHC) and therefore failure to meet these conditions might result in loss of the receipts and further borrowing potentially being required to bridge the funding gap if no other alternative financing is identified.

Costs of disposal

In the General Fund, up to 4% of the expected future receipts can be used towards the costs of disposal (legal and marketing fees directly related to private sale of units). There is no cap for the HRA but a costs of disposal budget of £403,375 is included within the overall additional budget request.

Other risks and mitigation

The Housing Revenue Account (HRA) financial plan agreed by Cabinet on 7 February 2022 set out the significant financial pressures and annual deficit of the HRA requiring the delivery of £3.8m of savings in 2022/23 rising to £8m by 2025/26. The financial plan modelled in the costs, financing and income expected from affordable housing development schemes, including the Development, and illustrated the importance of new developments and the resulting rental income to the financial sustainability of the HRA.

Due to the wider economic context and increases in inflation, there is a risk that the tenders received for the build contract will be higher than what is currently assumed in the financial appraisal and financial plan. This will potentially put added pressure on the HRA to finance increased capital costs. Given current economic volatility, there is also uncertainty regarding the future level of receipts achievable from the planned asset sales. Where this is the case, this will need to be mitigated as far as possible through value engineering.

The financial appraisal assumes that the Council will be able to borrow at an interest rate of 2.4% in the long term. Due to recent increases, and the potential for further

increases should inflation become entrenched within the wider economy, this needs to be monitored closely, as an increase in the interest rate would impact on the potential future financial benefits of the scheme and add further pressure to the HRA. A fuller outline of financial risks is set out in the exempt Appendix 1.

If the scheme is no longer considered viable and the decision is taken for the development not to proceed, any works completed would be abortive and capital spend incurred up to that point would need to be written off to revenue. Also, if the forecast intermediate housing and Private Sale receipts do not materialise, any costs of disposal incurred to date would also be written off to revenue as these costs can only be funded by capital receipts.

The two main external factors that can influence a schemes viability is construction costs, and Open Market Values (OMV). Other financial assumptions and considerations will be monitored and reviewed but have less of an impact as these primary inputs.

As part of the Council's development process and strategic risk management, officers have set up a governance process with Gateway Reviews to allow review and facilitate decisions to be made at the appropriate 'milestone' stage of a typical schemes journey.

To complement this risk mitigation operationally, officers undertake timely and regular reviews and proactively reconcile the emerging schemes costs and values to support or reflect a scheme's design development journey or options being considered etc. These primary inputs in turn, are established by commissioning updated professional advice regarding latest construction and tender costs, and, using RICS Red Book methodology when capturing 'comparable' market values etc. – to inform a reconciled viability – and again help reduce risk exposure even further and continually understand the 'status' of the project with regards to its latest financial performance – so intervention can be managed if required.

VAT implications

There are no adverse VAT implications relating to construction of social housing nor to sales of private homes on a long leasehold with a minimum term of 125 years. The contractor should apply a zero-rate of VAT to construction of new dwellings.

Finance implications completed by Ariana Murdock, Finance Manager (Strategic Capital), 10 January 2023

VAT implications completed by Joanna Monaghan, Principal Accountant (Taxation), January 2023

Verified by: Sukvinder Kalsi, Director of Finance, 28 April 2023

Legal Implications

The Council has the power under section 122 of the Local Government Act 1972 to appropriate land which is within the Council's ownership that is no longer required for the purpose for which it was held immediately before the appropriation, provided that the new purpose is one for which the Council would be authorised to 'acquire' land by agreement.

Section 226 of the Town and Country Planning Act 1990 (TCPA 1990) authorises a local authority to acquire compulsorily any land in their area for planning purposes. This acquisition can take place in one of the following two circumstances if the local authority thinks:

- a) the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land (section 226(1)(a), TCPA 1990); or;
- b) which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated (section 226(1)(b), TCPA 1990);

But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects–

- a) the promotion or improvement of the economic well-being of their area;
- b) the promotion or improvement of the social well-being of their area;
- c) the promotion or improvement of the environmental well-being of their area (section 226(1) (1A), TCPA 1990)

However, in reaching this decision to appropriate the Council must consider the public need within the area for the existing use. Historically the Site has been held partly under the General Fund and partly under Housing and Revenue Account.

Appropriation requires more than a mere decision to hold land for a different purpose. An authority cannot properly appropriate land planning purposes unless it considers that the resulting interference with third-party rights is necessary.

Appropriation is akin to a compulsory purchase, so the same degree of necessity applies. Article 1 of the First Protocol to the Human Rights Act 1998 also requires an authority to consider whether the new purpose justifies interference with the rights affected. Therefore, a local authority cannot properly appropriate land to planning purposes unless it considers that it has good reason to interfere with third party rights, which would be overridden by sections 203 - 205 of the Housing and Planning Act 2016.

There is no statutory requirement to advertise or consult on a proposal or decision to appropriate land under the general power contained in section 122 of the LGA 1972, unless the appropriation relates to 'special categories' of land, as referred to again further on in this report. It is important, however, that the Council adopts a "conscious deliberative process" to the appropriation of land, to ensure that the statutory powers under which the land was held and the appropriation made is clear at all times.

The building and land within that part of the Site shaded yellow on the plan is held in the Housing and Revenue Account as a Tenants and Residents Hall for the use of the residents of the West Kensington Estate. It has been underused since 2020 following its temporary closure during the Covid pandemic and a new tenants' hall is being provided as part of the Development.

That part of the Site shaded pink and edged blue is surplus land held in the General Fund following the termination in November 2019 of the Conditional Sale Agreement completed in 2012 to facilitate the Earls Court Regeneration

Recommendations 5 to 8 seeks delegated authority for the named officers to take a view whether the Site is no longer required for the purpose for which it is held for the reasons set out in paragraphs 3 and 10 of the 'Detailed Analysis' section of this report and on being satisfied that it is no longer required to appropriate it, for a planning purpose to facilitate the carrying out of development, redevelopment or improvement on the Site pursuant to section 226(1)(a) of the Town and Country Planning Act 1990) which contributes to achieving the promotion or improvement of the economic, social or environmental well-being of the Site as set out in paragraphs 11 to 17 of the 'Detailed Analysis' section of this report ,subject to the appropriate procedural steps being carried out and consideration given to third-party rights under delegated powers.

Recommendation 9 seeks authority to take steps to resolve ancillary matters including those arising from the grant of planning permission for the development including but not limited to stopping up or diverting existing public rights of way pursuant to section 257 of the Town and Country Planning Act 1990. Section 257 of the Town and Country Planning Act enables the Council by order to authorise the stopping up or diversion of any footpath if it is satisfied it is necessary to do so in order to enable development for which planning permission has been granted, to be carried out. This recommendation also includes authorisation to consider and decide to appropriate land which is surplus to requirements. This also enables the delivery of highway infrastructure or otherwise facilitate the redevelopment as well as including the power to enter into legal agreements including leases.

Recommendation 10 seeks authority for the Strategic Director for the Economy, in consultation with the Assist Director of Legal Services , to consider and decide to take such steps as are necessary to record the appropriation of the Site for planning purposes pursuant to 122 of the Local Government Act 1972 as the Site is no longer required for the purpose for which it is currently held including the transfer of that part of the Site shown shaded yellow on the plan from the Housing Revenue Account to the General Fund account, and for the Council to engage its powers under Section 203 of the Housing and Planning Act 2016 in this case by way of officer delegation subject to compliance with the statutory tests and if necessary, override any easements or interests in the Site which has been appropriated for planning purposes. This will be subject to the payment of any necessary compensation. Prior to any delegated decision being taken officers have a legal duty to prepare and consider an Equality Impact Assessment and address Human Rights impacts of those persons who are affected. The legal process has been addressed in Appendix 2 of this report.

Engaging section 203 of the Housing and Planning Act 2016 (HPA 2016) allows the Council to override private third-party rights, subject to payment of compensation under section 204 of the HPA 2016, provided certain other conditions are met. The application of section 203 of the HPA 2016 is subject to the following additional conditions:

- Planning permission must have been obtained for the building and/or use of the land that causes the infringement of third-party rights. Such permission has been granted.
- The Council could (at least in principle) acquire the land compulsorily for the relevant building work and/or use. The Council has such power under section 226 of the T&CPA 1990.
- The building work and/or use is for purposes related to the purposes for which the land was appropriated. It is clear that the development of the Site is related to the purposes of the appropriation recommended in this report.

The types of rights that can be overridden under section 203 comprise;

- a) a “relevant right or interest” i.e., “any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land (including any natural right to support)”, and
- b) a restriction as to the user of land arising by virtue of a contract.

Under section 19(2) Housing Act 1985, a local housing authority holding land for the purposes of Part II of the Housing Act 1985, shall not, without the consent of the Secretary of State, appropriate any part of the land consisting of a house or part of a house for any other purpose. There are no dwellings on the land.

Before appropriating ‘open space’ land, a local authority must (in accordance with (Section 122(2A), LGA 1972):

- Advertise its intention to appropriate open space land for two consecutive weeks in a newspaper circulating in the local area.
- Consider any objections to the proposed appropriation – such objections must be considered, but it does not mean that they will prevent the scheme from proceeding.

If a local authority appropriates open space land under section 122(2A) of the LGA 1972, the land is released from any trust for the enjoyment of the public imposed by section 164 of the Public Health Act 1875 or section 10 of the Open Spaces Act 1906 (section 122(2B), LGA 1972).

There is no open space land within the Site. ‘Open space’ is defined in section 336(1) of the TCPA 1990 as any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. It is also defined as such in section 20 of the Open Spaces Act 1906. The part of the Site shown shaded pink on the plan at Appendix 5 does not satisfy this requirement of open space, as it is fenced and not open to the public. It is being used temporarily by specific individuals who hold a key for use as a community garden.

The Equality Act 2010 (EqA 2010) created a single general public sector equality duty (PSED) under section 149 of that Act. The PSED applies to public authorities exercising public functions. The PSED requires public authorities to have “due regard” to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the section 149(1)(a) EqA 2010.

- The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (section 149(1)(b) EqA 2010)

The duty on public authorities to have “due regard” to the PSED in section 149(1) of the EqA 2010 is more than simply a requirement to have general regard. It is a continuing duty to which all decision-makers must have regard. Proper consideration must be given to the PSED and its requirements. An Equalities Impact Assessment in respect of the proposed development has been carried out and the key findings are summarised at Appendix 4 to this report.

Implications completed by Mrinalini Rajaratnam Chief Solicitor (Property and Planning), 27th April 2023

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

PROPOSALS AND ANALYSIS OF OPTIONS

Background

1. The council’s approach to economic growth is guided by its ambitious Industrial Strategy. Economic growth in Hammersmith and Fulham is rooted in imaginative placemaking that creates vibrant, sustainable public spaces and strategic housing development that allows communities to maintain and grow their diversity, cohesion, and ambition. Only by having inviting, liveable places and housing that is accessible to all can the borough realise its ambition of fostering inclusive economic growth.
2. Recognising that the council is well-placed to make a significant direct contribution towards the delivery of high-quality housing, it established the Building Homes and Communities Strategy in 2019. Its overarching aim is to foster diverse, collaborative communities through the provision of a range of affordable housing options, targeted at lower-income households and intermediate options for key-workers. It also provides important community infrastructure such as schools and community halls, promoting opportunity and cohesion.
3. More recently, the council pledged to secure up to 3,000 new affordable homes over the next four years through a range of avenues including the development programme, partnership initiatives and the planning pipeline.
4. The Lillie Road site is home to a nursery which has been vacant for a number of years, along with the West Kensington Tenants & Residents Hall, which

closed in 2020 due to the Covid Pandemic. In consultation with Asset Management colleagues, the site was identified for redevelopment for the provision of much needed affordable homes in the borough, along with a replacement T & RA Hall.

5. An initial feasibility study identified that the Site could accommodate a 45-home development.
6. In November 2020, Cabinet approved a General Fund capital budget of £1,802,000 to facilitate development activities associated with the redevelopment of the Site up to and including planning and procurement (RIBA Stages: 1, 2, 3 & 4).
7. In September 2021, the council appointed Lifschutz Davidson Sandilands (LDS), to act as lead Architect and 'Design Team', while Arcadis were appointed as the 'Control Team' for the scheme, to oversee project management, cost advice and CDM services.

Co-Production & Consultation

8. The engagement process began in November 2021 with an initial invitation to Estate residents to join a Residents Advisory Panel for the project. This is the adopted model of engagement under the council's Defend Council Homes Policy. Residents Advisory Panels provide the opportunity for regular interaction between the project team and Estate residents as project designs are developed, for residents to be involved in appointing services, shaping consultation as well as influencing design. The Council also consulted and engaged residents in the wider neighbourhood in line with the Council's value of *"doing things with local residents, not to them"*.
9. The council held three public exhibitions between June and November 2022. Engagement and co-production with local residents have had a direct and material effect on the evolution of the design from a concept design to the planning submission in January 2023. Over the course of the entire consultation period, 85% of local residents supported the redevelopment of the site, with 100% of respondents supporting the final designs in November 2022.
10. Some notable changes in the design as a direct result of residents' views include:
 - Height of the proposed building is reduced at either end where closest to neighbouring properties
 - Locating the new Hall so that the external space ties directly in with the public access to the site from both Lerry Close and Lillie Road
 - Ensuring that the scheme is as sustainable as possible
 - Maximising the provision of new trees and planting in the scheme
 - Adding in additional security measures and controlled lighting to the boundary areas to ensure security for both the new homes and existing neighbours.

11. Temporary community gardens are currently located on part of the site. Representatives of the community gardens have worked with the council to identify a suitable alternative location and replacement community garden space will be provided within the West Kensington Estate prior to the commencement of development at Lillie Road.

New homes

12. The Development will deliver 42 new sustainable homes of which:
 - a. 12 homes will be for social rent (29%);
 - b. 9 will be intermediate homes (21%) with priority for key workers.And,
 - c. 21 will be for private leasehold sale (50%) homes.
13. 21 new affordable homes equates to 50% affordable housing provision in this Development. The further delivery of 21 private homes ensures the proposals align with the 'Building Homes and Communities Strategy' principle in self-financing the affordable homes within the Development. The Development is also partly financed by Right to Buy receipts.
14. Four associated accessible parking spaces will be provided within the development, each with an electric car charging point.
15. The council's ambition is to maximise affordable housing across its direct delivery programme. Following planning, officers will explore the use of further subsidy (such as affordable housing S106 funds) to convert the 21 market homes to affordable homes. The focus will be to provide further affordable rent, or low-cost home ownership opportunities for key workers. This will be subject ensuring the subsidy enables the scheme to comply with the council's viability benchmarks set out in appendix 1.

Improved Community Facilities

16. The Development will include a replacement Tenants and Residents Association Hall for the West Kensington Estate, providing both internal and outdoor space for a range of flexible community uses.
17. One associated accessible parking space will be provided for use in conjunction with the T & RA Hall, with an electric car charging point.

Financial Considerations

18. As part of the development process, professional advice has been regularly commissioned to monitor the financial performance of the scheme and to mitigate LBHF's exposure to financial risk. Such advice has informed the latest estimated build costs and sales values used in the viability, along with a reconciliation of associated development on-costs. These reflect latest inflation figures and respond to market analysis, trends and forecasts.
19. Pre 2017/18 'ringfenced' Right to Buy (RtB) receipts have been allocated as capital subsidy to support the funding requirements of this scheme.

20. The viability of the scheme is also reliant on the net sales income of both the private (leasehold) homes and a proportion of the intermediate housing sales. The net balance (debt) of the scheme's overall costs, therefore, will be funded within LBHF's HRA financial plan and associated loan arrangements.
21. The latest RIBA Stage 3 scheme meets LBHF's approved financial performance benchmarks. The scheme performance will continue to be updated to reflect the latest market conditions until LBHF enters into contract with a principal contractor, subject to further Cabinet Member approval.

Sustainability

22. The proposed development will be designed and constructed to meet the National, Local and Regional Planning Policies. Through the application of the energy hierarchy, the following energy saving measures have been applied:
 - 'Be Lean' – Enhanced building fabric specification and Mechanical Ventilation with Heat Recovery (MVHR) to reduce space heating demand and provide continuous supply of fresh air. Energy efficient controls for lighting, space heating and hot water to reduce unnecessary use of systems.
 - 'Be Clean' – Localised plant room providing communal space heating and hot water. This strategy has been applied to help reduced distribution losses, improving the efficiency of the systems for low temperature distribution.
 - 'Be Green' – Use of Air Source Heat Pumps (ASHP) for low-carbon heating and hot water. Maximisation of solar Photovoltaic (PV) array across residential building where feasible.
 - With the above strategy applied an estimated c. 71% operational carbon dioxide emission reduction will be achieved on-site, with the remaining being offset by a carbon offset fund contribution levy. The homes will also achieve Passivhaus 'classic' standard and the new community hall facilities will achieve BREEAM 'excellent' standards.

Design principles

23. Collaborative working with residents and co-production of the design has been the foundation of the Development from the start of the project.
24. Ecology and net zero carbon – The Site was selected early on in the process to be one of first sites to be delivered under the Council's Climate and Ecology Strategy and transitional targets. Based on design, the Development is estimated to reduce on-site carbon emissions by about 71% whilst achieving Passivhaus Classic Certification, and in doing so help bring down residents' energy bills by about 50%.
25. Likewise, the new community hall facilities will achieve BREEAM 'excellent' standards.

26. Accessibility and inclusiveness of the design has been one of the core principles underpinning the Development brief from the start. The Council engaged specialist accessibility consultants to maximise accessibility within the Development. Notably, Hammersmith & Fulham Disability Forum Planning Group were engaged and were given the opportunity to feed into the design. Their feedback was valuable and overwhelmingly positive.
27. Secure by Design principles were adopted and influenced the designs, to ensure the safety and wellbeing of all residents.
28. A number of other key principles that have underpinned the design are optimising urban greening and a net gain in biodiversity and ecology on the site, as well as providing a high level of attenuation, permeability and irrigation techniques across the Site.
29. This Development supports the Council's 2018-2022 Business Plan objectives and aspirations and will accelerate the delivery of much needed affordable housing.
30. Importantly, the Development meets the Council's financial viability tests while maximising the number of affordable homes and utilising external capital funding.
31. A full planning application for the Development was submitted, in January 2023, and expect the LPA's planning committee to consider the proposals in June 2023.

Next Stage

32. Following on from design and the submission of a full planning application, in January 2023 (RIBA Stage 3), the next stage of the development is the appointment of a principal construction contractor (RIBA Stage 4). Cabinet is now requested to approve a Procurement Strategy to procure a principal construction contractor for the Development, along with a development budget to fund the construction stage and other development activities through to completion. Detailed finance comments are set out in Appendix 1 (exempt).
33. Following a soft market testing and review, as set out in the Procurement Strategy, the UK Governments online tendering portal - Find a Tender Service was identified to be the most suitable for the development as it provides access to the maximum number of appropriately sized contractors with demonstrable experience and ability to deliver a development of this size, complexity and nature.
34. Appointment of a construction contractor and successful delivery of this Development are dependent on the approval of this report's recommendations. The Development budget will also fund further enabling works that may need to be carried before construction can start on site including pre-commencement of planning conditions.
35. The main milestones of the Development, as the timetable currently stands, are outlined below with practical completion being anticipated during Autumn 2025.

Development's Main Milestones	Month
Planning Application Submission	January 2023
Cabinet approval - Procurement Strategy	May 2023
Cabinet approval - Development Budget	May 2023
Anticipated Planning Application Decision (Committee)	June 2023
Commencement of the Procurement Stage	June 2023
Conclusion of procurement stage with an Award Decision	March 2024
Construction contractor to start on site	June 2024
Completion (24 Months)	Spring 2026

Options Analysis

Option 1: Do nothing (not recommended)

36. The “do nothing” option would either mean not proceeding with this decision or not proceeding with the Development.
37. Not proceeding with this decision but proceeding with the Development would result in a significant delay to the construction and start on site. This option presents significant risk of losing Right to Buy funding, and there is no guarantee that the Council will receive any alternative future funding – to maintain viability.
38. Not proceeding with the Development would mean immediate write-off of costs incurred by the council to date.
39. Not proceeding with the Development would mean that the co-production process with the local community regarding new Council housing would not be delivered and would have reputational risks for the Council.
40. Not proceeding with this Development will also mean starting a new process to help decide the future of the site, which means continuing to manage a disused site and incur the costs to secure it, until such a time a decision is made about its future.
41. Ultimately not proceeding with this decision or the Development would indefinitely postpone the delivery of much needed genuinely affordable housing in the borough and new community facilities, not deliver against our strategic objectives and result in a loss of secured grant/subsidy commitments against the project.

Option 2: Approve this report's recommendations (recommended)

42. This is the recommended option as it will allow the Development to proceed to the construction stage (RIBA stage 5), commissioning and handover (RIBA stage 6) and review (RIBA stage 7), and, deliver on the council's strategic

objectives and commitments to increasing provision of genuinely affordable homes in the borough; make best use of council assets, generate long-term sustainable income for the council, and safeguard the council's investment so far. Construction enabling elements including stopping up order application will be made as needed, for consideration by the relevant authorities.

43. Analysis of options relating to the Procurement Strategy are set out in Appendix 2 of this report along with analysis of the delegated decision on the potential use of Section 203. Other construction enabling

Reasons for Decision

44. Budget Request: to allow the Development to proceed to construction stage, handover and completion (RIBA Stages 5, 6 & 7), as to achieve the council's overall objectives including increasing the provision of affordable housing in the borough.
45. Procurement Strategy: to comply with requirements contained in Contract Standing Orders (CSO 18), requiring approval of a Procurement Strategy before a regulated procurement exercise is commenced as well as outlining the procurement route selected to achieve best value for the council.

Equality Implications

46. An Equalities Impact Assessment has been carried out and is set out in detail in Appendix 5. It is not anticipated that the approval of any of the recommendations set out at the beginning of this report will have any direct or negative impact on any protected groups under the Equality Act 2010.

Risk Management Implications

47. This is a significant scheme to build new sustainable homes of the council's modern era development programme. The fact that it has been over 40 years since the council had an active development programme raises contractual, financial and operational risks that have been mitigated against through the commission and use of external experts and consultants. While this may mitigate against contractual and operational risks, it may result in council development costs to be marginally higher than comparable private developers.
48. The report identifies a number of risks including the currently volatility in the construction sector which could impact on the affordability of this scheme once tenders are received. It should be possible to pass inflation risk to the contractor at the point of tender, though feedback is that contractors are struggling to hold sub-contractors and suppliers to price. The management of this risk transfer needs to be carefully considered to ensure value for money for the Council.
49. The report identifies a number of risks relating to the financing of the scheme, including potential increases in interest rates which would drive up the cost of the scheme, failure to ensure RtB receipt conditions are complied with (so that funding can be used). Officers will need to monitor the inflation/interest rate

risks very closely and seek to take mitigating action wherever possible, or to take appropriate action where the scheme is considered to be no longer viable. There is a risk that costs already incurred could no longer be treated as capital and grant funding received may be lost or have to be returned if the scheme is subsequently considered to be no longer viable. Officers must ensure that clear project and governance processes are established for the monitoring and compliance of the project.

50. In any case, specific risks and mitigation for each delegation would be considered as part of the decision to exercise of the delegations to be granted by the recommendations of this report.
51. Appropriate programme and governance arrangements will be put in place to ensure that the programme is delivered, to budget, on time and the required outcomes are achieved. This will include maintaining a programme risk register.
52. Risk implications relating to the Procurement Strategy are set out in Appendix 2 of this report. Risk and mitigation relating to the delegated decision on the potential use of Section 203 are set out in Appendix 3 of this report. Undertaking a competitive procurement process is in line with the Council objective of being ruthlessly financially efficient.

David Hughes, Director of Audit, Fraud, Risk and Insurance, 24 April 2023

Climate and Ecological Emergency Implications

53. New building has climate change impacts through both 'operational' emissions (from ongoing use of the building) and 'embodied' emissions (arising from the materials and construction). With a focus on operational emissions, the development has been designed to achieve Passivhaus certification, thereby achieving a high level of energy efficiency.
54. The proposed design will be a fossil-fuel free development, and achieves operational emissions reduction compared to current industry standards, with a c. 71% reduction in carbon. This goes beyond the minimum 35% reduction on-site required by the London Plan and the average 37% achieved by major developments in H&F in 2020.
55. During the detailed design stage, further work will be undertaken by the project and design team to specify materials that will reduce the overall embodied emissions within the design. Demolition of the existing building will also be managed to enable the reuse of suitable materials within the pre-construction stage of the development, with the intent to improve the modelled embodied emission levels above the GLA benchmark.
56. The development has used the H&F climate implications toolkit to maximise sustainability across the range of considerations. The development increases the area of planting and sustainable drainage over the existing Site and includes measures to provide resilience against extreme heat.

Jim Cunningham, Climate Policy & Strategy Lead, April 2023

Local Economy and Social Value

57. Local Economy and Social Value are considered in Appendix 2 – Main Contractor Procurement Strategy.

List of Appendices

Appendix 1 – Exempt Finance Comments
Appendix 2 – Procurement Strategy
Appendix 3 – Use of Section 203 Powers
Appendix 4 – Public Sector Equality Duty
Appendix 5 – Equality Impact Assessment
Appendix 6 – Red Line Boundary Plan Lillie Road

APPENDIX 2 – LILLIE ROAD MAIN CONTRACTOR PROCUREMENT STRATEGY

Summary

This procurement strategy sets out the procurement route for procuring works by a principal construction contractor for the redevelopment of the T & RA Hall and disused Nursery at 70/80 Lillie Road, to provide 42 new homes, of which 21 (50%) will be affordable homes, and a replacement T & RA Hall.

The scheme delivers against the Council's Building Homes and Communities (Growth) Strategy, underwrites the Council's Financial Strategy and Housing Revenue Account (HRA) 40 Year Financial Plan (2021-2061), and responds to the Council's recent approved Climate and Ecology Strategy and transitional targets. The development will be built to Passivhaus certified standards reducing onsite carbon emissions by 70% and delivering substantial energy savings to new residents. A planning application for the proposed scheme was submitted in January 2023.

Financial Impact

1. This report proposes to procure through an open tender a single stage design and build construction JCT contract for the proposed development at 70/80 Lillie Road.
2. There is no direct financial impact of approving this strategy except for minor legal costs which can be funded from the existing RIBA stage 3 development capital budget. The full cost of the construction will not be known until the tender process is complete. Full financial implications and checks on the financial standing of the successful tenderer will be set out in the subsequent contract award decision report.
3. Further funding will be sought from the Cabinet subject to financial viability and deliverability of the project, prior to the agreement of a principal construction contract.

Harun Guleid, Principal Accountant (Development), 10th January 2023

Verified by: Sukvinder Kalsi, Director of Finance, January 2023

Legal Implications

1. The value of the contract will be over EU thresholds and so the Public Contracts Regulations 2015 (PCRs) will apply.
2. It is also a High Value Contract under the Council's Contract Standing Orders (CSOs).

3. The procurement strategy proposed has identified the Find a Tender Service (FTS) for the procurement of the main contractor, using the Open Procedure under the PCRs. This strategy would comply with both the PCRs and the CSOs.
4. All procurement strategies must be submitted to the Contracts Assurance Board before being submitted for approval to the decision maker in accordance with CSO 18.1. Where the procurement strategy concerns a contract with estimate value in excess of £300,000 in value or the expenditure is otherwise significant, then it is a Key Decision (see Article 12 of the Constitution) and the report must be submitted to Committee Services for publication on the Council's website.
5. As the contract value will be over £5,000,000 this procurement strategy would need to be approved by the Cabinet (CSO 18.1).

Joginder Bola, Senior Solicitor (Contracts & Procurement), 12th January 2023

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Background

1. In June 2019, the council launched the Building Homes and Communities (Growth) Strategy, through which it committed to using its assets to:
 - Build up to 1,800 new homes in the borough over 10 years.
 - Utilise assets to help manage demand and avoid costs, for instance from specialist housing or temporary accommodation
 - Generate long-term sustainable income for the council to safeguard frontline services.
2. More recently, the council pledged to secure up to 3,000 new affordable homes over the next four years through a range of avenues including the development programme, partnership initiatives and the planning pipeline.
3. The Lillie Road site is home to a nursery which has been vacant for a number of years, along with the West Kensington Tenants & Residents Hall, which closed in 2020 due to the Covid Pandemic. In consultation with Asset Management colleagues, the site was identified for redevelopment for the provision of much needed affordable homes in the Borough, along with a replacement T & RA Hall.

4. An initial feasibility study identified that the Site could accommodate a 45 home development.
5. In November 2020, Cabinet approved a General Fund capital budget of £1,802,000 to facilitate the progression of development activities associated with the redevelopment of the Site up to and including planning and procurement (RIBA Stages: 1, 2, 3 & 4).
6. In September 2021, the council appointed Lifschutz Davidson Sandilands (LDS), to act as lead Architect and 'Design Team', while Arcadis were appointed as the 'Control Team' for the scheme, to oversee project management, cost advice and CDM services.

Reasons for Decision

7. The project requires the authorisation to approve the 'works' procurement strategy and authorise commencement of procurement of the principal construction contractor for the redevelopment of the Lillie Road site.

Contract Specifications Summary

8. An industry recognised standard form of building contract (JCT) will be used for commissioning the principal construction services, to deliver the Lillie Road scheme, through a design and build contract and will include all sub-consultant and sub-contractor services to enable the delivery of the full and detailed project scope of works.
9. The recommended length of contract for the works will be circa 24 months and will be confirmed during the procurement process. There will be provisions to extend the contract and have break clauses to ensure the Council delivers the full scope of the project and this will be managed by the Lillie Road project delivery team.

Procurement Route Analysis of Options

10. The council's technical consultants Arcadis have undertaken an analysis of the preferred route to market which takes into consideration the current analysis, understanding, engagement and feedback of the market, size and complexity of the proposed scheme, and the potential principal construction services available, with the ability to not only deliver the scheme, but desire to potentially tender for the scheme.
11. Alongside the project team, Arcadis have assessed the market and undertaken a review of the potential procurement routes available to the team and identified as:
 1. FTS open procurement process
 2. Utilising an existing framework agreement
 3. Do nothing option.

Find a Tender Open Procurement process, under PCR2015 (recommended)

12. There are a number of benefits that the project stands to gain by undertaking the Open procurement process to select an appropriate main/principal contractor:
- Allowing the largest number of potential and appropriately sized contractors to participate in the process (and therefore the greatest level of interest and competition).
 - Promote the opportunity for local SME and Tier 2 and 3 Contractors to access the procurement - who otherwise may have been excluded via the use of a Framework agreement.
 - The opportunity of attracting principal contractors that are proportionally aligned to the size and complexity of the scheme, should promote vfm and ensure we are ruthlessly efficient with public resources
 - Greater flexibility in the procurement process and programme than would be available through the use of a Framework agreement.
 - Ability to award a range of contract types.
 - Size and complexity of the project not limiting the type of contractor able to engage in the procurement process.
 - Allowing us to generate any material changes to the contract – likely JCT – which would be limited under a Framework agreement.
 - References and track record can be requested as part of the selection, which is limited under Framework Agreements (procurement law restricting the ability to ask questions twice).
13. By selecting an open procurement process, a slightly longer pre-qualification and due diligence period (PQQ) will be required to initially shortlist a number of eligible contractors, prior to the issue of an invitation to tender (ITT). This additional period has been accommodated in the project procurement programme.

Utilising an existing framework agreement

14. A wide range of currently available construction frameworks have been reviewed, accompanied by 'soft market testing' engagement to determine if any offer the most suitable procurement route for the proposed scheme. The consultant project team reviewed the following frameworks in relation to their project suitability (the full review is detailed in appendix 1).
- A2 Dominion, Lot LN3
 - London Construction Programme, Lot 1.4
 - Notting Hill Genesis
 - Procure South East, £12m+
 - CCS, Lot 6.2
 - CCS, Lot 7.2
 - Pagabo
 - Hyde Housing

15. Following the framework review and accompanying engagement and 'soft market testing', a number of factors and drivers reduced the suitability of a framework agreement as the proposed procurement route for this particular project:
- The expected Lillie Road contract 'value' sits outside of the primary levels sought by Larger main/principal construction contractors (i.e: Tier 1 and Tier 2) populating several the framework lots.
 - A single stage design and build contract is the preferred option for this contract, some the frameworks reviewed cater for only two stage tenders, and, most Tier 1 contractors try to encourage two stage to lock-in and maximise their returns.
 - Certain frameworks require additional fees for use, these have not been accommodated within the project budget and ensure we are 'being ruthlessly financially efficient'
 - The size, scale and complexity of the project is likely to be attractive to local SME contractors and Tier 2 and 3 contractors - whose representation is limited on a number of the available frameworks.
 - Promotes wider market participation and encourages the promotion of growth and opportunity, to help yield the most economically advantageous tender for the Council.

Do nothing option

16. This is not possible, due to the Council's strategic commitments and business plan objectives to deliver this project and the provision of much needed new affordable homes in the Borough.

Market Analysis, Local Economy and Social Value

17. The construction sector signalled a renewed slowdown in business activity growth during November/December 2022, with cost inflation in the sector dropping to its lowest level since January 2020. The S&P Global/CPI UK Construction PMI highlights that business expectations in the UK construction industry are the weakest they have been since May 2020. Meanwhile, inflationary cost pressure has been negated by softer commodity prices but supported by rising energy prices and supply chain constraints.
18. Despite the recent slowdown in construction industry business activity, cost pressures remain primarily due to energy costs and global supply chain pressures. Employment numbers within the industry remain strong, albeit with a shift to more caution shown to hiring policies according to the S&P Global/CMI.
19. The Council with the support of its external consultants, Arcadis, has carried out detailed soft market analysis, including direct engagement with proportionately sized construction principal contractors. This was to understand market capacity, contractors' appetite for a development of this size, complexity and type, deliverability of the development within the Council timeline, as well as relative desirability of different procurement routes.

20. The soft marketing exercise has identified that the scheme can be procured using a single stage procurement route, with 50% of contractors approached endorsing this approach at this time. This exercise identified that contractors were keen to have a level playing field in terms of contractor size and capability; sufficient design information to mitigate pricing risk (i.e: issue supplementary RIBA 3+ information); a pre-qualification and adherence to a tender programme.
21. It is the council's policy that all contracts let by the council with a value above £100,000 commit to social value contributions that are additional to the core services required under the contract, and/or, those required by SV planning conditions.
22. Paragraph 35 in this strategy describes how social value contributions will be scored as part of the mini competition; that a 10% weighting of the total score will be included in the Quality and Sustainability category of the scoring criteria.
23. As part of the ITT documents, tenderers will be invited to consider Social Value commitments aligned with council strategies and therefore deliverable Social Value can be on a scale commensurate with the large value of this contract. This is to maximise the social value that can be realised from this tender.
24. The Council will secure Social Value through the use of bespoke measures that are suited to construction works and bidders will be required to offer Social Value for evaluation. 10% of the overall quality score will be ascribed to Social Value and both the value and the quality of bidders' proposals will be scored.
25. The scoring will incentivise bidders to maximise their social value offer, however, bids offering a social value of less than 10% of a bid's price will not automatically be rejected. This procurement strategy is seeking dispensation from the requirement to invalidate bids not offering a social value of less than 10% of a bid's price.
26. Social value measures committed to by the winning bidder should be included as conditions in the contract agreement with financial remedies sought for non-delivery. It is advised that the winning bidder contact the Economic Development team to help them design a detailed delivery plan for the agreed measures. Council services are available to support the winning bidder plan, deliver and measure social value contributions.

Risk Assessment and Proposed Mitigations

27.

No.	Identified risk	Likelihood	Risk Control/Mitigation measure
1	Insufficient interest from suitable	Low	The project team carried out soft market testing in Summer 2022, and this revealed that there is 'access'

	contractors in the tender which results in no bids.		to sufficient market interest and capacity. The council will also develop a procurement strategy, route and brief that is sufficiently detailed and clear to encourage wide contractor participation.
2	Procurement does not achieve required competitiveness and does not provide value for money.	Low	Market engagement has established interest and appetite for this development and to ensure engagement of contractors the tender pack will be reviewed for simplicity and clarity. Use of bespoke Social Value measures that are more suited to construction works
3	Construction market inflation and the period for which tenders might remain valid.	High	This risk is managed, monitored and mitigated with regular reviews with our cost consultants' and where possible supplementary and/or simplification of some aspects of detailed design to ensure design buildability retain costs within budget envelope.
4	Contractor becomes insolvent or no longer has the capacity to deliver scheme	Medium	While the likelihood of this risk is low, the potential impact might be significant depending on construction stage. Before a contract is awarded, robust financial assessments will be undertaken including independent financial and credit checks and where necessary and applicable insolvency cover, bonds and/or parent company guarantees may be requested.
5	Mobilisation/ construction delayed due to unforeseen site issues	Medium	Council to ensure that the internal and external resources are in place to deliver the project in a timely manner. The site has been de-risked through extensive site investigations to eliminate technical issues prior to start on site.
7	No tender commits to a Social Value of 10% or more	Medium	This is mitigated against by inviting tenderers to Social Value commitments that are more aligned with council policies so as to maximise Social Value from the contract to be awarded.
8	Extended procurement programme due to using FTS.	Low	The inclusion of a expressions of interest and pre-qualification period have been included in the overall project programme and will not impact overall project target dates.

Timetable

Key Decision Entry (Strategy)	October 2022
Contracts Assurance Board (Strategy)	January 2023
SLT/Cabinet Member/Cabinet Sign off (Strategy)	April 2023
PQQ Issue	July 2023
Find a Tender Service Notice	August 2023
ITT Issue	September 2023
Closing date for clarifications	October 2023
Closing date for submissions	November 2023

Evaluation of Tenders	December 2023
Key Decision Entry (Award)	February 2024
CAB (Award)	March 2024
SLT/Cabinet Member (Award)	March 2024
Find a Tender Service Contract Award Notice	April 2024
Contract engrossment	April 2024
Contractor mobilisation and implementation Period	April/May 2024
Possession & Contract Commencement date	June 2024

Selection and Award Criteria

28. In accordance with the council's CSOs and PCR 2015 Regulation (67), the contract will be awarded on the basis of the Most Economically Advantageous Tender (MEAT) using a quality to price ratio of: 60:40 in recognition of the complexity of the construction and the specification of a highly sustainable development. This was discussed and agreed between council officers and their professional consultants.
29. In evaluation of price submissions, the lowest priced tenderer will receive 40% and the remaining tenders will be scored proportionately to the lowest price. Tenders will be evaluated in accordance with the following criteria:

Element	Weighting	Scoring basis
Price	40%	Lowest price submitted will receive 40% and the remaining submissions will be scored in accordance with their difference from the lowest price as follow: Score = Lowest Price / Bidder Price x 40%
Quality	60%	Quality scoring will be carried out in accordance with the Framework's terms and weighted as follow: Score = Scored Marks Available x 60% Social value evaluation will form part of the quality and weighted at 17% of the 60% quality to account for an overall weight of 10%.

30. Quality evaluation will incorporate sub-elements that will be scored and weighted as follow:

Quality sub-categories	Weighting
Experience – This will be drafted to be compliant with the regulations and will include capability, capacity and quality.	10%
Interview – Working with the Procurement & Commercial group together with Legal the procurement will seek to compliantly deliver community engagement in a form that is yet to be finalised.	5%
Project delivery/ approach / programme / Logistics / Resources	28%

Social Value – 10% of total as per CSOs, is being developed to be integrated into this procurement.	17%
TOTAL	60%

31. In accordance with council's standing orders, Social Value will account 10% of the overall scoring (17% of the 60% quality assessment).
32. An interview with each tenderer will be evaluated and scored as part of the quality evaluation, where each tenderer will be asked the same questions.
33. The council will not bind itself to accept the lowest submission or any tender/submission and reserves the right to accept the whole or any part of any Tender submitted.
34. The council will also reserve the right to seek clarifications before concluding the evaluation stage and where the pricing of a Tender seems abnormally low the Council reserves the right to reject the Tender and exclude it, so it does not affect scoring.
35. The technical specifications, including levels of indemnity and insurances are currently being finalised by officers.
36. The scores awarded to each tender for the Quality and Price elements of the evaluation will be added together to establish the MEAT, which is the tender with the highest combined score for price and, quality.

Tender Appraisal Panel (TAP)

37. A Tender Appraisal Panel (TAP) will be set up in accordance with Contract Standing Orders to oversee the procurement process and evaluate tenders. TAP will include representatives from the Council's Procurement Team, the Development Team and asset management colleagues and supported by external professional consultants led by the council's lead consultants on this project. TAP will manage the procurement process including expression of interest, sifting and the launching of the mini-competition and the issuing of the full ITT documentation. In addition, TAP will manage and oversee tender clarifications, evaluation, and contract negotiation and award.
38. In accordance with the council's Contract Standing Orders all evaluation panel meetings will be chaired by the Head of Procurement, or a delegated (procurement) officer.
39. The procurement will actively explore resident engagement in line with the Council's policy manifesto.

Contract Management

40. The contract will be managed by a project development team supported by a team of professional services appointed under a separate procurement strategy for the whole life cycle of the development.

41. A suite of KPI's will be used to monitor, measure and report on the performance of both principal construction contractor and sub-contractors. Example of KPI's that might be used to monitor performance:
- a) Meeting or exceeding programme expectations
 - b) Design Development within the requirements of the Client Brief
 - c) Response times to client RFIs (Requests for information)
 - d) Successfully engaging and involving wider local residents and other stakeholders e.g., Considerate Constructors Scheme
 - e) Responsiveness to issues or concerns raised by residents within a defined period
 - f) Time taken to rectify defects in line with H&F repairs response times
 - g) Understanding and mitigating environmental impact, waste control, noise, water usage, dust during construction.

Equality Implications

42. It is not anticipated that the approval of this Procurement Strategy, as set out in the Recommendations, will have any direct negative impact on any protected groups, under the Equality Act 2010.

Risk Management Implications

43. The report identifies, in the table in paragraph 31 a number of procurement-related and construction market risks, including material price instability which has arisen due to Covid-19 and post-Brexit economic conditions. Officers have set out a range of mitigations to manage these risks and will need to keep these risks under close review throughout the procurement and contract delivery phases. Officers will need to ensure that robust programme and governance arrangements are in place to oversee the scheme, including the maintenance of a programme risk register.
44. A range of procurement routes have been assessed and an option recommended by the appointed technical consultants. The proper use of the FTS procurement route enables a variety of contractors to enter the procurement process, which is in line with the Council's objective of being ruthlessly financially efficient.

David Hughes, Director of Audit, Fraud, Risk and Insurance, 14th January 2023

Climate and Ecological Emergency Implications

45. On 17th July 2019 LBHF declared a climate emergency, pledging to cut CO2 emissions from the Council's activities to net zero by 2030.
46. The proposals for Lillie Road will target high levels of sustainability for the new development and will aim to promote the climate emergency via a variety of different methods. Through-out the design process the project team have designed clear ways in which to insulate buildings and use recyclable material

where possible. The proposal also includes the elimination of fossil fuels along with the installation of solar panels or other renewable energy generation and will look to switch to a renewable energy provider and install measures to help manage building energy demand, such as smart meters, timers on lighting, or building management systems.

47. The design has considered multiple factors to promote ecological benefits of the project, which include avoiding converting green space to hard surfacing and use underutilised space for planting, such as green roofs and walls. The project will also provide space for animals e.g. long grass areas, bird boxes, bat boxes and insect hotels.
48. The design will also look to install water-saving devices in taps, showers and toilets, re-use grey water in new developments and ensure all new building models and mitigates future overheating risk, with adequate ventilation and shading. The development will also convert hard surfacing to green and permeable surfacing where possible and install Sustainable drainage systems (Suds).
49. The Contractor will also seek to construct using construction methods that reduce overall energy use, such as modular, factory-built components, or use of electrical plant on-site.

Jim Cunningham, Climate Policy & Strategy Lead, 14th January 2023

Local Economy and Social Value Implications

50. It is a requirement that all contracts let by the council with a value above £100,000 provide social value commitments that are additional to the core services required under the contract. In addition, the evaluation of social value should account for a weighting of a minimum of 10% of the overall score.
51. As a planning application has been submitted by the council, any social value measures invited to be proposed by bidders should not duplicate any contributions required in a Section 106 agreement or unilateral undertaking to mitigate the impact of the development on the local area. Similarly, social value measures should not be double-counted with Passivhaus standards committed.
52. Paragraph 24 of this Procurement Strategy sets out the intent to use a pared-down menu of social value measures that would not duplicate planning obligations. Paragraph 25 explains that the strategy is to seek dispensation from the minimum policy to require suppliers to propose at least a proxy value of 10% social value. Should dispensation not be given, then any bid with a social value contribution worth less than 10% of the price of the contract should not be considered.
53. Social value measures committed by the winning bidder should be included as conditions in the contract agreement with financial remedies sought for non-delivery. It is advised that the winning bidder contact the Economic Development team to help them design a detailed delivery plan for the agreed

measures. Council services are available to support the winning bidder plan, deliver and measure social value contributions.

Paul Clarke, Social Value Officer, Economic Development Team, 17th January 2023

Consultation

54. A wide-ranging engagement strategy has been adopted and followed during the design development stage of this project. Full details of this are included in the Statement of Community Involvement submitted with the planning application.

LIST OF APPENDICES

None

APPENDIX 3 – USE OF SECTION 203

The Council's statutory powers:

1. Powers to override rights over land acquired or appropriated for planning purposes were previously provided in section 237 of the Town and Country Planning Act 1990 ("1990 Act"). These have more recently been replaced by provisions in section 203 of the Housing and Planning Act 2016.
2. Under Section 203 the Council has powers that would allow the Development to proceed, notwithstanding that it would interfere with the rights to light of neighbouring affected properties.
3. Under Section 204 there is a liability to pay compensation for any interference with a relevant right or interest or breach of a restriction that is authorised by Section 203. The compensation is calculated on the same basis as compensation payable under the Compulsory Purchase Act 1965. It is generally based on the reduction in the value of the claimant's land (rather than any "ransom value") and is sometimes calculated on a "before and after" assessment of what their land was worth before and after the infringement. If there is a dispute about the amount of compensation which is due, the matter can be referred to the Upper Tribunal for determination.
4. Section 226 of the 1990 Act provides that a local authority (subject to the authorisation of the Secretary of State) has the power to acquire compulsorily any land in their area, if it considers that this will facilitate the carrying out of a development, redevelopment, or improvement on or in relation to the land; or is required for a purpose which is necessary to achieve in the interests of the proper planning of an area.
5. Under Section 226(1A) of the 1990 Act, a local authority may not acquire land compulsorily, for the purpose facilitating the carrying out of development, unless they consider that the development is likely to contribute to the achievement of one or more of the following objectives:
 - a) the promotion or improvement of the economic well-being of their area;
 - b) the promotion or improvement of the social well-being of their area;
 - c) the promotion or improvement of the environmental well-being of their area.
6. Section 227 of the 1990 Act provides that the Council may acquire by agreement any land which it requires for any purpose for which it may be authorised to acquire land under Section 226 of the 1990 Act.
7. Section 246 of the 1990 Act provides, in this case, that reference to the acquisition of land for planning purposes is a reference to the acquisition of it under section 226 or 227 of the 1990 Act.

8. The Council will need to be satisfied that there is a compelling case in the public interest for the engagement of the appropriation powers and that their use is proportionate and justified, notwithstanding the interference with the private rights of the landowners affected.

Section 203 Housing and Planning Act 2016

9. Section 203 of the 2016 Act applies where the Council acquires or appropriates land for planning purposes so that easements and third-party rights (including rights of light) may be overridden pursuant to those provisions by development of that land (provided it is carried out in accordance with planning permission).
10. Section 203 operates to translate the right of an owner of an affected property or interest from an injunctable right to an entitlement to compensation only. The compensation is assessed against compulsory purchase compensation principles based on the diminution of the value of the affected property because of the interference with the right.
11. The protection provided by Section 203 applies both to the Council, were it to undertake the Development, and to any third-party deriving title to the Site from the Council.
12. For Section 203 of the 2016 Act to be utilised and come into effect, the development must receive a planning permission and the Council must hold an appropriate interest in the land, the freehold in this case. Additionally, under section 227 of the 1990 Act, the council may acquire land by agreement for planning purposes where that acquisition is for a purpose for which the land could be compulsorily acquired. To do so the Council would need to be satisfied that the circumstances set out in Section 226(1A) of the 1990 Act are met – in summary, that acquiring the Site would facilitate the carrying out of the Development and that the Development in question would contribute to the economic, social, or environmental well-being of the area.
13. It is the opinion of Officers that, for the reasons set out in this report, the Site, if it wasn't owned by the Council, could be acquired compulsorily under Section 226 to facilitate carrying out of the Development assuming such development was to be granted an implementable planning permission, and that such Development would advance all three objectives identified at section 226(1A).
14. Subject to satisfying the relevant requirements, the appropriation may allow provisions of Section 203 of the 2016 Act to be engaged. But for this to happen, it is necessary to consider whether the facilitation of the Development would justify an interference with the rights of third parties. In making that decision regard should be had to the advice and guidance contained in the current DLUHC Guidance on Compulsory Purchase (October 2015). Fundamentally, the decision to engage Section 203 should only be made where it is necessary, there is a compelling case in the public interest and the Council should be certain that the use of these powers being exercised justify interfering with the

human rights of those whose human rights would be affected. Particular consideration should be given to the provisions of Article 8 and Article 1 of the First Protocol to the European Convention on Human Rights.

15. The explanatory note relating to the 2016 Act is helpful in indicating the underlying objective of the provisions. Regarding section 203 powers it provides guidance that the requirement (section 203(2)(c)) that the authority 'could' acquire the land compulsorily for the purposes of the building work was intended only to require that the authority had the relevant enabling powers, not that on the facts of the case a compulsory purchase order would be confirmed for the compulsory acquisition of the land.
16. Following the appropriation of the Site for 'planning purposes' and the engagement of Section 203, if it is intended to appropriate the Site to the Housing and Revenue Account sometime in the future, such appropriation will need to be carried out under Section 232 of the Town and Country Planning Act 1990, as Section 232(6) excludes the use of Section 122(1) of the Local Government Act 1972, where appropriation relates to land held for planning purposes.
17. Section 232(1) of the Town and Country Planning Act 1990 provides:

"232 (1)Where any land has been acquired or appropriated by a local authority for planning purposes and is for the time being held by them for the purposes for which it was so acquired or appropriated, the authority may appropriate the land for any purpose for which they are or may be authorised in any capacity to acquire land by virtue of or under any enactment not contained in this Part or in Chapter V of Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990" .
18. Appropriation to the Housing and Revenue Account is specifically dealt with in section 19(1) of the Housing Act 1985 (the 1985 Act):
"A local housing authority may appropriate for the purposes of this Part [dealing with the provision of housing accommodation] any land for the time being vested in them or at their disposal and the authority have the same powers in relation to land so appropriated as they have in relation to land acquired for the purposes of this part".

Use of Section 203 – Considerations

19. The effect of Section 203 is to allow beneficial regeneration to take place without the risk of injunction being granted to prevent the development from being carried out. However, it is recognised that this can involve the interference with human rights – in particular, the right to peaceful enjoyment of possession and the right to respect for private and family life and home.
20. Considering this, Officers will consider best practice and the approach adopted by this local authority and other local authorities to help any decision on the use

of statutory powers to override easements and rights in that case was appropriate, reasonable, and necessary.

21. These considerations are set out below:

a. Consideration 1: The use of statutory powers is required in that:

- I. The infringements cannot reasonably be avoided;
- II. The easements to be interfered with cannot reasonably be released by agreement with affected owners;
- III. The Development is prejudiced due to the risk of injunction and adequate attempts have been made to remove the injunction risks.

b. Consideration 2: The use of statutory powers will facilitate the carrying out of the Development;

c. Consideration 3: The Development will contribute to the promotion and improvement of the economic, social, or environmental well-being of the area and therefore be in the public interest;

d. Consideration 4: The benefits of the Development could not be achieved without giving rise to the infringements of the identified rights;

e. Consideration 5: Is it in the public interest that the Development is carried out?

f. Consideration 6: Is the public interest to be achieved proportionate to the private rights being infringed by the action of Section 203?

Criteria for application of a successful Section 203

22. The following criteria apply in relation to the application of Section 203 powers:

Considerations 1 and 2:

23. The development of the Site, in line with a granted planning permission, would result in infringement of, or interference in, one or more rights or interests as defined in Section 205(1) of the 2016 Act or breach of a restriction or covenant on or affecting the land which cannot be reasonably released or resolved. Voluntary agreements with those whose rights are affected must be sought and the council must seek such agreements, however, without certainty of extinguishment of such rights within reasonable time, the Development might not proceed.

24. The engagement of Section 203, at the appropriate time, will facilitate the Development which may not proceed without the engagement of Section 203. Without this the Development will be at risk of claims for injunctive relief from rights holders relating to actual or anticipated interference with easement rights or covenants.

25. Lengthy legal proceedings initiated by any affected party may severely affect the viability and deliverability of the Development as a whole specially as part of the funding for the Development is time critical.

Considerations 3 to 6:

26. The successful application of Section 203 requires the establishment of a compelling public interest, which in the case of this Development will bring about a material improvement of the social, environmental and economic wellbeing of the area while at the same time mitigating the impact of the additional homes on surrounding streets through the development being car-free zone. Not developing the Site would be a waste of opportunity to redevelop White City Central with new housing and reprovision of community facilities.
27. Importantly, officers would need to consider and balance the significant public benefit to be gained from the Development against the interference with the private rights of the landowners affected by the use of the delegated powers. Conclusion on the use of Section 203 would need to be proportionate and justified demonstrating a public benefit that significantly outweighs potential interference in an individual's rights including human rights and in particular Articles 1 and 8 of the ECHR. Affected landowners will need to be compensated properly and on a timely basis, in line with statutory guidance.

The Nature of the Third-Party Rights Affecting the Land

28. A third-party right is a right enjoyed by a third party over land owned by another party, one type of such third-party right, being a right of light. A right of light is a long-established legal right which can be acquired by a property by having access to, and use of, light crossing another property, for 20 years or more, after which the right is "*deemed absolute and indefeasible... unless it... was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing*"¹. It is anticipated that the Development will infringe the rights of light of a number of neighbouring properties in varying degrees of magnitude.
29. Any interference with a property's right of light may be prevented by an injunction granted by the Courts. Typically, developers will seek to avoid this risk by reaching private settlements with those whose properties are affected so as to release rights of light and permit interference with the rights, subject to payment of compensation. If an agreement cannot be reached, affected parties might be able to delay or prevent a development from proceeding by threatening, or seeking, an injunction.
30. Appropriation of land for planning purposes translates the right of an owner of an affected property or interest from once enforceable by an injunctable right to an entitlement to compensation only. The compensation is assessed against compulsory purchase compensation principles based on the diminution of the value of the affected property because of the interference with the right of light.

¹ The Prescription Act 1832, section 3; Claim to the use of light enjoyed for 20 years

Legal power available to the Council to procure appropriate insurance

31. The Council's actions are susceptible to third party challenge, and as described above the Council may seek to insure against any costs and liabilities arising from a challenge, if one were to be made, so as to indemnify and limit the Council in respect of all costs and liabilities arising from and linked to appropriation for planning purposes of this site.
32. The Council has the power to enter into any Deeds of Indemnity or insurance required under a range of powers which include:
 - Section 111 Local Government Act 1972 - which gives powers to local authorities to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions; and
 - Section 1 Localism Act 2011 - which contains the local authority's general power of competence and states that a local authority has power to do anything that individuals generally may do.
33. The Council should also be mindful of its best value duties in Section 3 of the Local Government Act 1999 which states a best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

Affected Third Parties

34. The exact number of affected parties and extent of effect may only be ascertained on the granting of an implementable planning decision. And in any case, a variation of the design of the Development that may potentially mitigate impact on third parties would be considered so long as such variation would not result in a significantly and materially different development that diminishes or eliminate the public benefits arising from this proposed Development.
35. On identification of degree and extent of impact on third parties, the council will seek voluntary settlements by agreement. However, it is anticipated that in most instances the level of interference may be negligible and not noticeable and, in some instances, may have a noticeable positive impact.

EQUALITY IMPLICATIONS

36. In deciding to proceed with the acquisition of the Site for planning purposes the council must pay due regard to its Public Sector Equality Duty (PSED), as set out in section 149 of the Equality Act 2010 (the "2010 Act"). Further information regarding how the PSED should be discharged is set out at Appendix 3.
37. While currently there are no anticipated direct negative implications (at this stage) for persons with protected characteristics, under the Equality Act 2010,

by the approval of recommendations outlined in this report, any future decision on the appropriation for planning purposes would need to carefully consider potential impact.

RISK MANAGEMENT IMPLICATIONS

38. There may well be compelling reasons for the council to engage Section 203 and enable the Development to proceed: significant benefits that would be realised locally, at a time when the national economy has been severely affected following the pandemic. The Development may also bring about improvement of the social, environmental and economic wellbeing of the area whilst at the same time meeting the acute housing needs of the borough.
39. However, risks and mitigations associated with the potential use of powers to appropriate the Site for planning purposes would need to be considered at the point the use of the delegation is being considered. This is because the use of these powers is dependent on the development to be facilitated receiving a planning permission.
40. Accordingly, risks and mitigations may only be considered once the Development has received an implantable planning decision and the extent and nature of the impact of the development has been ascertained.

David Hughes, Director of Audit, Fraud, Risk and Insurance, April 2023

APPENDIX 4 - PUBLIC SECTOR EQUALITY DUTY

The Public Sector Equality Duty provides (as far as is relevant) as follows:

1. A public authority must, in the exercise of its functions, have due regard to the need to:
 - eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard to the need to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3. Case law has established the following principles relevant to compliance with the PSED which Council will need to consider:
 - a. Compliance with the general equality duties is a matter of substance, not form.
 - b. The duty to have "due regard" to the various identified "needs" in the relevant sections does not impose a duty to achieve results. It is a duty to have "due regard" to the "need" to achieve the identified goals.
 - c. Due regard is regard that is appropriate in all the circumstances, including the importance of the area of life of people affected by the decision and such countervailing factors as are relevant to the function that the decision maker is performing.
 - d. The weight to be given to the countervailing factors is in principle a matter for the authority. However, in the event of a legal challenge it is for the court to determine whether an authority has given "due regard" to the "needs" listed in Section 149 of the 2010 Act. This will include the court assessing for itself whether, in the circumstances, the local authority has given appropriate weight to those "needs" and not simply deciding whether the authority's decision is a rational or reasonable one.

- e. The duty to have “due regard” to disability equality is particularly important where the decision will have a direct impact on disabled people. The same applies for other protected groups where a decision could directly affect them.

Appendix 5 - H&F Equality Impact Analysis Tool

Conducting an Equality Impact Analysis

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

The tool is informed by the [public sector equality duty](#) which came into force in April 2011. The duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

- 1. Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Equality Act 2010**
- 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it**
- 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it**

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

General points

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

Further advice and guidance can be accessed online and on the intranet:

<https://www.gov.uk/government/publications/public-sector-equality-duty>

<https://officesharedservice.sharepoint.com/sites/Governance/SitePages/Reports.aspx>

H&F Equality Impact Analysis Tool

Page 120

Overall Information	Details of Full Equality Impact Analysis														
Financial Year and Quarter	2023 (Quarter 1)														
Name and details of policy, strategy, function, project, activity, or programme	<p>Lillie Road development</p> <p>The construction phase may well have a substantially different impact on those with protected characteristics than the impacts of the development once completed. The impact of the construction phase is anticipated to primarily affect immediate neighbours, visitors, residents, and employees.</p> <p>The construction contractor will be obliged to observe LBHF policies on Equality and Diversity or to provide their own policies for approval as part of the tender process prior to appointment. The construction contractor may also be asked to sign up to a code of conduct to mitigate against impact of its work on persons with protected characteristics.</p> <p>Upon appointment the main contractor will be required to produce a Construction Management Plan and a site waste management plan – that will control site logistics and ensure that locals are disturbed as little as possible by the construction works traffic. It is expected that the hours of work on site will be controlled by planning condition.</p> <p>The completed development may have a substantial positive impact or at the very least no negative impact on some or all persons with protected characteristics.</p> <p>The scheme will deliver 42 homes (including affordable) with the breakdown as follows:</p> <table><tr><th>Description</th><th>Social Rent</th><th>Shared Ownership</th><th>Private Sale</th><th>Total</th></tr><tr><td>TOTAL</td><td>12</td><td>9</td><td>21</td><td>42</td></tr></table> <p>The completed development is anticipated to have a positive impact on residents with protected characteristics and others who are of low- and mid-income households through the delivery of inclusive development that includes significant number of affordable homes.</p> <p>The scope of this EQIA assessment is primarily to consider and assess the impact from Lillie Road development over two distinct phases: construction phase and the completed development.</p>					Description	Social Rent	Shared Ownership	Private Sale	Total	TOTAL	12	9	21	42
Description	Social Rent	Shared Ownership	Private Sale	Total											
TOTAL	12	9	21	42											

Lead Officer	Name: Robert Ball Position: Senior Development Manager Email: Robert.ball@lbhf.gov.uk Telephone No: 07341117215
Date of completion of final EIA	Initial assessment completed on 6 th April 2023

Section 02	Scoping of Full EIA		
Plan for completion	The EIA scope starts immediately through to anticipated completion of the final construction phase due circa Q1 2026.		
Analyse the impact of the policy, strategy, function, project, activity, or programme	The Council is minded of its Public Sector Equality Duty (PSED). In particular the Council recognises the distinct impact of the two phases of the development.		
	Protected characteristic	Borough Analysis	Impact: Positive (+), Negative (-), Neutral (N)
	Age	Construction phase (including pre-construction handover stage): The site is currently occupied under a temporary status, secured by remote CCTV system and a 24-hour emergency response arrangement in place. Empty or inactive construction sites by their nature attract the curiosity of younger people who may attempt to enter and explore them. To mitigate against this, continuous security will be maintained especially during the period before the construction contractor takes possession of the site. The impact is anticipated to be neutral but only on the full implementation of identified mitigations.	N
		The Council's Construction Site Noise and Dust Pollution policy will mitigate against impact of the construction phase, but it mainly focuses on issues around noise, vibration and dust. It will nevertheless deal with the wider impact of the	N

		<p>construction as part of the approval of the Construction Phase Plan which will form part of a pro-active and collaborative approach backed up by active monitoring and enforcement to ensure compliance so as to control or eliminate any negative impact from the construction site on local residents and businesses.</p> <p>In addition to planning requirements, the council will set out clear contractual expectations on the construction contractor as part of its Employers Requirements to ensure the contractor engages with neighbouring residents / stakeholders in accordance with the best practice requirements.</p> <p>The construction phase is anticipated to have a positive impact on younger and unemployed residents who will be offered apprenticeships, employment and training during the construction phase. The anticipated positive impact on younger people is in acknowledgement of younger people experiencing higher unemployment rate in comparison to all other working age groups. Offer of apprenticeships, employment and training will be a significant part of the contractor's social value offering or S106 obligations.</p> <p>Due to the location of the site in the middle of a residential area, it is possible that noisy works, even though they may still be within statutory limits, they may have a disproportionately negative impact on younger people especially during exams and revision times as the construction phase is anticipated to be longer than 1 year.</p> <p>The contractor would be required to work with residents around the site and organise work on site in close liaison with residents to mitigate disproportionate impact especially during exams and revision times.</p> <p>Temporary closure of some footpaths alongside and within</p>	<p>N</p> <p>+</p> <p>-</p> <p>+</p>	
--	--	---	-------------------------------------	--

		the site due to UKPN or other statutory undertakers works often creates barriers that disproportionately negatively impact older people, who are more likely to have age-related impairments. Alternative routes will be accessible, including sufficiently wide routes and appropriately designed and implemented temporary dropped kerbs, and will be well signposted. The impact is anticipated to be neutral but only on the full implementation of identified mitigations.	N	
		<p>Completed Development Phase</p> <p>The completed development will have a positive impact on households and individuals with protected characteristics and others who are of low- and mid-income households by delivering affordable housing.</p> <p>There will be a disproportionate positive impact on younger households because:</p> <p>Younger households have a proportionately lower income, and this development will disproportionately benefit them by delivering affordable housing.</p> <p>The provision of a new Community Hall will provide a new venue for young people to use through formal activities such as youth clubs.</p> <p>All units will be either wheelchair accessible / adaptable (M4(3)) or accessible and adaptable (M4(2)), which will disproportionately benefit older people, who are more likely to have age-related impairments.</p> <p>There will be an inclusively designed scheme amenities offering that will disproportionately benefit older people, who are more likely to have age-related impairments.</p> <p>There will be the addition of a new Community Hall, the provision will support older community members with a new</p>	+	

		<p>close venue to facilitate various club and social activities</p> <p>New amenities will include play space for children and young people.</p> <p>Scheme facilities provided will be inclusively designed, disproportionately benefitting older people, who are more likely to have age-related impairments.</p> <p>Lighting within the development will be instigated, creating a greater sense of safety, which will benefit older people and young people, who may feel more vulnerable when outside in the dark.</p> <p>Addition of 5 disabled parking spaces, will improve accessibility, benefitting older people more likely to have age-related impairments.</p>		
	Disability	<p>Construction Phase</p> <p>Temporary closure of some footpaths alongside and within the site due to UKPN or other statutory undertakers works often creates barriers that disproportionately negatively impact disabled people. Closure will only take place once alternative routes that are accessible, sufficiently wide and appropriately designed and installed with appropriate signpost are made available.</p> <p>Specific obligations on the contractor to carry out required health and safety measure in relation to temporary works will be included in the contract with the construction contractor. Works will be monitored, inspected and overseen by council's consultants.</p> <p>The production of dust during construction phase will create a disproportionate negative impact on disabled people with</p>	N	

		<p>breathing conditions. Implementation of the council's Construction Site Noise and Dust Pollution policy which seeks to control level of dust by its inclusion of enforceable requirements on the contractor to implement dust suppression measures will help mitigate against this issue.</p> <p>The impact is anticipated to be neutral but only on the full implementation of identified mitigations.</p>		
		<p>Completed Development Phase</p> <p>All units and their approaches will be either wheelchair accessible / adaptable Building Regulations ADM (M4(3)) or accessible and adaptable (M4(2)) as a minimum, which will disproportionately benefit disabled people.</p> <p>Accessibility and inclusiveness of the design have been some of the core principles underpinning the design brief for the Community Hall, adding a new facility within close proximity to the community will support accessibility to various clubs and societies, the offering will disproportionately benefit disabled people.</p> <p>Accessibility and inclusiveness of the design have been some of the core principles underpinning the design brief from the start. All buildings, approaches and scheme amenities will meet the requirements of required planning policy and design standards. including Building Regulations ADM and BS 8300.</p> <p>The scheme has been designed to provide disabled parking spaces. Residents in the new development will have access to 5 disabled parking accessible spaces once completed. This will disproportionately benefit disabled people.</p> <p>There will be an inclusively designed amenities offering that</p>	<p>+</p> <p>+</p> <p>+</p>	

		<p>will disproportionately benefit disabled people. New amenities will include play space for children and young people, which will be designed to be inclusive and have specific inclusive play pieces.</p> <p>Scheme facilities provided will be inclusively designed, disproportionately benefitting disabled people. Households with one or more disabled person in have a proportionately lower income, and this development will also disproportionately benefit them by delivering affordable housing.</p>	+	
	Gender reassignment	Construction Phase <p>The development is not anticipated to have any impact on person with this protected characteristic during this stage</p>	N	
		Completed Development Phase <p>Lighting within the scheme amenities will be to a SBD standard, this will create a greater sense of safety, which will benefit trans and non-binary people, who may feel more vulnerable when outside in the dark due to the risk of hate crime.</p>	+	
	Marriage and Civil Partnership	Construction Phase <p>The construction stage is not anticipated to have any impact on person with this protected characteristic.</p>	N	
		Completed Development Phase <p>The completed development is not anticipated to have any impact on person with this protected characteristic.</p>	N	
	Pregnancy and	Construction Phase		

	maternity	<p>Temporary closure of some footpaths alongside and within the site due to UKPN or other statutory undertakers works often creates barriers that disproportionately negatively impact persons with this protected characteristic. Closure will only take place once alternative routes that are accessible, sufficiently wide and appropriately designed and installed with appropriate signpost are made available.</p> <p>Specific obligations on the contractor to carry out required health and safety measure in relation to temporary works will be included in the contract with the construction contractor. Works will be monitored, inspected and overseen by council's consultants.</p> <p>The production of dust during construction phase will create a disproportionate negative impact on persons with this protected characteristic with breathing conditions. Implementation of the council's Construction Site Noise and Dust Pollution policy which seeks to control level of dust by its inclusion of enforceable requirements on the contractor to implement dust suppression measures will help mitigate against this issue.</p> <p>The impact is anticipated to be neutral but only on the full implementation of identified mitigations.</p>	N	
		<p>Completed Development Phase</p> <p>There will be an inclusively designed estate amenities that will disproportionately benefit new mothers, who are more likely to be using pushchairs.</p> <p>Scheme facilities will also include seating spaces and playground for younger children and so disproportionately benefit new mothers.</p>	+	

	Race, Religion or belief (including non-belief)	Construction Phase The community hall has not been used since the start of the pandemic (March 2020) until the summer of last year 2022. During the construction phase of the development the community hall will not be accessible to community groups who used the space in the past, such as the Egyptian community group and the Filipino Church group. Since reopening, the hall has only been used by the newly reinvigorated Tenants and Residents Association. The Egyptian Night group have recently approached the council to hire the hall, but the council suggested alternative suitable locations nearby. Any negative impact on this group and their previous use of the tenants hall for religious practices has been mitigated by offering an alternative suitable site such as the Gibbs Green hall, which is in close proximity to the Lillie Road hall site and comes with all the amenities needed.	N	
		Completed Development Phase Some BAME communities have a proportionately lower income, and this development may disproportionately benefit them by delivering affordable housing. Lighting within the scheme amenities will be to a SBD standard, creating a greater sense of safety, which will benefit BAME people and people from some religious communities, who may attend religious places very early in the morning or late in the evening and so may feel more	+	

		vulnerable when outside in the dark.		
	Sex	Construction Stage Historically, construction sites were synonymous with inappropriate behaviour including female passers-by receiving un-wanted and inappropriate attention. Additionally, during the construction stage some site workers may operate at heights that may give rise to privacy issues. This is not helped by the fact that the construction industry is one of the most gender-segregated or male dominated industry. The council will set clear expectations on the contractor that are contractually enforceable including taking immediate steps to report and investigate any incident of an unacceptable conduct of its employees or sub-contractors and ensure the site is registered under, and operate in accordance with, the considerate contractor scheme.	N	
		Completed Development Phase The development is not anticipated to have any negative impact on persons with this protected characteristic. It may have indirect positive impact through the provision of family sized homes to families in overcrowded accommodation to alleviate overcrowding and sibling of different sexes sharing rooms. There will be an inclusively designed scheme amenities offering that will disproportionately benefit women, who on average spend more time taking on caring responsibilities for their children and / or older relatives than men. Scheme facilities provided will be inclusively designed, disproportionately benefitting women, who on average spend more time taking on caring responsibilities for their	+	

		<p>children and / or older relatives than men.</p> <p>New scheme play facilities will disproportionately benefit women, who on average spend more time taking on caring responsibilities for their children and / or older relatives than men.</p> <p>The lighting within the scheme amenities will be to a SBD standard creating a greater sense of safety, which will benefit women, who may feel more vulnerable when outside in the dark.</p>		
	Sexual Orientation	<p>Construction Stage</p> <p>The construction stage is not anticipated to have any impact on person with this protected characteristic</p>	N	
		<p>Completed Development Phase</p> <p>The lighting within the scheme amenities will be to a SBD standard, creating a greater sense of safety, which will benefit LGBTQIA+ people, who may feel more vulnerable when outside in the dark due to the risk of hate crime.</p>	+	

Section 03	<p>Analysis of relevant data</p> <p>Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.</p>
Documents and data reviewed	<p>The planning requirement to deliver 10% of disabled parking spaces was used to establish the need for 5 parking spaces on the scheme, the development being a car free scheme. The requirement for proportionate of Bedroom numbers for social rent on this scheme is a Council Planning Policy</p>
New research	<p>New research maybe required to establish or update Local Letting Policy to understand any changes in the Bedroom numbers required on future schemes for example.</p>

Section 04	Consultation
Consultation	<p>A series of targeted public engagement activities took place to present the proposed plans to local residents and stakeholders and gather their feedback to co-produce the design proposals.</p> <p>Residents were kept informed via online and in-person public exhibitions, newsletters, flyers/invitations letters, emails to the mailing list, door-knocking, meetings with stakeholders and digital promotion on our project websites.</p>
Analysis of consultation outcomes	<p>Residents were able to give feedback on the design proposals in person and online at three public exhibitions where updated designs were presented and feedback from previous stages was summarised. Resident feedback influenced; the height and massing of the proposed residential blocks, the internal layouts and screening on some balconies to resolve potential overlooking issues, and the landscaping design of the perimeter boundary to address security concerns.</p> <p>A Statement of Community Involvement was prepared as part of the planning application which demonstrated consultation and co-production from the start of the project.</p>

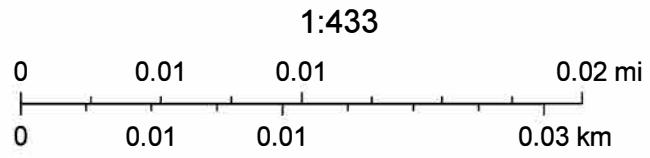
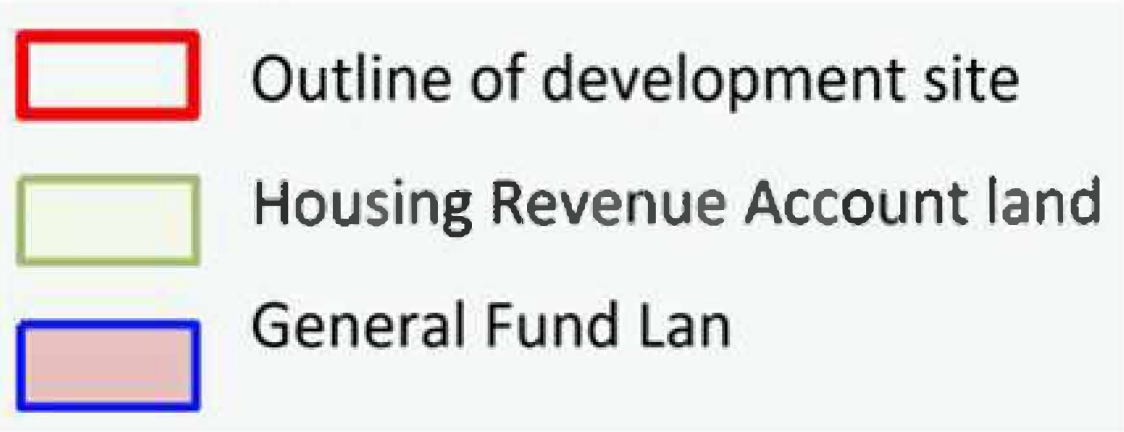
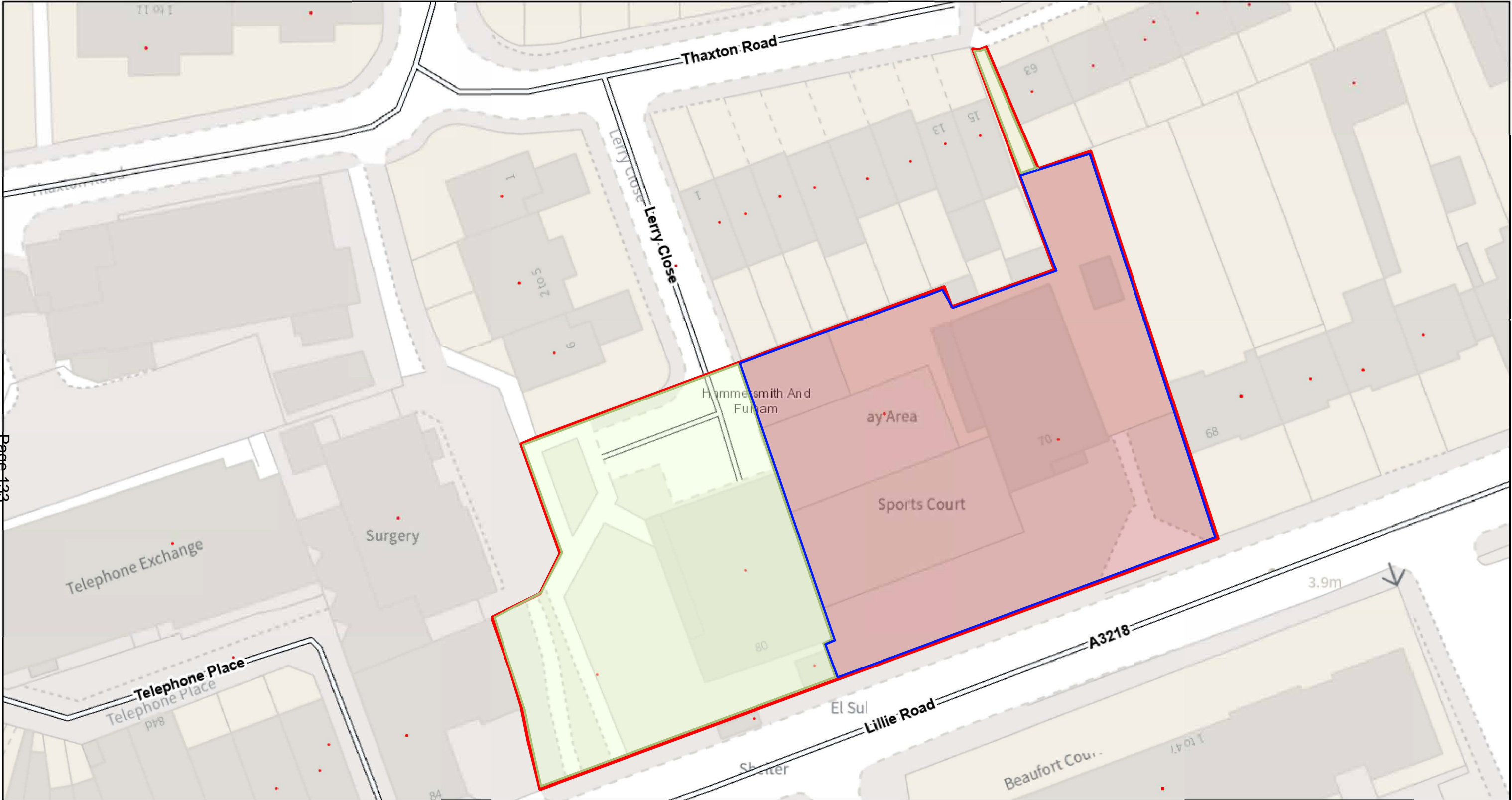
Section 05	Analysis of impact and outcomes
Analysis	<p>The sections above refer to mitigation procedures adopted where a negative impact could be identified. Mitigations identified in this assessment must be adopted to mitigate against identified risks.</p> <p>Additionally, regular review of impacts and mitigations adopted must take place that considers and analysis realisation of foreseen impacts, rise of any unforeseen impact as well as the success of mitigations adopted. The outcome of these reviews would be incorporated into this Equality Impact Assessment.</p> <p>Based on this initial assessment, the project may proceed subject to the recommendation below as no significant disproportionate negative impacts was identified.</p> <p>Recommendations: A clear mitigation action plan to be created specifying a detailed monitoring process to record successful implementation of mitigations identified in this assessment and track actions taken as well as any unexpected or new disproportionate impact identified and any new mitigation that may need to be implemented.</p>

Section 06	Reducing any adverse impacts and recommendations
-------------------	---

Outcome of Analysis	As part of the Employers Requirements, the construction contractor must maintain and enforce security over the construction site to prevent any unauthorised access to the site, any potential mitigation strategies post completion will be reviewed and agreed by Officers during the construction stage.
----------------------------	---

Section 07	Action Plan					
Action Plan	Note: You will only need to use this section if you have identified actions as a result of your analysis					
	Issue identified	Action (s) to be taken	When	Lead officer and department	Expected outcome	Date added to business/service plan

Section 08	Agreement, publication and monitoring					
Senior Managers' sign-off	Name: Matt Rumble Position: Strategic Head of Regeneration and Development Email: matt.rumble@lbhf.gov.uk Telephone No: 07786747488 Considered at relevant DMT: Economy					
Key Decision Report (if relevant)	Date of report to Cabinet/Cabinet Member: 15 / 05 / 2023 Key equalities issues have been included: Yes					
Equalities Advice (where involved)	Name: Position: Date advice / guidance given: Email: Telephone No:					



Agenda Item 8



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 Authority hereby gives notice of Key Decisions which the Cabinet, Cabinet Members or Chief Officers intend to consider. The list may change from the date of publication as further items may be entered.

NOTICE OF THE INTENTION TO CONDUCT BUSINESS IN PRIVATE

The Authority also hereby gives notice in accordance with paragraph 5 of the above Regulations that it may meet in private to consider Key Decisions going to a Cabinet meeting which may contain confidential or exempt information.

Reports relating to Cabinet key decisions which may be considered in private are indicated in the list of Cabinet 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 Cabinet decision should instead be made in the public at the Cabinet meeting. If you want to make such representations, please e-mail Katia Neale on katia.neale@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 THE AUTHORITY FROM MAY 2023 UNTIL FEBRUARY 2024

The following is a list of Key Decisions which the Authority proposes to take from May 2023. The list may change over the next few weeks.

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 £300,000) 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 affecting the budget and policy framework set by the Council.

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

NB: Key Decisions will generally be taken by the Executive at the Cabinet, by a Cabinet Member or by a Chief Officer.

*If you have any queries on this Key Decisions List, please contact
Katia Neale on 07776 672 956 or by e-mail to katia.neale@lbhf.gov.uk*

Access to Key Decision reports and other relevant documents

Key Decision reports and documents relevant to matters to be considered at the Authority by Cabinet only, will be available on the Council's website (www.lbhf.org.uk) a minimum of 5 working days before the Cabinet 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 Key Decisions will be subject to a 3-day call-in before they can be implemented, 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 related to Cabinet Key Decisions only. 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

Leader	Councillor Stephen Cowan
Deputy Leader	Councillor Ben Coleman
Cabinet Member for Children and Education	Councillor Alexandra Sanderson
Cabinet Member for Civic Renewal	Councillor Bora Kwon
Cabinet Member for Climate Change and Ecology	Councillor Wesley Harcourt
Cabinet Member for Economy	Councillor Andrew Jones
Cabinet Member for Finance and Reform	Councillor Rowan Ree
Cabinet Member for Housing and Homelessness	Councillor Frances Umeh
Cabinet Member for Public Realm	Councillor Sharon Holder
Cabinet Member for Social Inclusion and Community Safety	Councillor Rebecca Harvey

Key Decisions List No. 126 (published 3 May 2022)

KEY DECISIONS LIST – FROM MAY 2023

The list also includes decisions proposed to be made by future Cabinet meetings

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	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)
CABINET MEMBER AND OFFICER DECISIONS				
Finance				
Cabinet Member for Social Inclusion and Community Safety	May 2023	Decision on whether to introduce a Public Space Protection Order in relation to responsible dog ownership This report will outline the result of a public consultation into whether to introduce a Public Space Protection Order in relation to responsible dog ownership across the whole borough	Cabinet Member for Social Inclusion and Community Safety	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 Contact officer: Beth Morgan, Laura Seamons Tel: 020 8753 3102, Tel: 07786965292 beth.morgan@lbhf.gov.uk, laura.seamons@lbhf.gov.uk	
Cabinet Member for Social Inclusion and Community Safety, Cabinet Member for the Economy	May 2023	Construction Code of Practice The Council's Noise and Nuisance team would like to publish a Code of Practice for Construction Work. By publishing an approved Code of Construction Practice the council will set out clear requirements for how construction works should be carried out. This will help to ensure that all impacts from those works e.g. noise or dust complaints, are minimised.	Cabinet Member for the Economy, Cabinet Member for Social Inclusion and Community Safety	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 Contact officer: Hashith Shah Tel: 020 8753 6693 Hashith.Shah@lbhf.gov.uk	

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)
Cabinet Member for Social Inclusion and Community Safety	May 2023	Decision on whether to introduce a Public Space Protection Order (PSPO) in relation to the use of E-scooters, E-bikes, and Pedal Cycles This report will outline the result of a public consultation into whether to introduce a Public Space Protection Order in relation to the use of e-scooters, e-bikes and pedal cycles across the Thames Path.	Cabinet Member for Social Inclusion and Community Safety	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): Ravenscourt; Hammersmith Broadway; Fulham Reach; Munster; Palace & Hurlingham; Sands End Contact officer: Charis Champness, Beth Morgan, Neil Thurlow Tel: 020 8753 3102, Charis.Champness@lbhf.gov.uk, beth.morgan@lbhf.gov.uk, Neil.Thurlow@lbhf.gov.uk	
Cabinet Member for Social Inclusion and Community Safety	May 2023	Consumption of Alcohol Public Spaces Protection Order Key decision being raised for the Community Safety Unit to consult on extending the existing Public Spaces Protection Order on Consumption of Alcohol. To be taken to Councillor Harvey's CMB, 9th of February.	Cabinet Member for Social Inclusion and Community Safety	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 Contact officer: Roisin Conroy Tel: 07387099855 Roisin.conroy@lbhf.gov.uk	
Cabinet Member for Children and Education	May 2023	Short Term Lease for the School House at Hurlingham Academy The report requests approval for consent for Hurlingham Academy to enter into a short term lease of the School House (caretakers lodge).	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
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Palace & Hurlingham Contact officer: Daryle Mathurin Tel: 07816 661199 Daryle.Mathurin@lbhf.gov.uk	

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>)
				papers to be considered.
Director of Finance	May 2023	Council intervention in the local Supported Housing Market to acquire five supported housing schemes Approval to acquire properties necessary for service continuity	Cabinet Member for Social Inclusion and Community Safety	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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards Contact officer: Jonathan Skaife, Neil Thurlow Jonathan.Skaife@lbhf.gov.uk, Neil.Thurlow@lbhf.gov.uk	
Cabinet Member for Public Realm	May 2023	Clean Air Neighbourhoods Programme Investment Investment in the borough wide Clean Air Neighbourhoods Programme	Cabinet Member for Public Realm	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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards Contact officer: Masum Choudhury Masum.Choudhury@lbhf.gov.uk	
Director Children's Services	May 2023	Connected Persons Extension Directors decision for additional funding for an extension to a 2-bedroom property to enable 3 Hammersmith and Fulham Children Looked After to remain with their family.	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
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards Contact officer: Hannah Lambeth Hannah.Lambeth@lbhf.gov.uk	

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)
				background papers to be considered.
Cabinet Member for Children and Education	22 May 2023	Breakfast Support Provider to Address Food Poverty in Schools Deliver of expert advice and support to establish hunger focused breakfast provision in schools as well as food deliveries.	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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
			Contact officer: Marcus Robinson Marcus.RobinsonCHS@lbhf.gov.uk	

Corporate

Strategic Director of the Economy Department	May 2023	White City Central - Variation to the appointments of Mae, Curtins, 24 Acoustics, Make:Good and Farrer Huxley to include RIBA 3A This report concerns the proposed development of the site known as White City Central area ("site"). The report seeks the approval for the variation of existing contracts for stage RIBA 3A to assist in the procurement of the main contractor.	Cabinet Member for the Economy	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	
			Contact officer: Tarie Chakare, Ayesha Ovaisi Tel: 020 8753 5584 tarie.chakare@lbhf.gov.uk, Ayesha.Ovaisi@lbhf.gov.uk	
Cabinet Member for Children and Education	May 2023	Maintained Nursery Grant Funding Approve maintained nursery funding for academic year 22/23 at current levels from early years block	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
	Reason: Expenditure/Income - Revenue between £500,000		Ward(s): All Wards	
			Contact officer: Paul Triantis	

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)
	and £5m and Capital between £1.5m and £5m		Paul.Triantis@lbhf.gov.uk	supporting documentation and / or background papers to be considered.
Strategic Director of the Economy Department	May 2023	Procurement Strategy & Award of Air Source Heat Pumps We are proposing to let and award a contract for the supply and installation of air to water source heat pump system (s) at 105 Greyhound Road, W6 8NL and the Public Mortuary at 200 Townmead Road, SW6 2RE.	Cabinet Member for the Economy	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): Sands End Contact officer: Sebastian Mazurczak Tel: 020 8753 1707 Sebastian.Mazurczak@lbhf.gov.uk	
Cabinet Member for Housing and Homelessness	May 2023	Contract Award Report - Consultancy Services Framework Contract award report in relation to the appointment of specialist external consultants to deliver professional services for the Economy Department covering: Multi-disciplinary services (such as Quantity Surveyors, Contract Administrators, Project Managers, Principal Designers including CDM Consultants/Advisors, Building Surveyors and Employers Agents including a combination of such services); Engineering Services (such as Mechanical & Electrical and Civil and Structural); Architectural Services; Clerk of Works Services; and Fire Consultancy Services. The Consultancy Services Framework Agreement comprises eight (8) lots and will run for a period of four (4) years.	Cabinet Member for Housing and Homelessness	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/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards Contact officer: Dominic D Souza Dominic.DSouza@lbhf.gov.uk	

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)
Leader of the Council	May 2023	Open Market Acquisition The authority to acquire residential properties to accelerate the delivery of genuinely affordable housing in the borough, to meet the urgent need for affordable housing.	Cabinet Member for the Economy	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/ income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards	
			Contact officer: Mo Goudah mo.goudah@lbhf.gov.uk	
Cabinet Member for Housing and Homelessness	May 2023	Variations to Housing Repairs Contract Contract variation to existing housing repairs contract	Cabinet Member for Housing and Homelessness	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:		Ward(s): All Wards	
			Contact officer: Emma Lucas Tel: 07827883247 Emma.Lucas@lbhf.gov.uk	
Director of Finance	May 2023	Land and property-based ICT system contract extension Approval of a 12 month contract extension with existing provider IDOX to enable the data migration and new system configuration to take place		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/ income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	
			Contact officer: Davina Barton Davina.Barton@lbhf.gov.uk	

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)
Cabinet Member for the Economy	May 2023	Network and telephony provision Procurement of network links and associated services plus telephony (e.g. phone and alarm lines)	Cabinet Member for the Economy	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/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards Contact officer: David Wadham Tel: 07776 672 392 david.wadham@lbhf.gov.uk	
Cabinet Member for Public Realm	May 2023	Parking Bailiff Enforcement Procurement Strategy This decision will be to sign off on the procurement strategy relating to the bailiff enforcement contract for outstanding Penalty Charge Notice (PCN) debt.		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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards Contact officer: Gary Hannaway, Bram Kainth Tel: 020 8753, Tel: 07917790900 gary.hannaway@lbhf.gov.uk , bram.kainth@lbhf.gov.uk	
Cabinet Member for Social Inclusion and Community Safety	May 2023	Home care and independent living The key decision award report for home care and independent living to be signed off by Cabinet Member. The service provides home to residents living in the borough with assessed eligible need		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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards Contact officer: Laura Palfreeman Tel: 0208 753 1953 Laura.Palfreeman@lbhf.gov.uk	

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 Member for Children and Education	May 2023	Procurement Strategy for Community Schools Programme Refurbishment Works To refurbish Lena Gardens and Mund St. sites to serve as decant locations for schools in the Community Schools Programme		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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): Avonmore; Addison; Brook Green; Ravenscourt Contact officer: Anthony Mugan Anthony.Mugan@lbhf.gov.uk	
Cabinet Member for Public Realm	May 2023	Waste, Recycling & Street Cleansing Contract - Provisional Services Recommendations around implementation of additional provisional services to waste contract		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 Contact officer: Pat Cosgrave Tel: 020 8753 2810 Pat.Cosgrave@lbhf.gov.uk	
Cabinet Member for Public Realm	May 2023	Contract award for Residential Charging Network expansion The Council has successfully secured £4.2 million of funding from the On-street Residential Charging Scheme (ORCS), run by the Office for Low Emission Vehicles. This report now seeks approval for the procurement strategy to expand the residential lamp column charge point network through an award of a concession contract, as recommended in this report, to Joju Limited (Joju) for a period of five years commencing in	Cabinet Member for Public Realm	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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards Contact officer: Masum Choudhury Masum.Choudhury@lbhf.gov.uk	

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)
		Summer 2022, with the option for the Council to extend for a further two years.		
Cabinet Member for the Economy	May 2023	Control Team Procurement Strategy - Four Development Sites Procurement of a Control Team for the proposed developments of new homes at Barclay Close, Becklow Gardens, The Grange & Jepson House.	Cabinet Member for the Economy	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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): Coningham; Walham Green; Sands End	
			Contact officer: Labab Lubab Tel: 020 8753 4203 Labab.Lubab@lbhf.gov.uk	
Cabinet Member for the Economy	May 2023	Design Team Procurement Strategy - Four Development Sites Procurement of a Lead Architect and Design Team for the proposed developments of new homes at Barclay Close, Becklow Gardens, The Grange & Jepson House.	Cabinet Member for the Economy	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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): Coningham; Walham Green; Sands End	
			Contact officer: Labab Lubab Tel: 020 8753 4203 Labab.Lubab@lbhf.gov.uk	
Strategic Director of the Economy Department	May 2023	Community Schools Programme – Variation to the appointment of Design Team (BPTW) Variation to existing contract for Design Team services (encompassing architectural design services) for the Community Schools Programme.	Cabinet Member for the Economy	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
	Reason: Affects 2 or more wards		Ward(s): Avonmore; Ravenscourt	
			Contact officer: Patrick Vincent Patrick.Vincent@lbhf.gov.uk	

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)
				and / or background papers to be considered.
Deputy Leader	May 2023	Direct Award of Contract for Minterne Gardens Extra Care Service		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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m	<p>The decision is to agree that the Contract with Housing 21 will start from February 2023 until 31st March 2027.</p> <p>The decision is to agree that the total value of the four-year Housing 21 Minterne Gardens contract is expected to be £3,919,566.</p> <p>The service is based on a core and flexi model which fits around resident's needs. This contract will provide a consistent and sustainable Extra Care Service for resident of the borough, which promotes independent living, enabling them to remain in their own home for as long as possible and reduces the need for more expensive residential care.</p>	<p>Ward(s): White City; Wormholt</p> <p>Contact officer: Johan van Wijgerden Tel: 07493864829 Johan.vanwijgerden@lbhf.gov.uk</p>	
Cabinet Member for Housing and Homelessness	May 2023	Procurement Strategy decision: Agreement to access and call-off the Fusion 21 Framework, Lot 4 'Housing Disrepair'	Cabinet Member for Housing and Homelessness	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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m	<p>Seeking approval for two stages of agreement.</p> <p>The first stage of agreement is to join the Fusion 21 Framework Lot 4 'Housing Disrepair'. This provides us with access to 13 pre-qualified and competitively ranked disrepair, damp and mould contractors. This stage does not require any financial commitment.</p>	<p>Ward(s): All Wards</p> <p>Contact officer: Richard Buckley richard.buckley@lbhf.gov.uk</p>	

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)
		The second stage of agreement, is to call-off the framework via a direct award for £1,500,000 worth of disrepair works. We are looking to call -off £1,500,000 per year, for three years. This stage will be subject to: > stage 1 approval > finance verification confirming budget.		
Cabinet Member for Children and Education	May 2023	Step Up to Social Work Procurement Strategy The Step Up to Social Work Programme is a fully funded training programme for social workers. The current contract ends on 26th June 2023 with no option to extend. Hammersmith and Fulham is the lead borough on behalf of the West London Regional Partnership for this programme. This report seeks approval of a strategy to recommission a higher education partner to work with the local authority to deliver the programme by way of a competitive procurement exercise.		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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards Contact officer: Hannah Lambeth Hannah.Lambeth@lbhf.gov.uk	
Strategic Director of the Economy Department	Before 7 Jun 2023	Decarbonisation of non-domestic properties (phase 2) - WOS - contract award Decision relates to the award of a Works / Optimisation Service (WOS) contract for retrofitting and decarbonising H&F assets (incl. replacement of gas boilers with ASHPs). This decision follows the procurement strategy taken to Cabinet on 18th July 2022 and the Cabinet report (requesting approval for authority to award the contract to be delegated to relevant the SLT Director, in	Cabinet Member for the Economy	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/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards Contact officer: Jonathan Skaife Jonathan.Skaife@lbhf.gov.uk	

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)
		consultation with the Cabinet Member) on 6th March 2023. The WOS contract will be used for the installation of Energy Conservation Measures (ECMs) at H&F non-domestic properties. The delivery of decarbonisation and retrofit projects will support the Council to achieve its net-zero carbon target and reduce carbon emissions in H&F.		
Cabinet Member for Public Realm	May 2023	Body Collection, Mortuary Services Contract Procurement to award contract to collect coronial deceased on behalf of the West London Coronial Service.	Cabinet Member for Public Realm	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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards Contact officer: Christina Houghton Christina.Houghton@lbhf.gov.uk	
Cabinet Member for Housing and Homelessness	26 May 2023	Procurement Strategy/Contract Award approval to Cablesheer to support with housing voids and repairs We are looking for both procurement strategy and contract award approval to direct award a 3 year contract to Cablesheer. The contract will instruct work orders to Cablesheer to support our term-service patch contractors with housing voids and repairs. This direct award will be through a compliant Construction Framework (The national framework partnership). The contract value will be for a maximum value of £4,500,000 over a 36 month duration. The contract will	Cabinet Member for Housing and Homelessness	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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards Contact officer: Nick Marco-Wadey Tel: 07988490264 Nick.Marco-Wadey@lbhf.gov.uk	

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)
		apportion the spend equally at £1,500,000 per annum.		
Strategic Director for the Environment	May 2023	Approval of Capital Spend for vehicles for waste, recycling, and street cleansing contract	Cabinet Member for Public Realm	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/Income above £300K - Revenue up to £500k and Capital up to 1.5m	Funding requirement for Authority Financed Assets for waste, recycling and street cleansing contract	Ward(s): All Wards Contact officer: Pat Cosgrave Tel: 020 8753 2810 Pat.Cosgrave@lbhf.gov.uk	
Cabinet Member for Housing and Homelessness	26 May 2023	Direct award of a 5 year repair and maintenance contract for Lift Monitoring Equipment	Cabinet Member for Housing and Homelessness	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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m	We require approval to direct award (via a waiver to contract standing orders) a maintenance and repair contract to our incumbent contractor. This contract will also allow for a planned equipment replacement regime to upgrade some old hardware which was installed in 2008. This will be a 5-year term-service contract, with a projected spend of £1,232,399.	Ward(s): All Wards Contact officer: Nick Marco-Wadey Tel: 07988490264 Nick.Marco-Wadey@lbhf.gov.uk	
Strategic Director for the Environment	26 May 2023	Alternative Ecological Mitigation at Wormwood Scrubs Contractors Procurement	Cabinet Member for Public Realm	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
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and	This report is seeking permission for the council to approach the market and procure contractors for the implementation of the Alternative Ecological Mitigation (AEM) Masterplan capital works and 10 Year Management and Maintenance Plan (MMP) for Wormwood Scrubs.	Ward(s): College Park and Old Oak Contact officer: Vicki Abel Victoria.Abel@lbhf.gov.uk	

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)
	£5m			papers to be considered.
Cabinet Member for Housing and Homelessness	26 May 2023	<p>Approval to extend our roofing contract by 12 months.</p> <p>We seek approval to extend our existing contract with our roofing subcontractor. This contract currently supports our DLO by carrying out roofing repairs and maintenance works, on behalf of H&F Maintenance, our Direct Labour Organisation ('the DLO'. The DLO has responsibility for carrying out repairs to communal areas for most of our council housing stock. Due to the specialist nature of roofing works the DLO requires a subcontractor to carry out roofing repairs and maintenance works on its behalf.</p> <p>We initially procured this provider under a JCT measured term contract from the 16th of May 2022 until the 15th of May 2024. The original contract award allowed for a 12 month extension of the contract until the 15th of May 2025.</p> <p>We are seeking approval to action this extension of the contract until the 15th of May 2025.</p>	Cabinet Member for Housing and Homelessness	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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards Contact officer: Nick Marco-Wadey Tel: 07988490264 Nick.Marco-Wadey@lbhf.gov.uk	
Strategic Director of the Economy Department	26 May 2023	<p>Approval for a 12 month extension of the pilot contract for pipe replacement across H and F housing stock</p> <p>This Procurement Strategy recommends a 12 month extension of the pipe replacement pilot contract. The extension is intended to facilitate the continued Planned Preventative Maintenance (PPM) programme across the borough's housing</p>	Cabinet Member for the Economy	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
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards Contact officer: Nick Marco-Wadey Tel: 07988490264 Nick.Marco-Wadey@lbhf.gov.uk	

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)
		<p>properties to replace pipework. This has the potential to reduce future repairs demand.</p> <p>This is a limited value award to enable work to proceed during the summer months. The value of this extension is up to £500,000 for the 12 month period.</p>		background papers to be considered.
Cabinet Member for Housing and Homelessness	26 May 2023	<p>Procurement and Contract Award decision to direct award a repairs/voids contract via the Fusion 21 Framework</p> <p>We are seeking to compliantly direct award a contract via the Fusion 21 Reactive Repairs and Empty Buildings Framework. This contract will be part of our 'phase 2' additional capacity strategy with repairs and voids.</p> <p>We are seeking to call-off a £4,500,000 contract. The contract length will be for 3 years and will cover a range of disrepair, P60's and voids.</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.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		<p>Ward(s): All Wards</p> <p>Contact officer: Nick Marco-Wadey Tel: 07988490264 Nick.Marco-Wadey@lbhf.gov.uk</p>	
Strategic Director of the Economy Department	26 May 2023	<p>Contract award for the refurbishment of various void street properties</p> <p>Proposal to award a contract to carry out internal and external refurbishment works to various void street properties following a competitive tendering exercise</p>	Cabinet Member for the Economy	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/Income above £300K - Revenue up to £500k and Capital up to 1.5m		<p>Ward(s): Munster; Shepherds Bush Green; Wormholt</p> <p>Contact officer: Vince Conway Tel: 020 8753 1915 Vince.Conway@lbhf.gov.uk</p>	

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)
Director Children's Services	26 May 2023	Contract Award for Home Extension for Long term Connected Persons Foster Carers Proposal to award a contract, following a competitive tendering process, for the creation of a loft and side extension to an out-of-borough foster home.	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.
	Ward(s): Outside the Borough			
	Contact officer: Vince Conway Tel: 020 8753 1915 Vince.Conway@lbhf.gov.uk			
Cabinet Member for Housing and Homelessness	3 May 2023	Contract Award for energy efficiency pilot project via the Procurement for Housing Framework We are seeking approval to undertake a pilot project at Philpot Square to upgrade the building fabric and the communal heating from gas to air source heat pump (electric). We seek to use the Procurement for Housing Framework (Lot 4- Renewables) to appoint a capable supplier. The works will increase energy efficiency, reduce energy bills and retrofit Philpot Square to become one of H&Fs first 'net zero ready' blocks. Residents will also be given full control over how they heat their properties and individual billing will be enabled to ensure subsequent costs are charged fairly. The total cost of the project will	Cabinet Member for Housing and Homelessness	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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m			
	Ward(s): All Wards Contact officer: Richard Buckley richard.buckley@lbhf.gov.uk			

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)
		be circa £4.2million. Up to £1million of grant funding is also being applied for to support this cost.		
Deputy Leader	May 2023	Day Opportunities Direct Award Contract The purpose of this report is to approve a Direct Award to both Nubian Life and the Alzheimer's Society to the total value of £564,887. For both services, the contract ends on the 31st March 2023 and to ensure service continuity as well as planning a co-production project and tender in order that on the 1 June 2024 a revised service will be put in place.	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: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards Contact officer: Laura Palfreeman Tel: 0208 753 1953 Laura.Palfreeman@lbhf.gov.uk	
Cabinet Member for Finance and Reform	May 2023	Microsoft Enterprise Agreement and Unified Support renewal Renewal Microsoft licencing agreement and associated support.	Cabinet Member for Finance and Reform	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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards Contact officer: Veronica Barella Tel: 020 8753 2927 Veronica.Barella@lbhf.gov.uk	
Director Children's Services	9 May 2023	Procurement Strategy for Temporary Classroom Unit at Woodlane High School Provision of 20 additional temporary spaces at Woodlane High Schools	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
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards Contact officer: Anthony Mugan Anthony.Mugan@lbhf.gov.uk	

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>)
				and / or background papers to be considered.
Cabinet Member for Housing and Homelessness	18 May 2023	Direct Award via the Southeast Consortium Framework for a Windows installation/replacement contractor We are seeking approval to compliantly direct award a 3 year, £3,000,000 windows installation and replacement contract via the Southeast Consortium Framework. This contract will provide the council with the additional capacity required to support our increasing work order demand within the repairs service.	Cabinet Member for Housing and Homelessness	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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
			Contact officer: Richard Buckley richard.buckley@lbhf.gov.uk	
Cabinet Member for the Economy	24 May 2023	Award for Property and FM Hard Service Procurement of a Mechanical Maintenance Contract for its Corporate Estate Award of a 5 year mechanical contract to service the corporate's property heating, cooling, ventilation and A/C assets post a successful procurement strategy	Cabinet Member for the Economy	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/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
			Contact officer: Sebastian Mazurczak Tel: 020 8753 1707 Sebastian.Mazurczak@lbhf.gov.uk	
CABINET - 15 May 2023				
Cabinet	15 May 2023	11 Farm Lane, Fulham, SW6 1PU - Budget Request and Construction Stage Procurement Strategy Budget request for the Farm Lane development and the procurement strategy for procuring a mains works contractor.	Cabinet Member for the Economy	A detailed report for this item will be available at least five working days before the date of the meeting and will include
	Reason: Expenditure/Income above £300K - Revenue		Ward(s): Lillie	
			Contact officer: Labab Lubab	

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)
	up to £500k and Capital up to 1.5m		Tel: 020 8753 4203 Labab.Lubab@lbhf.gov.uk	details of any supporting documentation and / or background papers to be considered.
Cabinet	15 May 2023	70/80 Lillie Road - Gateway 3 Budget Request and Construction Stage Procurement Strategy Construction Contractor Procurement Strategy	Cabinet Member for the Economy	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/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Lillie Contact officer: Labab Lubab Tel: 020 8753 4203 Labab.Lubab@lbhf.gov.uk	
Cabinet	15 May 2023	Community Equipment Contract H&F Council forms part of the London Consortium Agreement with twenty other Local Authorities. The consortium created a framework for London based Social Care and Health Services to buy community equipment. This is a demand led contract from which the latest data intelligence suggests that the average usage is split 40% H&F Social Care and 60% Health. The framework has reached an end and the consortium has gone through a procurement for a new provider (NRS) to supply community equipment. The recommended decision is to stay with the consortium for another 5+2 years. H&F wants to enter into a "call-off" agreement from the 1st April 2023	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: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards Contact officer: Johan van Wijgerden Tel: 07493864829 Johan.vanwijgerden@lbhf.gov.uk	

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)
		to 31st March 2028 with a potential extension for two years. This means total value of £13,723,150.		
Cabinet	15 May 2023	Procurement strategy - Contract for Unattended CCTV camera system This report sets out the procurement strategy for Unattended CCTV goods and services.	Cabinet Member for Public Realm	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/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards Contact officer: Akintomide Akinrogbe akintomide.akinrogbe@lbhf.gov.uk	

CABINET - 5 June 2023

Cabinet	5 Jun 2023	Procurement strategy for Town Hall catering operation. This report seeks approval of the procurement strategy for appointing catering operators to provide catering and hospitality for the newly refurbished Town Hall. The procurement strategy will cover catering for events in the Town Hall, the operation of a café/bar on the sixth floor, and the option of including the new café on the Civic Campus.	Cabinet Member for the Economy	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/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards Contact officer: Philippa Cartwright, Denise McEnery Philippa.Cartwright@lbhf.gov.uk, Denise.McEnery@lbhf.gov.uk	
Cabinet	5 Jun 2023	Schools' Capital Strategy and Budget 2023-26 This report seeks budget approval for the schools' capital programme for 2023-2026.	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
	Reason: Expenditure/Income over £5m & policies or new income,		Ward(s): All Wards Contact officer: Anthony Mugan	

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)
	reserves use, overspend over £300K		Anthony.Mugan@lbhf.gov.uk	supporting documentation and / or background papers to be considered.
Cabinet	5 Jun 2023	SEND Ordinarily Available Guidance and Profile of Need and Sufficiency Review	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: Budg/pol framework	<p>The Ordinarily Available Guidance sets out the description of the provision that should be ordinarily available for pupils in education settings in Hammersmith & Fulham.</p> <p>The Profile of Need is designed to be used only as a guide for the child/young person to provide a general indication of the level of provision that may be required.</p> <p>This guidance will support a shared understanding across parents/carers, education settings and other EHC partners on the expectations of what provision should be made available for most children and young people with SEND.</p> <p>The SEND sufficiency review is a key document to enable the delivery of our vision for children and young people across Hammersmith & Fulham. Our ambition is to work together to support children, young people, and their families at the earliest opportunity from universal services through to targeted and specialist support where necessary.</p> <p>To achieve this, we need to review our local SEND provision so it aligns with our SEND strategy and ensure that we can meet needs of children and young people - at the right time and in the right place.</p>	<p>Ward(s): All Wards</p> <p>Contact officer: Joe Gunning Tel: 07769672031 Joe.Gunning@lbhf.gov.uk</p>	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision	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	5 Jun 2023	SEND Strategy Our Hammersmith & Fulham SEND Strategy 2023 – 2028 sets out our local area vision and priorities for supporting children and young people with special educational needs and disabilities (SEND), and their families. This important document provides the plan for joint working and the delivery of the local area priorities over the next five years.	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: Budg/pol framework		Ward(s): All Wards	
	Contact officer: Joe Gunning Tel: 07769672031 Joe.Gunning@lbhf.gov.uk			
Cabinet	5 Jun 2023	Care Experienced Status as a Protected Characteristic and enhanced Local Offer for those Leaving Care Cabinet is asked to agree that ‘Care Experienced’ is recognised as a protected characteristic by London Borough of Hammersmith & Fulham, provide their endorsement to enhance H&F’s Local Offer for Care Leavers and endorse the H&F Leaving Care Housing Charter.	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: Budg/pol framework		Ward(s): All Wards	
	Contact officer: Lesley Bell Lesley.Bell@lbhf.gov.uk			
CABINET - 17 July 2023				
Cabinet	17 Jul 2023	Community Schools Programme decant works and mobilisation The report seeks budget approval for refurbishment works at the Lena Gardens and Mund Street sites that are intended to be be decant locations for the Community Schools Programme	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
	Reason: Budg/pol framework		Ward(s): All Wards	
	Contact officer: Daryle Mathurin, Anthony Mugan Tel: 07816 661199, Daryle.Mathurin@lbhf.gov.uk, Anthony.Mugan@lbhf.gov.uk			

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>)
				considered.
Cabinet	17 Jul 2023	School Organisation and Sufficiency Review The report summarises projected numbers of pupils on roll and makes recommendations on school organisation	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: Budg/pol framework		Ward(s): All Wards	
			Contact officer: Anthony Mugan Anthony.Mugan@lbhf.gov.uk	
Cabinet	17 Jul 2023	Travel Care Minibus Procurement Strategy This paper will set out the procurement strategy for procuring minibus provision when the current contracts end in July 2024, to ensure the continued delivery of this service.	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/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards	
			Contact officer: Joe Gunning Tel: 07769672031 Joe.Gunning@lbhf.gov.uk	
Cabinet	17 Jul 2023	Fixed Penalty Notices to be issued by LET team Update to several of the existing amounts	Cabinet Member for Public Realm	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
	Reason: Affects 2 or more wards		Ward(s): All Wards	
			Contact officer: Mohammed Basith Mohammed.Basith@lbhf.gov.uk	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision	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)
				papers to be considered.
Cabinet	17 Jul 2023	Procurement Strategy for Mental Health Supported Housing	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: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K	Procurement strategy for our mental health supported housing in borough contracts. 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.	Ward(s): All Wards Contact officer: Julius Olu, Rebecca Richardson, Michele Roberts Tel: 0208 753 8749, Tel: 07827879659, Tel: 020 8834 4734 Julius.olu@lbhf.gov.uk, rebecca.richardson@lbhf.gov.uk, Michele.Roberts@lbhf.gov.uk	
CABINET - 4 September 2023				
Cabinet	4 Sep 2023	CAPITAL PROGRAMME MONITOR & BUDGET VARIATIONS, 2022/23 (OUTTURN)	Cabinet Member for Finance and Reform	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/Income over £5m & policies or new income, reserves use, overspend over £300K	This report provides a summary of the Council's capital programme outturn for the financial year 2022/23 and requests approval for budget variations to the capital programme.	Ward(s): All Wards Contact officer: Andre Mark Tel: 020 8753 7227 andre.mark@lbhf.gov.uk	

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)
Cabinet	4 Sep 2023	Edith Summerskill House Approval of contractual agreements including grant funding agreement to facility the redevelopment of Edith Summerskill House site as a 100% affordable housing.	Cabinet Member for the Economy	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/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): Lillie Contact officer: Matthew Rumble, Mo Goudah matt.rumble@lbhf.gov.uk, mo.goudah@lbhf.gov.uk	

CABINET - 16 October 2023

Cabinet	16 Oct 2023	CAPITAL PROGRAMME MONITOR & BUDGET VARIATIONS, 2023/24 (FIRST QUARTER) This report provides a financial update on the council's capital programme and requests approval for budget variations to the capital programme.	Cabinet Member for Finance and Reform	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/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards Contact officer: Andre Mark Tel: 020 8753 7227 andre.mark@lbhf.gov.uk	

CABINET - 14 January 2024

Cabinet	15 Jan 2024	CAPITAL PROGRAMME MONITOR & BUDGET VARIATIONS, 2023/24 (SECOND QUARTER) This report provides a financial update on the council's capital programme and requests approval for budget variations to the capital programme.	Cabinet Member for Finance and Reform	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
	Reason: Expenditure/Income over £5m & policies or new income, reserves use,		Ward(s): All Wards Contact officer: Andre Mark Tel: 020 8753 7227 andre.mark@lbhf.gov.uk	

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)
	overspend over £300K			and / or background papers to be considered.
CABINET - 12 February 2024				
Cabinet	12 Feb 2024	CAPITAL PROGRAMME MONITOR & BUDGET VARIATIONS, 2023/24 (THIRD QUARTER) This report provides a financial update on the council's capital programme and requests approval for budget variations to the capital programme.	Cabinet Member for Finance and Reform	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/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards	
			Contact officer: Andre Mark Tel: 020 8753 7227 andre.mark@lbhf.gov.uk	
Cabinet	12 Feb 2024	FOUR YEAR CAPITAL PROGRAMME 2024/25 AND CAPITAL STRATEGY 2024/25 This report presents the Council's four-year Capital Programme	Cabinet Member for Finance and Reform	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/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards	
			Contact officer: Andre Mark Tel: 020 8753 7227 andre.mark@lbhf.gov.uk	