



London Borough of Hammersmith & Fulham

Cabinet

Agenda

MONDAY
29 MARCH 2010
7.00 pm

COURTYARD ROOM
HAMMERSMITH
TOWN HALL
KING STREET
LONDON W6 9JU

Membership

Councillor Stephen Greenhalgh, Leader
Councillor Nicholas Botterill, Deputy Leader (+Environment)
Councillor Paul Bristow, Cabinet Member for Residents Services
Councillor Lucy Ivimy, Cabinet Member for Housing
Councillor Mark Loveday, Cabinet Member for Strategy
Councillor Greg Smith, Cabinet Member for Crime and Street Scene
Councillor Frances Stainton, Cabinet Member for Parks, Culture and Heritage
Councillor Sarah Gore, Cabinet Member for Children's Services

Date Issued
18 March 2010

If you require further information relating to this agenda please contact: David Viles, Committee Co-ordinator, Councillors Services, tel: 020 8753 2063 or email: David.Viles@lbhf.gov.uk

Reports on the open Cabinet agenda are available on the Council's website: http://www.lbhf.gov.uk/Directory/Council_and_Democracy

DEPUTATIONS

Members of the public may submit a request for a deputation to the Cabinet on non-exempt item numbers **5-12** on this agenda using the Council's Deputation Request Form. The completed Form, to be sent to David Viles 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: Monday 22 March 2010.**

COUNCILLORS' CALL-IN TO SCRUTINY COMMITTEES

A decision list regarding items on this agenda will be published by **Wednesday 31 March 2010**. Items on the agenda may be called in to the relevant Scrutiny Committee.

The deadline for receipt of call-in requests is: **Wednesday 7 April 2010 at 3.00pm**. Decisions not called in by this date will then be deemed approved and may be implemented.

A confirmed decision list will be published after 3:00pm on **Wednesday 7 April 2010**.

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

Cabinet Agenda

29 March 2010

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<p>If a Councillor has any prejudicial or personal interest in a particular report he/she should declare the existence and nature of the interest at the commencement of the consideration of the 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 prejudicial 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, unless a dispensation has been obtained from the Standards Committee.</p> <p>Where members of the public are not allowed to be in attendance, then the Councillor with a prejudicial interest should withdraw from the meeting whilst the matter is under consideration, unless the disability has been removed by the Standards Committee.</p>	
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The Cabinet is invited to resolve, under Section 100A (4) of the Local Government Act 1972, that the public and press be excluded from the meeting during the consideration of the following items of business, on the grounds that they contain the likely disclosure of exempt information, as defined in paragraph 3 of Schedule 12A of the said Act, and that the public interest in maintaining the exemption currently outweighs the public interest in disclosing the information.

16.	EXEMPT MINUTES OF THE CABINET MEETING HELD ON 8 MARCH 2010 (E)	
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Agenda Item 1

London Borough of Hammersmith & Fulham



Cabinet

Minutes

Monday 8 March 2010

PRESENT

Councillor Stephen Greenhalgh, Leader
Councillor Paul Bristow, Cabinet Member for Residents Services
Councillor Lucy Ivimy, Cabinet Member for Housing
Councillor Mark Loveday, Cabinet Member for Strategy
Councillor Greg Smith, Cabinet Member for Crime and Street Scene
Councillor Frances Stainton, Cabinet Member for Parks, Culture and Heritage

1. MINUTES OF THE CABINET MEETING HELD ON 8 FEBRUARY 2010

1.1 RESOLVED:

That the minutes of the meeting of the Cabinet held on 8 February 2010 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

2. APOLOGIES FOR ABSENCE

2.1 Apologies for Absence were received from Councillors Nicholas Botterill and Sarah Gore.

3. DECLARATION OF INTERESTS

3.1 There were no declarations of interest.

4. THE GENERAL FUND CAPITAL PROGRAMME AND HOUSING REVENUE CAPITAL PROGRAMME AND REVENUE BUDGET 2009/10 - MONTH 8 AMENDMENTS

RESOLVED:

1. To approve the changes to the capital programme as set out in Appendix 1.
2. To approve a revenue virement totalling £757,000 as set out in Appendix 2.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

5. LBHF AND FUTURE JOBS FUND (FJF) SCHEMES

RESOLVED:

That the Council :

1. Acts as accountable body for the 'Employing Partners' third sector partnership FJF bid and enters into a contract with the Department of Work and Pensions to deliver 65 jobs, training and employment support services funded by £422,500 DWP/FJF funding for this purpose.
2. Uses 'Employing Partners' FJF funding to commission third sector agencies through service level agreements to create new jobs and employ job seekers allowance claimants (JSA) in line with FJF criteria.
3. Directly employs 80 JSA claimants as part of a second FJF scheme (West London Working) and enters into a contract with LB Ealing, accountable body for this scheme, to secure full reimbursement of £221,080 after three months employment from their agreed DWP/FJF funding.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

6. A FRAMEWORK FOR INVESTMENT IN PREVENTION AND EARLY INTERVENTION FOR ADULTS

RESOLVED:

1. To support the framework for prevention and early intervention as set out in this report, and to agree to reserve £685,000 to implement a predictive risk modelling system.
2. To award a grant of £50,000 in 2010 and £50,000 in 2011 to The Stroke Association to support strokes prevention and reablement.
3. That authority be delegated to the Director of Community Services, in conjunction with the Leader, to award grant funding of up to £685,000 over the next 3 years for the provision of a Low-Level In-Home Support Service as described in paragraph 13 of the report.
4. That expenditure on the above initiatives, totalling £1.470m, be met from PCT Health Gain funding of £0.340m and available Social Care grants of £1.130m.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

7. FULHAM COURT ESTATE IMPROVEMENT STRATEGY: PHASE 1 PHYSICAL IMPROVEMENTS, FURTHER REPORT

The meeting received a briefing note highlighting the outcome of the second stage of residents' consultation as part of the Fulham Court Estate Improvement project. The meeting was informed that residents had declared their preferred location for the combined Children's and Community Centre on Fulham Court Estate.

RESOLVED:

1. That approval be given to the implementation of a combined Children's Centre and Community Centre to be located within the boundary of Fulham Court or Barclay Close Estates (subject to any necessary statutory consents and the outcome of comprehensive resident consultation).

2. To authorise the Chief Executive of H& F Homes and the Chief Executive of the Council to finalise the location of the Centre in conjunction with the Cabinet Members for Housing and Children's Services.
3. To approve a programme of consultation with residents to evaluate the possibility of physical estate improvement.
4. To agree to earmark £4.057m of funding from the HRA Disposal Receipts over the years 2009/2013 to enable the works programme to proceed, subject to detailed resident consultation and further approval, and to agree the provisional annual budgets across the 2009/2013 years as shown in the body of the report to Cabinet on 11 January 2010 (subject to confirmation at tender approval stage) and that £0.450m of grant funding be applied regarding the provision of a Children's Centre.
5. To approve the delegation to H&F Homes of the responsibility for the development and delivery of the physical improvement programme, subject to detailed approval being sought to the final scheme from the Cabinet.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

8. FORWARD PLAN OF KEY DECISIONS

The Forward Plan was noted.

9. SUMMARY OF OPEN DECISIONS TAKEN BY THE LEADER AND CABINET MEMBERS, AND REPORTED TO CABINET FOR INFORMATION

The summary was noted.

10. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

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

interest in maintaining the exemption currently outweighs the public interest in disclosing the information.

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

11. EXEMPT MINUTES OF THE CABINET MEETING HELD ON 8 FEBRUARY 2010 (E)

RESOLVED:

That the minutes of the meeting of the Cabinet held on 8 February 2010 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

Meeting started: 7.00 pm
Meeting ended: 7.02 pm

Chairman



Report to Cabinet

29 MARCH 2010

LEADER

*Councillor Stephen
Greenhalgh
/*

**MONITORING OFFICER REPORT TO
CABINET: LOCAL OMBUDSMAN
FINDING – MALADMINISTRATION
CAUSING INJUSTICE (CASE No. 09001
262)**

**Wards:
All**

Reporting on the report and finding of the
Local Ombudsman and resultant action
taken by the Council.

Recommending that this report be adopted
as the Cabinet's and Council's formal
reponse to the Ombudsman.

CONTRIBUTORS

DCS
ADLDS
DFCS

Recommendations:

1. **That Cabinet notes the Local Government Ombudsman's report, findings and recommendations and endorses the actions already taken by officers as a result, in particular the Council's written apology, personal visit, compensation payment to the complainant and the changes in work practices.**
2. **That, on the basis of these actions, the Cabinet takes no further action in relation to the matter for the reasons set out in the report.**
3. **That this report be adopted as the Cabinet's formal response as required under s.5A of the Local Government and Housing Act 1989 and distributed to all members of the authority and the Monitoring Officer.**

- 4. That this report be adopted as the Council's formal response under s.31 of the Local Government Act 1974 and the Ombudsman be notified of the action the Council has taken.**

**MONITORING OFFICER REPORT TO CABINET: LOCAL OMBUDSMAN
FINDING – MALADMINISTRATION CAUSING INJUSTICE (CASE No. 09001
262)**

RECOMMENDATIONS

- 1 That Cabinet notes the Local Government Ombudsman's report, findings and recommendations and endorses the actions already taken by officers as a result, in particular the Council's written apology, personal visit, compensation payment to the complainant and the changes in work practices.
- 2 That, on the basis of these actions, the Cabinet takes no further action in relation to the matter for the reasons set out in the report.
- 3 That this report be adopted as the Cabinet's formal response as required under s.5A of the Local Government and Housing Act 1989 and distributed to all members of the authority and the Monitoring Officer.
- 4 That this report be adopted as the Council's formal response under s.31 of the Local Government Act 1974 and the Ombudsman be notified of the action the Council has taken.

Geoff Alltimes
CHIEF EXECUTIVE
February 2010

LOCAL GOVERNMENT OMBUDSMAN FINDING – MALADMINISTRATION AND INJUSTICE (CASE No 09001262)

The Local Government Ombudsman submitted to the Council on the 19th January 2010 a report with a finding that the complainant a homeless pregnant woman who presented to Housing Options Division as homeless in 2008, suffered maladministration and injustice. A copy of the Ombudsman's report is **attached**.

The last time the Council received an Ombudsman report on maladministration was in June 2004.

Local Government Ombudsman's report

Under s.5 of the Local Government and Housing Act 1989 the Monitoring Officer is under a duty to present a report to the Cabinet in the event of a finding of maladministration in respect of an executive function and the Cabinet is under a duty to consider that report. This report discharges that duty.

Under s.5A the Cabinet is obliged to consider the report and prepare a report which specifies:-

- (a) what action (if any) the executive has taken in response to the report;
- (b) what action if (any) the executive proposes to take and when;
- (c) the reasons for taking the action or, as the case may be, for taking no action.

As soon as practicable after the preparation of such a report, it must be sent to each member of the authority and the Monitoring Officer. These duties are reflected in the recommendations.

As required by the Act, the Head of Paid Service and the s.151 officer have been consulted in the preparation of this report.

In addition to the s.5 requirements, s.31 of the Local Government Act 1974 provides that where the Ombudsman reports that there has been maladministration, the report shall be laid before the authority concerned and that it shall be the duty of that authority to consider the report and within 3 months of the date of receipt of the report to notify the Ombudsman of the action which the authority has taken or which it proposes to take. The Ombudsman has further powers available in the event that he is dissatisfied with the authority's response.

2. SUMMARY OF THE OMBUDSMAN'S REPORT

Homelessness

Ms Kenza complains that the Council failed to give her adequate advice and assistance when she became homeless in June 2008 after she left her private rented accommodation following an incident of domestic violence on 27 May 2008. Housing officers had encouraged her to find accommodation in the private rented sector through the Direct Lettings Scheme and they did not explain that she could also make a homelessness application. She was not provided with emergency accommodation when she became homeless and says she spent four nights in June 2008 sleeping rough in a park. She also alleges that she was subjected to racial and sexual discrimination by Council officers.

2.1 OMBUDSMAN'S FINDING

Maladministration and injustice.

The standard of record-keeping by housing officers in this case was so poor that it hindered my investigation of the complaint. Officers did not consider taking a homelessness application from Ms Kenza after she left her accommodation on 4 June 2008 even though she was subsequently provided with emergency accommodation by the Council's Out of Hours Service and had told a housing officer she was homeless. The Council applied too strict a test when deciding whether it should provide Ms Kenza with temporary accommodation from 16 June 2008 by insisting she provide proof of homelessness first. The Council also failed to follow its own procedures for referring victims of domestic violence to a specialist domestic violence housing advocate for support and advice. The liaison and exchange of information between officers in the Children's Service and Housing Service about a vulnerable service-user was also ineffective.

As a result of the Council's failings, Ms Kenza was not provided with the level of support and assistance she could reasonably expect as a person who was homeless and in priority need. She was not placed in temporary accommodation while the Council carried out a full investigation of the circumstances that led to her becoming homeless.

2.2 OMBUDSMAN'S RECOMMENDATIONS

That the Council:

- apologise to Ms Kenza for its shortcomings in handling her request for housing advice and assistance;
- pay compensation of £750;

- remind officers of the need to maintain accurate and detailed records of their contact with service-users and their advisers and advocates;
- review its systems for sharing information between Children's Services (and Adult Services in relevant cases) and the Housing Service about vulnerable service-users;
- ensure that the established procedure for referring service-users to the domestic violence housing advocate are followed;
- ensure that all forms used by the Housing Service are dated and ensure that records of service-users placed in emergency accommodation by the Out of Hours Service are copied to the housing officer responsible for the case.

3. INTRODUCTION

- 3.1 This report sets out the learning and actions required as a result of a finding of maladministration and injustice against the Council.
- 3.4 Principally, the Ombudsman found that the poor standard of record-keeping by housing officers in this case hindered his investigation of the complaint. Officers did not consider taking a homelessness application from Ms K after she left her accommodation on 4 June 2008 even though she was subsequently provided with emergency accommodation by the Council's Out of Hours Service and had told a Housing Officer she was homeless. The Ombudsman believes that Housing Options applied too strict a test when deciding whether it should provide Ms K with temporary accommodation from 16 June 2008 by insisting she provide proof of homelessness first.
- 3.5 The Council also failed to follow its own procedures for referring victims of domestic violence to a specialist domestic violence housing advocate for support and advice. The liaison and exchange of information between officers dealing with Ms K in the Children's Service and Housing Service was ineffective.
- 3.6 As a result of these failings, the Ombudsman felt Ms K was not provided for a short period of time with the level of support and assistance she could reasonably expect as a person who was homeless and in priority need. She was not placed in temporary accommodation while the Council carried out an investigation of the circumstances that led to her becoming homeless.

3.7 All housing departments are managing a wider policy tension. Whilst the Department of Communities and Local Government has strongly encouraged (including setting stringent targets in reducing homelessness and the use of temporary accommodation) the housing options approach, the homelessness legislation (with its emphasis on rights and entitlements) has not caught up. The front line advisers must promote housing options in tandem with entitlements under the homeless legislation. It is a constant tension which the Housing Options Division and others have to manage.

Learning from the case

3.8 Although the case is considered to be exceptional it does present the opportunity to pause, review, take stock, learn the lessons and change practice.

3.9 The Assistant Director (Housing Options) has used the case to initiate reflection and discussion across the Division. The lessons from the case were extensively discussed at the Housing Options divisional management meeting of the 26th January and at a meeting of all housing options managers on 9th February. Each manager is now in the process of discussing the case with each of their team members. The Assistant Director has also in his weekly email to all staff in the Housing Options Division drawn out the lessons from the case.

3.10 The Housing Officer immediately involved in the case has been formally advised and guided on how he should have responded to Ms K's concerns and his future performance will be monitored.

Domestic Violence

3.11 The Ombudsman concluded that the liaison between the Advance domestic violence worker (who is funded by Housing Options and is located within the Division) and housing officers was not adequate and that the Division did not adhere to its own procedures with reference to referrals. The Ombudsman was also critical of the way in which the Housing Officer had made ambiguous statements that could easily be misconstrued or misinterpreted. Ms K reported difficulties with her partner which should have been the trigger for the Officer to probe further; instead he took the statement at face value.

3.12 Since 2008, the Division has been proactive in addressing issues of Domestic Violence and specifically it has:

- convened a domestic violence housing group to have oversight of how the Division and others such as H&F Homes and RSLs respond to cases of Domestic Violence. The Ombudsman's comments will be discussed with the Domestic Violence Housing Group at their meeting in May, with a view to ensuring that preventative measures are put in place to ensure that this situation is not repeated.

- jointly funded a Domestic Violence housing development worker to review and improve policies and procedures and ensure they are both understood and properly monitored.
- Housing Officers have been reminded to be flexible in the use of interim temporary accommodation where vulnerability is clearly evident.

Liaison with Children's Services

- 3.13 The Ombudsman found that the liaison and exchange between officers in the Children's Department and Housing Options Division was ineffective.
- 3.14 It is worth acknowledging that a considerable amount of joint work has taken place since 2008 to improve communications. Both have joint funded dedicated officer to lead on devising further sets of protocols across a range of interfaces between Housing Options, Children's Services and Adult Social Care.
- 3.15 Partly in response to the Ombudsman's report, an independently facilitated workshop between housing and social work professionals took place on 19th February 2010 to build understanding and awareness, and to facilitate more effective communication regarding case management.

Housing Options information pack

- 3.16 The Ombudsman recommended that written information on housing options be provided to homeless applicants because in the case of Ms K she appeared confused as to what her options were.
- 3.17 Managers are to progress the introduction of Housing Options information packs which will be provided to each customer while they are waiting for an interview. The packs will detail information about their housing and employment options and draw on good practice elsewhere.
- 3.18 It is anticipated that this information will be ready within the next two months.

Case recording

- 3.19 Managers and front-facing staff in the Division have started work on communications standards are now completed.
- 3.20 The Assistant Director Housing Options has directed that more robust case file audits be applied by all operational managers at supervision meetings and that heads of service undertake quarterly random case file audits.

Investigations

- 3.21 The Ombudsman also found that Housing Officers required numerous form filling by Ms K but few of these documents were signed and dated by either her or by officers, thereby hampering a clear chronology of events
- 3.22 Housing Officers have been reminded that when they require customers to declare information, or where they are providing supplementary documentary evidence, this should always be signed and dated. Managers will be vigilant in this regard when undertaking case reviews.

Conclusions

- 3.23 Since 2008, the Housing Options Division has been seeking to extend its services to non priority needs cases, including single women without children fleeing domestic violence, by developing a rent deposit guarantee scheme and progressing a programme for ex-offenders linking them to accommodation and work. In these ways, the Division is extending the support provided to people in housing need beyond the offer made by most authorities. The Division's approach to domestic violence has recently been commended by Standing Together, the Borough's Domestic violence Forum.
- 3.24 The Division has begun transforming its services via the Department of Communities and Local Government supported "enhanced housing options trailblazers (extra) programme". The Council was one of only 11 authorities selected to mentor other authorities to adopt a successful homelessness prevention and housing options approach. So far, Birmingham, Manchester, York, Barnet, and Oxford have been to visit to see the Division's approach in action. This work has become a much wider change management programme across the Division with a clear focus on making services person centred. Recently all staff have attended enhanced housing options training, along with representatives from the West London boroughs and Registered Social Landlords. Again, the focus of this intervention has been on viewing customers "in the round" and working with them in a personalised and not process-driven way. This training was very well received by staff and it is to be rolled out across West London. The training provided will help improve considerably the quality of our customer care.
- 3.25 The Housing Options Division takes the findings of the Ombudsman very seriously and has strongly committed itself to ensuring that it continues to improve its services by learning the lessons from this case.

4.0 RESPONSE TO THE LOCAL GOVERNMENT OMBUDSMAN

- 4.1 The Assistant Director Housing Options met Ms K to hand her a cheque for £750 and to offer the Council's sincere apologies on behalf of the Housing

Options Division and the Council for the lapse in the standard of service that she experienced.

- 4.2 After a thorough investigation it is clear that this was an exceptional case which is not typical of the Housing Options Division's general approach to homeless people.

5. CHIEF EXECUTIVE'S COMMENTS

- 5.1 The Chief Executive, immediately upon receipt of the Ombudsman's report, wrote directly to the complainant to convey the Council's regret and to formally apologise, which was personally delivered by the Assistant Director Housing Options when he met Ms K. Compensation has been paid. The Chief Executive will write directly to the complainant and the Local Government Ombudsman, explaining the actions already taken on new procedures and to set out the proposals in this report for redress to the complainant.

6. COMMENTS OF DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 6.1 The compensation of £750 is considered appropriate and is in line with general guidance from the Ombudsman on redress.

7. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 7.1 These are combined in the body of the report.

LOCAL GOVERNMENT ACT 2000
BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
No.1	Local Ombudsman report	Lyn Anthony Ext. 1011	Department of Finance and Corporate Services - Executive Services. Room 225 HTH

Embargoed until 00.01hrs Thurs 21 January 2010

Report

on an investigation into
complaint no 09 001 262 against
London Borough of Hammersmith and
Fulham

13 January 2010

Embargoed until 00.01hrs Thurs 21 January 2010

Investigation into complaint no 09 001 262 against London Borough of Hammersmith and Fulham

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Embargoed until 09:01hrs Thurs 21 January 2010

Report summary

Subject

Homelessness

Ms Kenza complains that the Council failed to give her adequate advice and assistance when she became homeless in June 2008 after she left her private rented accommodation following an incident of domestic violence on 27 May 2008. Housing officers had encouraged her to find accommodation in the private rented sector through the Direct Lettings Scheme and they did not explain that she could also make a homelessness application. She was not provided with emergency accommodation when she became homeless and says she spent four nights in June 2008 sleeping rough in a park. She also alleges that she was subjected to racial and sexual discrimination by Council officers.

Finding

Maladministration and injustice.

The standard of record-keeping by housing officers in this case was so poor that it hindered my investigation of the complaint. Officers did not consider taking a homelessness application from Ms Kenza after she left her accommodation on 4 June 2008 even though she was subsequently provided with emergency accommodation by the Council's Out of Hours Service and had told a housing officer she was homeless. The Council applied too strict a test when deciding whether it should provide Ms Kenza with temporary accommodation from 16 June 2008 by insisting she provide proof of homelessness first. The Council also failed to follow its own procedures for referring victims of domestic violence to a specialist domestic violence housing advocate for support and advice. The liaison and exchange of information between officers in the Children's Service and Housing Service about a vulnerable service-user was also ineffective.

As a result of the Council's failings, Ms Kenza was not provided with the level of support and assistance she could reasonably expect as a person who was homeless and in priority need. She was not placed in temporary accommodation while the Council carried out a full investigation of the circumstances that led to her becoming homeless.

Recommended remedy

The Ombudsman recommends that the Council:

- apologise to Ms Kenza for its shortcomings in handling her request for housing advice and assistance;
- pay compensation of £750;
- remind officers of the need to maintain accurate and detailed records of their contact with service-users and their advisers and advocates;
- review its systems for sharing information between Children's Services (and Adult Services in relevant cases) and the Housing Service about vulnerable service-users;
- ensure that the established procedure for referring service-users to the domestic violence housing advocate are followed;
- ensure that all forms used by the Housing Service are dated and ensure that records of service-users placed in emergency accommodation by the Out of Hours Service are copied to the housing officer responsible for the case.

Embargoed until 00.01hrs Thurs 21 January 2010

Introduction

1. Ms Kenza is a French national who came to live and work in the United Kingdom in 2005. She worked full-time in London until June 2008. She had an assured shorthold tenancy of a double room in a flat she shared with other tenants. She had applied to go on the Council's Housing Register in February 2006.
2. Ms Kenza complains that the Council failed to give her adequate advice and assistance when she became homeless in June 2008 after she left her private rented accommodation following an incident of domestic violence on 27 May 2008. Housing officers had encouraged her to find accommodation in the private rented sector through the Direct Lettings Scheme and they did not explain that she could also make a homelessness application. She was not provided with emergency accommodation when she became homeless and says she spent four nights in June 2008 sleeping rough in a park. She also alleges that she was subjected to racial and sexual discrimination by Council officers.
3. The law generally requires me to report without naming or identifying the complainant or other individuals. The names used in this report are therefore not the real names of the people involved.
4. One of the Commission's investigators has examined the relevant files. She has also interviewed Ms Kenza, her independent housing adviser and Council officers. She has considered information and case notes provided by "SUPPORT" - an independent voluntary agency which provides a 24 hour crisis support, advocacy and advice service to victims of domestic violence who live in the Borough. The agency employs a specialist domestic violence worker who is based in the Council's Housing Options and Advice team.
5. The Council, SUPPORT and Ms Razakarisoa and her housing adviser were invited to comment on the draft of this report before I wrote the conclusions. I have taken account of their comments in preparing the final text and reaching my conclusions.

Legal and administrative background

6. I have set out the relevant legal provisions and extracts from statutory guidance relating to homelessness in the Appendix attached to this report. In the Appendix I also say something about the Council's administrative arrangements and include relevant extracts from its homelessness strategy and procedures for dealing with requests for housing assistance and homelessness applications.

Investigation

Initial approach to the Housing Options & Advice Team

7. On 28 April 2008 Ms Kenza visited the Council's Housing Options and Advice team. She took with her a letter from her landlord giving notice of his intention to terminate her tenancy. The landlord's letter was dated 5 April 2008 and it gave two months' notice of his intention to terminate the tenancy on 4 June 2008. It asked Ms Kenza to vacate the premises on or before that date. The letter put her on notice that he may commence eviction proceedings if she did not leave by 4 June.
8. Ms Kenza was seven months pregnant with her first child when she visited the Housing Options and Advice team on 28 April. She had already provided the Council with proof of her pregnancy to update her Housing Register application in March 2008. She was due to stop work and go on maternity leave on 13 June. Her baby was due later that month.

Screening interview

9. Ms Kenza had an initial screening interview on 28 April with a Housing Information Officer. The adviser noted that Ms Kenza was seven months' pregnant and that her landlord had served a Notice of Seeking Possession on the grounds that the tenancy agreement did not allow children to occupy the property. The adviser made a copy of the landlord's letter and the tenancy agreement and checked Ms Kenza's passport. She asked Ms Kenza to complete a First Approach Needs Assessment and Referral Form which gave details about her personal circumstances, members of her household, immigration status, income and her accommodation history. She advised Ms Kenza to bring in proof of her eligibility because she is a French national. She booked an appointment for Ms Kenza to return on 6 May 2008 to see an Options Adviser.
10. When she completed the First Approach Needs Assessment and Referral Form on 28 April, Ms Kenza did not disclose that her husband lived with her. The tenancy agreement was in Ms Kenza's sole name. No reference was made on that form to any incidents or threats of domestic violence. When my investigator asked Ms Kenza to explain why she had not included her husband on the form, she said their relationship was breaking down and he was frequently absent for long periods visiting relatives who lived abroad. She did not really consider him to be a member of her household in the long term.

Second appointment

11. Ms Kenza returned to the Housing Options and Advice team on 6 May for her next appointment. The Options Adviser who was supposed to see her was unexpectedly absent and so a Duty Options Adviser stood in and conducted the interview. According to the officer's notes, he discussed all the options for resolving her

housing problems and Ms Kenza opted for the Direct Lettings Scheme. The notes record that Ms Kenza expressed some concern about staying in the accommodation and forcing her landlord to go to Court for a possession order. He advised her to negotiate with the landlord to seek his agreement to her remaining in the property until she found alternative accommodation through the Direct Lettings Scheme. He advised her to contact the Options Adviser to get the letter of introduction she needed for the Direct Lettings Scheme and to return again with payslips and a bank statement.

12. There is no evidence on the files to show that the Duty Options Adviser tried to contact the landlord to confirm his intention to proceed with the eviction. Nor did he write to him or to Ms Kenza to explain the legal process for obtaining possession of the property (see paragraph 15). Ms Kenza says she was told by the Duty Options Adviser that if she were to make a homelessness application she could be offered temporary accommodation "anywhere in the U.K". She says she did not want to leave London and so she felt she had no option but to register for the Direct Lettings Scheme. She says she was not given any written information about the housing options available to her or about the Direct Lettings Scheme at this interview (paragraph 6).
13. Ms Kenza says she telephoned every day from 7 May to 9 May to try to speak to the Options Adviser but he was not available. On 12 May she wrote to tell him she was waiting to receive the letter of introduction for the Direct Lettings Scheme. She said she would provide proof of her earnings and a bank statement when she received his letter. On 23 May, having heard nothing more, she telephoned again and managed to speak to the Options Adviser. He made an appointment for her to attend the office on 30 May to bring in her payslips and bank statement and to collect the Direct Lettings documents. He told my investigator that she probably did find it difficult to contact him between 6 and 23 May.

Third appointment

14. On 28 May 2008 Ms Kenza attended a police station in the Borough to report an incident of domestic violence by her husband the previous night. According to the police report, her husband assaulted her, smashed her mobile phone and prevented her from leaving the flat. He also forced her to sleep on the floor in their bedroom. Ms Kenza told the police she was concerned about her safety and the risk to her unborn child and said she no longer wanted to stay at the flat but had nowhere else to go. On the same day the Police Child Protection Team made a referral to the Council's Children's Services Contact and Assessment Team and also to SUPPORT.
15. Ms Kenza kept her appointment with the Options Adviser on 30 May. The officer checked her payslips and noted that she was eligible for Direct Lettings. He also referred her to the Shared Ownership Team. He made a brief note of the interview in the computerised case notes:

“App[licant] into office, she stated that she had problem with her husband although she initially approached cos [landlord] wants possession. App is eligible and earns well. Options include DL and shared ownership. All DL docs issued and ref to Shared Ownership Team”

Ms Kenza told my investigator that towards the end of the interview she told the Options Adviser that her husband had assaulted her two days earlier and that she had reported the incident to the police. She says she asked whether this new information would make any difference to the way her application was handled. She says the Options Adviser told her she had two choices: to pursue the “domestic violence route” which would involve referring her to a “different department” or to continue with the Direct Lettings Scheme.

16. My investigator asked the Options Adviser whether he remembers Ms Kenza telling him about the incident of domestic violence when she met him on 30 May. She also asked him to explain what he had meant when he recorded a “problem with her husband” in his case notes. He says Ms Kenza told him she had already moved out of her flat. He says she mentioned she was having problems with her husband but he understood this to be some sort of misunderstanding or disagreement. He says she said nothing to lead him to believe there had been an incident of domestic violence. He says if she had made that clear to him he would have referred her immediately to the SUPPORT domestic violence housing advocate who is based in the same office. He asked Ms Kenza if she wanted to continue with the Direct Lettings Scheme and says she agreed to do so.
17. During the 30 May interview, the Options Adviser gave Ms Kenza a letter confirming her eligibility for the Direct Lettings Scheme and a list of letting agents that participate in the Scheme. He also gave her a letter of introduction confirming that the Council would provide a rent deposit guarantee and liaise with the Benefits Service to process her Housing Benefit claim.
18. Ms Kenza says she remained in her room at the flat until 4 June 2008 because she had nowhere else to go. She says her husband was arrested by the police on 28 May and he did not return to the flat after he was released. There were no further incidents of domestic violence. According to notes made by SUPPORT, the police did not charge her husband because Ms Kenza did not want to proceed with a prosecution and there was not enough evidence to proceed without her testimony.
19. In the meantime both SUPPORT and a student social worker from the Children’s Services Contact and Assessment Team were trying to make contact with Ms Kenza to follow up the referral made to them by the Police (paragraph 13). The student social worker wrote to Ms Kenza on 30 May to invite her to meet her on 3 June 2008. Ms Kenza says she did not receive this letter until the day of the appointment and so she was not able to attend. But she called in to see the student social worker the following day instead.

Events after Ms Kenza leaves her home

20. Ms Kenza met the student social worker at her office on 4 June 2008. Her office was in the same building as the Housing Options and Advice team. The student social worker told my investigator Ms Kenza said she had to move out of her flat that day but she did not make it clear that she had nowhere to stay that night. The student social worker thought Ms Kenza might be staying temporarily with friends. When she commented on a draft version of this report, Ms Kenza said she told the student social worker she had nowhere to stay that night.
21. The student social worker says Ms Kenza did not mention her approach to the Housing Options & Advice Team in May or her recent meeting on 30 May with the Options Adviser. So the student social worker advised her to go immediately to the Housing Options Team to get advice. She told Ms Kenza the housing officer could call her if any further information was needed. Ms Kenza says she went to see the Options Adviser after her meeting with the student social worker on 4 June. She told him she had left her flat and that she was staying temporarily with a work colleague until she could find a place of her own. She says the Options Adviser told her that was fine. There is nothing in the case notes to record any contact between Ms Kenza and the Options Adviser on 4 June. When my investigator interviewed him he said would have made a note in the case records if he had seen Ms Kenza on 4 June. He has no recollection of speaking to her on this date.
22. On 5 June Ms Kenza telephoned the student social worker to say she had visited the Housing Advice & Options Team on 4 June but she had not been given any assistance. Ms Kenza says she told the student social worker that her work colleague's wife objected to her staying with them for more than one night and so she could not stay there any longer. The student social worker says Ms Kenza did not make it clear to her that she was now homeless. She understood Ms Kenza was going to stay with a friend for a few more nights. The student social worker agreed to call the Housing Advice & Options Team on Ms Kenza's behalf. She says she managed to speak to the Options Adviser. She cannot be sure whether she told him about the domestic violence incident but it is more than likely that she did. Her case notes record the telephone call but do not make it clear whether she passed on this particular piece of information. She says the Options Adviser advised her to tell Ms Kenza to stay in her flat until she was evicted by the landlord. He said that if she left before she was evicted she could be considered to be intentionally homeless. The Council would continue to help her find accommodation through the Direct Lettings scheme. The student social worker says she relayed this advice to Ms Kenza.
23. Although the case notes on the Children's Services file confirm that Ms Kenza spoke to the Options Adviser on 5 June, and some details of the conversation are recorded, there is nothing recorded on the housing file. The Options Adviser told my investigator that he does not remember speaking to Ms Kenza that day. He said he is certain he was not told about the domestic violence incident until much later.

He said the student social worker probably did call him and it “escaped his attention” to record the conversation in the case notes. He made the point that there is no concrete evidence that the student social worker told him about the domestic violence incident during her call.

24. Ms Kenza told my investigator that she was able to stay temporarily with a work colleague from 5 June until 12 June while her colleague’s sister was abroad on a short visit. On 11 June Ms Kenza contacted SUPPORT. She says she found their contact details in a booklet the police gave her when she reported the domestic violence on 28 May. SUPPORT has confirmed that Ms Kenza first made contact with them on this date.
25. On 12 June Ms Kenza had to leave her colleague’s home because the sister had returned to London and the room was no longer available. On Friday 13 June SUPPORT called the Council’s Out of Hours Service to arrange emergency housing for Ms Kenza. She was placed by the Duty Officer in bed and breakfast accommodation for the weekend (13-15 June) and told to attend the Housing Options and Advice Team on 16 June. On the form completed by the Duty Officer the reason for homelessness is recorded as “Domestic violence – abuse from husband”.
26. Ms Kenza returned to the Housing Options and Advice Team on 16 June 2008. She spoke to the Options Adviser over the internal telephone. She told him she had been placed in bed and breakfast accommodation over the weekend and was told by the Duty Officer to come in and see him. His notes record she told him she had left her rented accommodation. He advised her that she risked being found intentionally homeless. He noted that Ms Kenza had not engaged in the Direct Lettings Scheme. The Options Adviser told my investigator he was still unaware of the claim of domestic violence when Ms Kenza called him on 16 June and he had not seen the Out of Hours Service form. He says Ms Kenza seemed to have abandoned her tenancy when she had a legal right to remain there until she was evicted. Ms Kenza was placed in a different bed and breakfast hotel by the Out of Hours Service for one night on 16 June and she was told to return to the Housing Options and Advice team the following day. The booking form completed by the Out of Hours Service stated “fleeing domestic violence” as the reason for homelessness.
27. According to records sent to my investigator by the Director of SUPPORT, a member of staff tried to speak to the Options Adviser on 16 June but he was not available. She left messages for him but he did not return her calls. None of this is recorded in the housing case notes.
28. The Options Adviser told my investigator that Ms Kenza had been put on the priority list for the Direct Lettings Scheme on 30 May. Because Ms Kenza was still working at the time, he asked one of the Direct Lettings Officers to help search for a suitable property. After speaking to Ms Kenza on 16 June, he called to give her

details of a property available through the Direct Lettings Scheme in South London. Ms Kenza told my investigator that she did not want to view the property in South London because it would have been too far for her to travel to the maternity hospital in North Hammersmith. She did not want to move too far away and transfer to a new hospital at such an advanced stage in her pregnancy (she was due to give birth within the next two weeks).

29. Meanwhile, on 16 June, a caseworker at ADVANCE spoke to the domestic violence advocate based in the Housing Service to tell her about Ms Kenza's situation. The housing advocate said she would find out why Ms Kenza had not been referred to her instead of the Options Adviser. She also said she would speak to "someone in Housing" to ensure they understood that Ms Kenza was in priority need, heavily pregnant, fleeing domestic violence and had nowhere to stay. There are no records to show whether the advocate followed this up with the Options Adviser or another housing officer.
30. Ms Kenza returned to the Housing Options and Advice Team on 17 June 2008 and saw a duty officer. She said she was not interested in viewing the Direct Lettings property. Ms Kenza told my investigator that when she attended the Housing Options & Advice Team on 17 June she was expecting to see the SUPPORT domestic violence housing advocate but she was kept waiting for a very long time because the advocate was busy with other clients. In the end she was seen by the Duty Officer instead. My investigator was not able to interview the SUPPORT worker because she no longer works there and the Duty Officer was absent on long-term sick leave.
31. Before her interview with the Duty Officer on 17 June, Ms Kenza says she was asked to complete a form headed "Threatened/actual violence". On the form she wrote "I am homeless now". She stated that her husband had lived with her at the former rented accommodation for one year until 4 June 2008. She did not know his whereabouts as they had separated and she intended to divorce him. She described the incident of domestic violence that she had reported to the Police on 28 May. She said her husband had beaten her and slapped her face following an argument. She said she had seen her GP on 28 May but she sustained no injuries. On the form she gave specific dates and times when she had informed the student social worker about the incident (4 June at 4.00pm) and the Options Adviser (28 April 2008 at 2.00pm). The form does not ask the applicant to enter the date and it was not date-stamped by the Duty Officer. But Ms Kenza is certain she completed it on 17 June and handed it to the Duty Officer.
32. The Duty Officer made a brief entry recording her meeting with Ms Kenza in the computerised case notes. She made no reference to the form. According to her notes, the Duty Officer told Ms Kenza she would need to provide evidence from the people she had stayed with since she left her rented accommodation to prove she could no longer stay with them. She told Ms Kenza temporary accommodation would not be provided until she provided evidence of the addresses where she had

stayed since leaving her flat on 4 June. A SUPPORT caseworker contacted the Out of Hours Service on the evening of 17 June and was told that Ms Kenza had been put on the “do not place” list for emergency accommodation. Following further calls from the SUPPORT caseworker, Ms Kenza was booked into emergency accommodation for two nights (17-18 June) by the London Borough of Brent (her workplace was in that Borough).

33. According to SUPPORT’s case notes, one of their caseworkers spoke to the domestic violence housing advocate based in the Housing Service on 17 June after Ms Kenza’s visit. The advocate repeated the Council’s position that Ms Kenza had made herself intentionally homeless by leaving her flat and that she would need to provide proof that she could not stay any longer with her friends in order to show she was homeless. It is not clear from the case notes whether the housing advocate had obtained this information from reading the computerised case notes or whether she had discussed the case with the Options Adviser.
34. The Options Adviser, who was the case officer at the time, says he never saw the form giving details of the domestic violence incident. He says it is likely the form was handed to reception staff and it would not necessarily have been passed on to him. He says he knew nothing about the claim of domestic violence until he received a call from a worker at SUPPORT on 8 August 2008. It seems that no further enquiries were made into the domestic violence report at this time.
35. On the afternoon of 19 June a SUPPORT worker spoke to the Options Adviser. This is confirmed by SUPPORT’s case notes but no record was made of this contact by the Options Adviser in the housing case notes. According to the notes provided by SUPPORT, the Options Adviser said Ms Kenza had not presented with domestic violence issues at the time she first approached Housing and if she was now saying there had been an incident of domestic violence he would need to refer her to the specialist domestic violence housing advocate. The SUPPORT caseworker asked the Options Adviser if Ms Kenza could be placed in accommodation while further information was sought but he refused to do this. He said he needed to see a copy of the tenancy agreements for the people she had stayed with since she left her rented accommodation on 4 June in order to check their signatures. In his interview with my investigator, the Options Adviser said he was not aware of the domestic violence claim until 8 August 2008 (paragraph 36). When my investigator pointed out that this conflicted with evidence given to her by SUPPORT and asked him to comment, he said he probably did speak to the SUPPORT worker. He said he would have referred the case to the SUPPORT domestic violence advocate in the team if he had been told on 19 June about the incident on 28 May.
36. SUPPORT tried to find Ms Kenza a place in a women’s refuge. But Ms Kenza did not want to accept the offer of a place in an East London refuge on the grounds that it was too far for her to travel to the hospital in North Hammersmith where she was shortly due to give birth.

37. Ms Kenza told my investigator she had nowhere to stay for four nights from 19 June to 22 June. She says SUPPORT staff were unable to find her emergency accommodation and she had no friends or relatives who could accommodate her. She says she spent those four nights sleeping rough in a large central London park. The ADVANCE case notes record telephone conversations the caseworker had with Ms Kenza and worker in a women's refuge in South East London on 19 June 2008. A place was available for Ms Kenza that day in the refuge but, according to the case notes, she refused it because the rent was too high and she did not think Housing Benefit would cover the full charge.
38. The Council's Complaints Officer told my investigator he contacted a senior manager for the Royal Parks to ask his opinion about whether someone could sleep in the park without being detected. He was told that it is highly unlikely that a person could sleep in the park for three nights without being detected as the park is regularly patrolled and the gates are locked at night. When she was asked to provide more details, Ms Kenza said she had no way of proving she slept rough in the park because the only people she encountered in the park were homeless men who had been drinking. But she says she entered the park around 6.15pm in the evening before the gates locked for the night at 9.30pm. She found a park bench in a secluded area in a flower garden and spent the night there. She returned to the park recently to take photographs of the entrance gates, opening hours and the place where she says she spent the night. During the day she went to a nearby shopping street to buy food and she used washroom facilities at a fast food restaurant. She says she got very little sleep because she was cold and felt too scared to sleep. She says she did not see any police officers, security patrols or outreach workers on the nights she spent in the park. Ms Kenza's adviser has also drawn my attention to the fact that Ms Kenza said she had been sleeping in a park in her first letter of complaint to the Council. Ms Kenza said she went to an internet café on 21 June to type this letter.

Ms Kenza leaves England

39. On 23 June Ms Kenza's brother, who lives in France, came to London and took her back to France to stay with him. Her baby was born on 25 June. Ms Kenza says she stayed in France until 11 August 2008.
40. Meanwhile staff at SUPPORT did not know that Ms Kenza had gone abroad and so they made unsuccessful attempts to contact her in late June. The student social worker also tried to contact her by telephone and email during July and August. On 24 July the Options Adviser recorded that Ms Kenza's whereabouts were unknown but she was still not co-operating with viewing properties through the Direct Lettings Scheme.
41. On 8 July 2008 the Options Adviser entered some notes to update the case records. He wrote:

“Client claims DV in the past and contacted [SUPPORT]. SUPPORT advised to contact [domestic violence housing advocate] if DV is reason for homelessness. I spoke with [domestic violence housing advocate] and it seems client was offered women refuge. Although need to confirm this info....”

My investigator asked the Options Adviser what had prompted him to update his notes on 8 July 2008. He suggested that this date was wrong and he did not enter these notes on the system until 8 August 2008. (But subsequent enquiries by my investigator confirmed that there was no error and the entry was made on 8 July). The Options Adviser says he thinks he received a call from a member of staff at SUPPORT around this time and that was when he first became aware of Ms Kenza's claim to have suffered domestic violence. So he informed the SUPPORT domestic violence housing advocate but he is not sure what action she then took to investigate the case.

Ms Kenza returns to England

42. Ms Kenza says that while she was in France she saw an advertisement on a French website to stay in a flat in South London while the owners were on holiday over the summer. She says she returned to the U.K with her baby daughter on 16 August 2008 and remained in the flat until the owners returned on 10 September 2008.
43. Ms Kenza visited the student social worker on 3 September 2008. She explained that she needed to know the outcome of her housing complaint and that she and her daughter would soon be homeless. The student social worker called the Options Adviser later the same day. He told the student social worker that Ms Kenza would need to bring in proof that she had been staying at the owners' flat and a letter confirming she could no longer stay there. She could then be placed in temporary accommodation.
44. On 10 September 2008 Ms Kenza and her baby became homeless. She contacted the Council's Out of Hours Service that evening and was booked into emergency bed and breakfast accommodation. According to the notes made by the duty officer at the Out of Hours Service, she said she was homeless because she had been evicted from her former rented accommodation in June 2008. Ms Kenza was told to attend the Housing Options and Advice team the following day.
45. Ms Kenza says the owner of the flat was very reluctant to provide a letter confirming she could no longer stay there. By the time she obtained the letter and travelled to the Housing Options office it was very late in the afternoon and so she was booked into emergency accommodation for the night.
46. Ms Kenza returned to the Housing Options office on 12 September 2008. She attended the interview with the student social worker because she was concerned about seeing the Options Adviser again. She provided a letter from the owner of

the flat where she had stayed over the summer and a bank statement as proof of his address. The Options Adviser authorised temporary accommodation for Ms Kenza and her baby.

47. Ms Kenza was booked into accommodation in one of the Council's hostels from 12 September 2008. On 22 September her case was allocated to an officer in the Applications Team and on 6 October she arranged to interview Ms Kenza and take a full homelessness application. The Council subsequently accepted that Ms Kenza was homeless, eligible for assistance, in priority need and not intentionally homeless. It accepted it owed her the main housing duty under Part 7 of the Housing Act 1996. Ms Kenza was then offered self-contained temporary accommodation in the Borough on 10 December 2008 where she still lives. Ms Kenza is making bids for permanent accommodation through the Locata choice-based lettings scheme.

Ms Kenza's complaint

48. Miss Kenza also pursued a complaint through all three stages of the Council's corporate complaints procedure between June 2008 and February 2009. Her housing adviser made written representations at Stage 3 of the complaints procedure. The Council partially upheld her complaint in that it accepted she had received a "disjointed service" and the Stage 3 investigating officer accepted that record-keeping was not adequate. But the Council did not accept that it had breached any duties it owed Ms Kenza under Part 7 of the Housing Act 1996. Nor did the Council find evidence to support Ms Kenza's claim that she had been the subject of race and sex discrimination.
49. Ms Kenza says she has no complaint about the Council's actions after it accepted a duty to arrange temporary accommodation for her on 12 September 2008.
50. My investigator asked Ms Kenza what led her to believe she was the subject of race and sex discrimination. In particular she asked if there had been any specific incidents when Council officers had said or done something which indicated she was being treated less favourably than other housing clients on the grounds of her race or gender. She responded that housing officers' treatment of clients overall was very poor and very unfair. She had often been kept waiting for a long time when she visited the office. She was at an advanced stage in her pregnancy and this caused her considerable inconvenience and discomfort. She even had to miss lunch on one occasion. She felt very upset by the way she was treated. She does not feel she was singled out for poor treatment and she noticed that other clients had similar experiences. When she sent comments on the draft of this report, Ms Kenza said she had observed black clients, black African clients and single mothers were treated badly by officers and she received similar treatment. She feels she deserves an apology for the way she was treated and the fact that she had to sleep rough for four nights. But no apology has been offered. She would also like the Council to accept that things went wrong, put them right and

encourage officers to treat service-users with more respect and consideration in future.

51. My investigator asked the Options Adviser to respond to these allegations. He said this made him very cross and he strongly refutes them. He says the last time he met Ms Kenza on 12 September they were on friendly terms. He says he never encountered any difficulties in his dealings with Ms Kenza and she was never aggressive. He was very surprised to hear that she had made these allegations.
52. In its comments on the draft of this report, the Council questioned Ms Kenza's credibility as a witness and pointed to certain inconsistencies in the statements she made when she pursued the complaint with the Council and with me. I accept there are some inconsistencies and omissions in her evidence. But I have also taken into account that English is not Ms Kenza's first language and she was not familiar with the process for making a homelessness application or the roles and responsibilities of different Council services. She had not lived in the U.K for very long and she had no relatives here. She claimed to have suffered domestic violence shortly before she was due to give birth to her first child. In such difficult and stressful circumstances, I am not surprised that she sometimes failed to mention certain facts which the Council considered were significant and relevant to her application.

Conclusion

53. My investigation of this complaint has been hindered by the poor record-keeping in this case. It has not been possible to resolve some conflicts in the evidence because of the absence of detailed contemporaneous notes recording housing officers' contact with Ms Kenza, SUPPORT caseworkers and other professionals. Significant calls from the student social worker and SUPPORT caseworkers went unrecorded on the housing files. My investigator had to piece together the sequence of events by looking at records held by a third party – ADVANCE – and the file held by Children's Services. I understand that housing officers work in a highly pressurised environment but it is vital they maintain accurate records of contact with service-users and the advisers and professionals who support them. I am glad the Council recognised there was unacceptably poor practice in this case when it investigated Ms Kenza's complaint at Stage 3 of its complaints procedure and that it has made recommendations for remedial steps. In my view the standard of record-keeping in this case fell so far below acceptable standards that it amounts to maladministration.
54. I see no evidence of fault in the way housing officers advised Ms Kenza and handled her case in the period leading up to 4 June 2008. Although her landlord had served her with a Notice to Quit which expired on 4 June 2008, Ms Kenza had the legal right to remain in occupation at the flat until such time as the landlord obtained a Possession Order and a warrant for eviction. So, when she was interviewed by the Options Adviser on 30 May 2008, she was not "threatened with homelessness" in the strict legal sense because she was not likely to become

homeless within the next 28 days. In these circumstances, I see nothing wrong with the Council's proposal that they should try to find her alternative accommodation in the private rented sector through the Direct Lettings Scheme. Ms Kenza seems to have agreed to this proposal.

55. There is still an unresolved conflict in the evidence given by Ms Kenza and the Housing Options Adviser about whether she told him during the interview on 30 May 2008 that she had been a victim of domestic violence at the flat two days earlier. The Options Adviser is adamant that Ms Kenza did not refer to domestic violence during this interview. Ms Kenza is equally certain that she did tell him about the incident on 28 May. The Options Adviser's note of the meeting simply refers to the fact that she had "problems with her husband" which is open to different interpretations. When he was interviewed by my investigator, the Options Adviser said he understood that her "problems with her husband" were nothing more than a simple misunderstanding or marital disagreement. But I am puzzled why the Options Adviser felt it necessary to record this comment in his notes if he considered it was insignificant and not particularly relevant to her housing situation. Despite these doubts, I cannot conclude, on the balance of probabilities, that Ms Kenza definitely told him about the domestic violence during the interview on 30 May. Again, the ambiguous entry in the case notes highlights the importance of officers making clear and accurate notes on the case file. If I had concluded that the domestic violence incident had been mentioned by Ms Kenza during this interview, I would certainly have expected the Options Adviser to have referred Ms Kenza immediately to the SUPPORT domestic violence housing advocate.
56. Until 4 June 2008 the Council's approach had been to try to meet Ms Kenza's need for new accommodation through the Direct Lettings Scheme. But, on 4 June 2008, Ms Kenza left her flat and surrendered her tenancy. She then became homeless and stayed for short periods with colleagues.
57. There is still some doubt about when the Council first became aware that Ms Kenza had left her flat. Ms Kenza says she told the student social worker and the Options Adviser that she had nowhere to stay when she spoke to them on 4 and 5 June 2008. But they do not think she made this clear to them at the time and the student social worker believed she was able to continue staying with friends. Certainly by 16 June 2008 the Council knew that Ms Kenza had left her flat because the Out of Hours Service had placed her in emergency accommodation over the weekend and Ms Kenza told the Options Adviser on 16 June that she had left her flat and had nowhere to stay. On 17 June Ms Kenza visited the office again and wrote on the form "I am homeless now". By making that statement on the Council's form, she was in effect making a homelessness application (it does not need to be made on a prescribed form).
58. This was a significant change in her circumstances which should have led the Council to pause, take stock of the situation and consider how to address her immediate housing needs. The advice given to local authorities in Chapter 2 of the

Homelessness Code of Guidance (Appendix, paragraph 8) and the guidance published by the Department for Communities and Local Government (Appendix paragraphs 14-15) supports my view. It stresses that a Part 7 homelessness application should be initiated where circumstances change from potential to actual or threatened homelessness. In my view, the Council should have considered at this stage whether it had reason to believe Ms Kenza may have been homeless and in priority need and whether this triggered its duty to provide temporary accommodation while it investigated her homelessness application. Housing officers asserted to the SUPPORT caseworker and the student social worker that, by ignoring their advice to remain in her flat and voluntarily leaving the property before she was evicted, Ms Kenza had made herself intentionally homeless. They also stated that she had to provide some evidence or proof from her hosts that she was homeless before it could place her in temporary accommodation. But in my view those statements reveal a fundamental misunderstanding of the low threshold set by section 188. All councils need is "a reason to believe that an applicant may be homeless, eligible for assistance and have a priority need". The applicant does not need to prove homelessness before the Council secures temporary accommodation, nor is intentional homelessness a relevant consideration at this stage. It is sufficient for the Council to have "reason to believe" an applicant "may" be homeless. More detailed inquiries about the circumstances in which the applicant left their last settled accommodation can be made at a later stage when the homelessness application is being investigated. Accordingly I consider the Council's duty to provide temporary accommodation under section 188 was triggered by the information Ms Kenza gave the Council on 16 June 2008. In my view its failure to recognise that it owed Ms Kenza this duty amounts to maladministration.

59. What were the consequences for Ms Kenza? If the Council had acted on the information she provided on 16 June 2008, I believe it would have secured some temporary accommodation for her from that night. She would then have been able to remain in temporary accommodation while the Council made further inquiries into her homelessness application and reached a decision about whether it owed her the full housing duty. She would not have needed to contact SUPPORT again and she would have been spared the disruption and upheaval of moving into emergency accommodation in Brent from 17-18 June as well as making further visits to the housing office on 17 June. The provision of temporary accommodation would have alleviated the stress she experienced in the weeks leading up to the birth of her baby.
60. Would she also have been spared the experience of sleeping rough for four nights in a park from 19-22 June? The Council has expressed some scepticism about Ms Kenza's claim that she slept rough for four nights. I accept there is no evidence to corroborate her statement that this happened. But, equally, there is no evidence to disprove it. I have noted the comments made to the Complaints Officer by a senior manager in the Royal Parks about regular security patrols in the park at

night. But he is expressing his opinion and it is not conclusive evidence. It is not inconceivable that someone could enter a large London park during opening hours, find a secluded spot before the gates are locked for the night and avoid detection. However, I cannot disregard the fact that Ms Kenza turned down the opportunity to stay in a women's refuge in South East London from the night of 19 June and she slept rough instead. Although I understand she had a strong preference to remain in West London near the hospital where she was due to have her baby, and she had concerns about whether she could afford to pay the accommodation charge at the refuge, I consider she could have mitigated the situation by accepting a place in the refuge as a short-term solution. She had the option of having a roof over her head on the night of 19 June but she chose not to take it and slept rough instead. For this reason I feel it would be unfair to ask the Council to pay substantial compensation for the four nights she says she slept in the park from 19 to 22 June 2008.

61. There is still some doubt about when Ms Kenza first told the Options Adviser that she had been the victim of domestic violence. The referral made by the police to Children's Services on 29 May 2008 was triggered by Ms Kenza's report of the incident of domestic violence on 28 May 2008. The referral form gave detailed information about the allegations of domestic violence. So that information was in the Council's possession by 29 May. It seems to me that this information should have been shared with the Options Adviser soon after Ms Kenza first met the student social worker on 4 June. If that had happened, it seems likely that the case would have been referred then to the specialist domestic violence housing advocate and events may have taken a very different course. The evidence from SUPPORT strongly indicates that the Options Adviser was made aware of the domestic violence issue long before he updated the case notes on 8 July 2008. The earliest date for which documented evidence exists is 19 June 2008 when a SUPPORT caseworker spoke to him. That raises the question as to why he did not make a referral to the specialist domestic violence advocate then.
62. This investigation clearly demonstrates the need for effective liaison and information-sharing between different services within the Council. Although Children's Services and the Housing Service were located in the same building, they seem to have operated as silos and officers did not share relevant information with each other. In order to provide a more effective service to clients, I recommend that officers in both services review ways of improving information-sharing in cases that involve vulnerable adults and children. The burden should not be placed on vulnerable and distressed clients to have to repeat information to housing officers that is already in the possession of another Council service. I also consider that information recorded by the Out of Hours Service when they book clients into emergency accommodation should be copied to the housing officer who is dealing with the case. The Options Adviser says he did not see the forms completed by staff on the Out of Hours Service when they booked Ms Kenza into

accommodation. These forms included relevant information which should have been made available to him.

63. Finally, I have considered Ms Kenza's claim that she was discriminated against by housing officers because of her race and sex. Ms Kenza says she observed black service-users and single mothers being treated less favourably by officers when she attended the Housing Centre. She identifies herself with these two groups and her perception is that she was also treated less favourably. I am sure it must be very frustrating to be kept waiting a long time to see a duty housing officer, particularly when you are in the final stages of pregnancy. I also recognise that Ms Kenza had difficulties in getting through to the Options Adviser when she tried to call him. But, in the absence of any specific incident or comment made by an officer, it is difficult for me to uphold this part of the complaint and conclude that Ms Kenza was singled out for less favourable treatment than other service-users because of her race or sex.
64. To sum up, I have found the following maladministration in the Council's handling of Ms Kenza's case:
- the poor standard of record-keeping and the unreliable case notes;
 - the failure to consider taking a homelessness application after she left her accommodation on 4 June 2008, was accommodated by the Out of Hours Service over the weekend of 13-15 June and told officers she was homeless on 16 June;
 - the failure to provide temporary accommodation from the night of 16 June 2008. Ms Kenza was expected to provide proof of homelessness from her hosts before the Council would consider whether it had a duty to provide accommodation. The Code makes it clear to authorities that "having reason to believe" a person may be homeless is a much lower test than "being satisfied" and so there is no need for an applicant to first produce "proof" of homelessness for the section 188 accommodation duty to be triggered ;
 - the failure to follow its procedures for dealing with victims of domestic violence by not referring Ms Kenza to the SUPPORT domestic violence housing advocate after she had informed the Options Adviser about the incident of domestic violence. In my view the fact that she was already in contact with other SUPPORT staff based elsewhere is not a sufficient excuse;
 - the ineffective liaison and exchange of information between Children's Services and the Housing Service about the needs of a vulnerable service-user;

I consider Ms Kenza suffered some injustice because she was not provided with the level of support and assistance she could reasonably expect as a person who was homeless and in priority need. She was not placed in temporary accommodation while the Council investigated the circumstances that led to her homelessness.

65. To remedy this complaint, the Council should:

- remind all housing officers of the need to maintain accurate and detailed notes of their contact with service-users and their advisers and advocates;
- remind officers that all forms completed by service-users must be dated;
- review its systems for sharing information between Children's Services (and Adult Services in relevant cases) and the Housing Service about vulnerable clients (including the need to obtain consent from the service-user);
- ensure that records of placements made by staff from the Out of Hours Service are copied to the housing officers who are dealing with the case;
- accept that responsibility for making referrals to the domestic violence housing advocate rests with the officers in the Housing Service, even where the service-user already has an adviser or advocate, and ensure that the established referral procedures are followed;
- apologise to Ms Kenza for its shortcomings in handling her request for housing advice and assistance;
- pay Ms Kenza £750 compensation to recognise her time and trouble in pursuing the complaint and the stress and inconvenience she suffered due to its failure to secure temporary accommodation for her from 16 June 2008.

Embargoed until 00:01hrs Thurs 21 January 2010

**Tony Redmond
Local Government Ombudsman
10th Floor
Millbank Tower
Millbank
London SW1P 4QP**

13 January 2010

Embargoed until 00.01hrs Thurs 21 January 2010

APPENDIX

Legal and Administrative Background

1. The law relating to homelessness is set out in Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002). Under section 175 a person is homeless if he or she has no accommodation available in the UK or elsewhere which is available for his or her occupation and which he or she has a legal right to occupy.
2. Section 175 (3) of the Act states that a person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him or her to continue to occupy. It is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to domestic violence or other violence against him.¹ For the purposes of this section 'violence' means violence or threats of violence from another person which are likely to be carried out.²
3. A person is threatened with homelessness if it is likely that he will become homeless within 28 days.³
4. Section 184(1) of the Housing Act 1996 states that "If the local housing authority have reason to believe that an applicant may be homeless or threatened with homelessness, they shall make such inquiries as are necessary to satisfy themselves (a) whether he is eligible for assistance, and (b) if so, whether any duty, and if so what duty, is owed to him under the following provisions of this Part."
5. Section 188(1) of the Act states that "If the local housing authority have reason to believe that an applicant may be homeless, eligible for assistance and have a priority need, they shall secure that accommodation is available for his occupation pending a decision as to the duty (if any) owed to him under the following provisions of this Part."
6. Nationals of European Union states who meet qualifying conditions as "workers" are eligible for housing assistance under Part 7 of the Act. Pregnant women and households with dependent children are included in the "priority need" groups under the homelessness provisions in Part 7.
7. Section 182(1) of the Act says that councils must have regard to guidance given by the Secretary of State when carrying out their functions relating to homelessness and the prevention of homelessness. At the time of the events of this complaint, the relevant guidance was published as the Homelessness Code of Guidance for Local Authorities.

¹ Housing Act 1996, s.177(1)

² Housing Act 1996, s.177(1A)

³ Housing Act 1996, s.177(4)

8. Chapter 2 of the Code recognises that prevention of homelessness is a key strategic aim, but warns:

“Housing authorities are reminded that they must not avoid their obligations under Part 7 of the 1996 Act (including the duty to make inquiries under s.184, if they have reason to believe that an applicant may be homeless or threatened with homelessness), but it is open to them to suggest alternative solutions in cases of potential homelessness where these would be appropriate and acceptable to the applicant.”

9. The Homelessness Act 2002 introduced a new requirement for councils to carry out a homelessness review and publish a homelessness strategy based on that review by 31 July 2003⁴. Councils must take the homelessness strategy into account when carrying out their housing functions.

10. The Council’s homelessness strategy for 2005-2008 included a section headed: “Developing choice and alternatives for the homeless” It says⁵:

“It is important from the outset people are aware of the choices available to them and the housing options that they have. The borough will provide information on what options are available and will be clear about the advantages and disadvantages of each. In this way we hope to develop services that enable people to make some degree of choice in their housing situation.”

Among other pledges it undertook to:

- develop a full housing options information pack for households threatened with homelessness;
- improve services for survivors of domestic violence by working in partnership with the domestic violence co-ordinator and [“SUPPORT” a domestic violence advocacy organisation] to ensure that all women who are suffering domestic violence can be assisted to stay at home where it is their choice to do so...”

The Council also set a target to reduce the use of temporary accommodation by 30% by 2008.

11. The Homelessness Act 2002 marked a substantial shift in the culture of homelessness work in local authorities, encouraging them to focus more on prevention. Homelessness prevention involves early intervention to provide advice

⁴ Homelessness Act 2002, s.1(1)

⁵ Homelessness Strategy 2005-2008, paragraph 5.2

and support to households at risk of homelessness to enable them to remain in their home. It may involve negotiations with landlords to try to maintain an existing tenancy or arranging mediation between parents and a young person with the aim of enabling them to stay in the family home.

12. The Department for Communities and Local Government (DCLG) expects local housing authorities to work towards some specific homelessness prevention objectives, including reducing the number of households accepted as homeless. DCLG introduced a national target to halve the total number of households placed in temporary accommodation between 2005 and 2010.
13. The 'housing options approach' underpins the new homelessness prevention agenda. All new applicants for housing assistance or advice are offered an initial interview. The aim of this "screening" interview is to discuss practical steps that can be taken to avert homelessness by securing their existing accommodation or, failing that, to examine all possible routes to access a new tenancy.
14. In June 2006 DCLG published guidance for local authorities⁶. One of the key messages for authorities engaged in homelessness prevention work is to:

"Ensure that a requirement to participate in a 'housing options' interview does not act as a barrier preventing or discouraging homeless people from seeking help – and does not prevent or delay necessary enquiries if there is reason to believe they are homeless."

15. The guidance continues:

"In accordance with the legislation, where the housing officer has reason to believe that an applicant may be homeless or threatened with homelessness, a formal Housing Act Part VII assessment is initiated. Under the housing options approach, the procedure for households likely to be eligible and in priority need for homelessness assistance is now therefore likely to be operated as a two-stage process, with options and prevention considered first, but with safeguards in place where a person is eligible for and requires assistance under the homelessness legislation. Where a Part VII assessment is triggered through a housing options interview, for example in cases of threatened homelessness, all possible measures to prevent actual homelessness should be undertaken in parallel with this."

16. The guidance also makes it clear that the housing options interview should not act as a barrier to a statutory homelessness assessment:

"It is ... important that this process improves outcomes and does not unduly delay a statutory homelessness assessment if this is

⁶ DCLG "Homelessness Prevention: a guide to good practice"

necessary. It is also important that it is inspired by a desire to improve the help on offer, and not by a 'gatekeeping' mentality – i.e where the process is seen primarily as a device to prevent or discourage people from seeking housing assistance. The housing options approach should never replace or delay a statutory homelessness assessment where the authority have reason to believe that someone is homeless or threatened with homelessness.”⁷

Administrative arrangements and operational procedures in Hammersmith and Fulham

17. The Council has an Operational Procedures Manual for staff in the Housing Options and Advice team. The first point of contact for all visitors and telephone callers who are already homeless, or those who are at risk of losing their accommodation, is a screening interview with a Housing Information Officer (CIA), who will gather basic details about the applicant's circumstances and their reasons for approaching the Council for assistance. The CIA photocopies available evidence about the applicant's eligibility (immigration status), priority need status and current accommodation. The CIA will advise the applicant what additional documentary evidence needs to be produced at the next interview. The manual differentiates between options available to all applicants, options available only to those who seem to be in priority need and options where there is no evidence of priority need. The manual states:

“CIAs will be able to refer clients to the Housing Advice and Assessment casework teams. If after screening, they are satisfied that the applicant:

- Is homeless, threatened with homelessness, or has an identifiable housing need such that it might not be reasonable for them to remain in their existing accommodation, and
- Is (or may be) eligible for assistance, and
- Has (or may have) a priority need for accommodation

[...]

Referrals to Housing Options and Advice (HOA) casework teams will be made for clients where the Council may have a duty to provide housing, but further investigation is required, and where more complex housing advice and/or interventions are needed.”

There is a relatively low threshold for referral to the HOA casework teams, and as long as the screeners are satisfied that

⁷ Ibid, paragraph 2.11

the person has housing needs and is not clearly ineligible, a referral for casework will usually be made.”

18. The HOA families’ team deals with households which include dependent children or a pregnant woman. A specialist domestic violence worker, employed by SUPPORT is based in this team (paragraph 4). All applicants who tell the CIA during the screening interview that they have suffered domestic violence and who are in priority need should be referred to the specialist domestic violence worker.
19. The Council has produced guidance to assist officers engaged in homelessness prevention and housing options casework with families. It deals with the most common causes of homelessness and sets out the approach to be taken. In the section: “End of Assured Shorthold Tenancy” it says the starting point is to accept the limitations of the tenant’s position as there is only limited security of tenure and a landlord who is determined to regain possession is likely to be successful. It says advisers should contact the landlord at the earliest possible opportunity to establish if the intention to seek possession is genuine and rule out any element of collusion between landlord and tenant. If the landlord is determined to pursue a claim for possession the adviser must write to both landlord and tenant explaining the legal process for obtaining a possession order and a warrant for bailiffs to carry out the eviction. The letter should also explain that temporary accommodation will usually not be offered to the tenant until the landlord has obtained a Court order and a bailiff’s warrant. Tenants should be registered for the Direct Lettings Scheme at an early stage to give them every opportunity to find alternative accommodation before the landlord starts proceedings.
20. The Council’s guidance sets out the approach to take in cases where the applicant has fled domestic violence. It says the Council has a “believing approach” to allegations of domestic violence which means its starting point is to assume that the woman is telling the truth. But it goes on to say that does not absolve the Council of its legal duty to make enquiries to try to establish the facts. It says advisers should, wherever appropriate, refer the applicant to SUPPORT (paragraph 6). It says that if an applicant is unable to return home, the Council should provide emergency temporary accommodation as well as exploring the possibility of finding alternative accommodation through the Direct Lettings Scheme.
21. The Council’s Direct Lettings Scheme is available to applicants in housing need who are eligible for assistance and in priority need. It provides an opportunity to find accommodation in the private rented sector with assistance from the Council. The Council pays the landlord a deposit (equivalent to one month’s rent) which is refundable to the tenant at the end of the tenancy. The Council supports the applicant’s application for Housing Benefit to ensure the claim is processed quickly. The caseworker will provide a letter of introduction for the landlord or letting agent and a directory of properties. The applicant then calls the landlord or lettings agent

to arrange viewings of selected properties. The direct lettings officer will support the applicant with the search for a suitable property.

Embargoed until 00.01hrs Thurs 21 January 2010



Cabinet

29 MARCH 2010

LEADER

Councillor Stephen Greenhalgh

THE GENERAL FUND CAPITAL PROGRAMME AND REVENUE PROGRAMME 2009/10 – MONTH 9 AMENDMENTS

**Wards
All**

The purpose of this report is to seek approval for changes to the Capital Programme and the Revenue Budget.

CONTRIBUTORS

All Departments

Recommendations:

That approval be given to:

<p>HAS A PEIA BEEN COMPLETED? YES</p>
--

- a) **the the changes to the capital programme as set out in Appendix 1 to this report;**
- b) **a revenue virement totalling £2,672,000 as set out in Appendix 2 to this report;**
- c) **authorising the Director of Finance and Corporate Services to action other virements and to make appropriate adjustments to departmental revenue estimates in order to assist in closing the 2009/10 accounts.**

1. SUMMARY

- 1.1 This report sets out proposed amendments to both Capital and Revenue Estimates as at month 9.

2. GENERAL FUND CAPITAL PROGRAMME

- 2.1 Table 1 summarises the proposed amendments to the 2009/10 General Fund capital programme.

Table 1 – Summary of Proposed Amendments to the General Fund Capital Programme.

	£'000 Mainstream	£'000 Scheme Specific	£'000 Overall
Last Reported Budget	14,130	30,646	44,776
Net Additions/(Reductions)	110	(157)	(47)
Expenditure slippage (to)/from future years.	(2,400)	(98)	(2,498)
Updated Budget (Month 9)	11,840	30,391	42,231

- 2.2 The requested changes are listed in Appendix 1 and put forward to Cabinet for approval.
- 2.3 The net reduction of £0.047m relates mainly to:-

Community Services (Net decrease of £0.313m) – mainly due to reduced NDC funding on Social Enterprise Legacy (£0.150m) and Sports and Health Initiatives (£0.160m).

Environment Services (Net increase of £0.098m) – mainly due to increased grant allocation of £0.430m in respect of West London Decent Homes and Empty Properties Initiatives. This is offset by a reduction of £0.149m contribution from TFL in respect of Bus Priority schemes, Section 106 contribution of £0.090m in respect of works to the Grand Union Canal.

Residents Services (Net increase of £0.107m) – An increase in mainstream expenditure in respect of a retention payment for Janet Adegoke pools.

- 2.4 The net slippage of £2.498m relates largely to the contingency provision of £2.4m. This sum is unlikely to be drawn down in the current year.

3. HOUSING REVENUE ACCOUNT CAPITAL PROGRAMME

- 3.1 There are no budget adjustments reported in this period.

4. REVENUE BUDGET ADJUSTMENTS

4.1 Cabinet is required to approve all budget virements that exceed £100,000. At month 9, approval is requested for eight virements totalling £2,672,000. The virement requests are set out in Appendix 2 and summarised below:

Transfer of Budgets between Departments

- Realignment of budgets to match capital charges, due to asset valuations and other capital adjustments – transfer from Centrally Managed Budgets to other service areas.
- 3rd Sector voluntary grant arrangements; funding of departmental arrangements via the SLA mechanism – transfer from Community Services to the other departmental service areas.
- SLA adjustment (Private Housing adaptations) due to Direction of Travel - transfer from Community Services to Environment Services.
- Funding of write offs funded from one-off Earmarked reserve contributions (i.e. No Recourse to Public Funding reserve and the Continuing Care reserve) – transfer from Centrally Managed Budgets to Community Services.
- To fund IT projects via drawdown of IT reserves – transfer from Centrally Managed Budget to Environment Services.
- Budget provision made to meet to meet budget pressures – transfer from Centrally Managed Budgets to Residents Services.
- Budget transfer to fund the backfilling on the Trent project (this replaces the resources used for Single Status and Terms and Conditions data analysis) – transfer from Centrally Managed Budgets to Finance and Corporate Services.
- Budget for the administration of parking services – transfer from Environment Services to Finance and Corporate Services.

The above transfer is moving resources from one budgetary head to another without changing the purpose for which the budgetary allocations were made.

4.2 Virements below £50,000 are subject to approval by the Director of Finance whilst virements from £50,000 to £100,000 require a Cabinet Member decision.

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS**

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department
1.	Revenue Monitoring Documents	James Arthur Ext. 2562	Corporate Finance Room 5 , Town Hall
2.	Capital Monitoring Documents	Isaac Egberedu Ext. 2503	Corporate Finance Room 5, Town Hall

GENERAL FUND CAPITAL MONITORING 2009/10: BUDGET TRANSFERS

Appendix 1

Ref	Schemes	Last Reported Budget	Additions/ Deductions	Reprofiling from future years	Transfer	2009/10 Revised Budget
		£000's	£000's	£000's	£000's	at Month 9 £000's
Children's Services Budget Adjustments						
CHS1	ISSP-FIS	0	21			21
CHS2	ICT MOBILE WORKING	0	40			40
Total		0	61	0	0	61
Community Services Budget Adjustments						
CSD1	17 Rivercourt Road	18	(3)		14	29
CSD2	Riverhouse	255			(10)	245
CSD3	Social Enterprise Legacy	2,000	(150)			1,850
CSD4	Mental Health SCE	45			(30)	15
CSD5	Kitchen Extention - Riverhouse - SCE HIV	5			7	12
CSD6	Adult Social Care SCE	214			(4)	210
CSD7	Sports and Health Initiative	260	(160)			100
CSD8	Redecoration of Ellerslie Rd	8			23	31
Total		2,805	(313)	0	0	2,492
Environment Services Budget Adjustments						
ENV1	Cycling (local)	130		(18)		112
ENV2	Bus Priority (TFL)	940	(149)			791
ENV3	Air Quality Monitoring (other)	5			1	6
ENV4	Air Pollution Action Plan (other)	18			(1)	17
ENV5	Carriageways (Mainstream)	1,430	0		(50)	1,380
ENV6	Highways and Footways	450	(90)			360
ENV7	Column Replacement	882		(100)		782
ENV8	Repairs to Thames River Wall (Mainstream)	100		20		120
ENV9	White City Caxton Road Improvements	0			50	50
ENV10	White City- Eastern Access	30	2			32
ENV11	Congestion Charging - CPZs	5	(5)			0
ENV12	Grand Union Canal	240	(90)			150
ENV13	West London Decent Homes		180			180
ENV14	West London Empty Properties		250			250
Total		4,230	98	(98)	0	4,230
Finance & Corporate Services Budget Adjustments						
FCS1	Contingency	2,400	0	(2,400)	0	0
Total		2,400	0	(2,400)	0	0
Residents Services Budget Adjustments						
RSD1	Janet Adegoke Pools		107			107
Total		0	107	0	0	107
Grand Total		9,435	(47)	(2,498)	0	6,890

APPENDIX 2 - VIREMENT REQUEST FORM**BUDGET REVENUE MONITORING REPORT – PERIOD 9**

Details of Virement	Amount (£000)	Department	Virement Classification
Realignment of budgets to match capital charges	(343)	Environment Services	Technical
Realignment of budgets to match capital charges	41	Community Services	Technical
Realignment of budgets to match capital charges	246	Children's Services	Technical
Realignment of budgets to match capital charges	55	Finance and Corporate Services	Technical
Realignment of budgets to match capital charges	20	Residents Services	Technical
Due to asset valuations and other capital adjustments, budgets were transferred to departments to match capital charges	(19)	Centrally Managed Budgets	Technical
3 rd Sector SLA allocation	139	Environment Services	SLA Adjustment
3 rd Sector SLA allocation	596	Children's Services	SLA Adjustment
3 rd Sector SLA allocation	708	Residents Services	SLA Adjustment
3rd Sector SLA Budgets transferred departments to match the charges	(1,443)	Community Services	SLA Adjustment
Budget transfer from Community Services for Private Housing adaptations SLA	169	Environment Services	Transfer of Service
Transfer of SLA's (Private Housing adaptations) to Environment due to Direction of Travel	(169)	Community Services	Transfer of Service
Budget provision to meet the administration of parking services	163	Finance and Corporate Services	Transfer of Service
Transfer of budget to fund the administration of parking services in Finance and Corporate Services	(163)	Environment Services	Transfer of Service

Cabinet Report: Appendix Two – Month 9 Virements Requests

Write offs funded from one off Earmarked reserve contributions- No Recourse to Public Funding (£100k) and Continuing Care(£76K)	176	Community Services	Allocation from Reserves
Earmarked reserve contributions- No Recourse to Public Funding (£100k) and Continuing Care(£76K) to fund Write offs in Community Services	(176)	Centrally Managed Budgets	Allocation from Reserves
Additional budget provision to fund one-off CAMSYS implementation	125	Environment Services	Project Funding
Drawdown of IT Reserves to fund IT projects in Environment Services	(125)	Centrally Managed Budgets	Project Funding
Budget transfer to fund the backfilling on the Trent project (this replaces the resources used for Single Status and Terms and Conditions data analysis)	120	Finance and Corporate Services	Project Funding
Transfer of budget to Finance and Corporate Services for the backfilling on Trent project	(120)	Centrally Managed Budgets	Project Funding
Allocation of Contingency to meet budgetary pressures	114	Residents Services	Contingency Allocation
Transfer to Residents Services to fund budgetary pressures	(114)	Centrally Managed Budgets	Contingency Allocation
TOTAL of Requested Virements (Debits)	2,672		



London Borough of Hammersmith & Fulham

Cabinet

29 MARCH 2010

LEADER

Councillor Stephen Greenhalgh

ARRANGEMENTS FOR THE SUPPLY AND DELIVERY OF EDUCATIONAL STATIONERY, EQUIPMENT, ELECTRONIC OFFICE SUPPLIES, PRINT AND BULK PAPER (“OFFICE STATIONERY”)

**Wards
All**

The Council's current contractual arrangements for purchasing office stationery expire on 31 March 2010. This report provides details of new arrangements being tendered on behalf of all London boroughs and other public bodies by the London Borough of Havering on behalf of the London Contracts and Supplies Group (LCSG).

This report recommends that the Council participates in the LCSG framework agreements which will realise overall estimated savings of approx £33K pa (8.7%) on current prices.

A separate report on the exempt part of the agenda provides confidential information about the tendering procedure and its outcome.

CONTRIBUTORS

DFCS
ADLDS

Recommendation:

That approval be given to participate in the LCSG framework agreements for the supply and delivery of Office Stationery for a period of up to four years, commencing 1 April 2010 at an estimated cost of £380,000 pa.

HAS A PEIA BEEN COMPLETED? YES

1. BACKGROUND

- 1.1 Currently office stationery is purchased through existing London Contract and Supplies Group (LCSG) framework agreements¹ put in place by this Council in September 2005. These framework agreements were awarded to Office Depot UK Ltd and the Paper Company (Dixon and Roe). The Council's estimated spend is approximately £380K pa and current arrangements are due to expire in March 2010.
- 1.2 The London Borough of Havering has now taken over as the lead authority for the renewal of these agreements on behalf of the LCSG. In consultation with this Council and other authorities, they have retendered the framework agreements and held an e-auction.
- 1.3 Current analysis of the tendered rates indicate there are savings of approximately £33K (8.7%) for the Council on current prices.

2. DETAILS OF THE LCSG TENDERING EXERCISE

- 2.1 The tender exercise was carried out in accordance with the European and UK procurement law. An advert was placed in the EU journal on 6th May 2009 requesting expressions of interest from prospective suppliers. Following receipt of expressions of interest from 18 companies, all submitted a pre-qualifying questionnaire (PQQ). The PQQ's were scored against pre-agreed weighted criteria and included a credit check using Experion. Those that failed either the PQQ or credit check were not invited to tender.
- 2.2 In total, six companies were invited to tender for the provision of Office Stationery to the LCSG. The tender was divided into the following lots:-

Lot 1 – Office Stationery and Educational Supplies
Lot 2 – Office Equipment
Lot 3 – Print Room and Bulk Paper
Lot 4 – Electronic Office Supplies

The reason for lots was to allow both specialist suppliers of specific commodities and the large stationery suppliers the opportunity to tender. It was also recognised that this approach would create a competitive platform and therefore help to achieve the best value available.
- 2.3 The tender documentation was agreed by other members of the LCSG. Tender evaluation was based on the most economically advantageous tender with prices allocated 70% of the final marks and non-price element 30%.

¹ A Framework Agreement is an arrangement where named organisations are able to "call off" or raise orders against an agreed range of products or services at an agreed price and conditions outlined in the framework. There is no requirement to purchase from a framework agreement, which normally runs for four years

3. OUTCOME

- 3.1 Tenders were received from all six companies invited and these were evaluated by officers from Havering as well as those from Newham, Southwark, Hillingdon, Richmond, Ealing, Hackney, Wandsworth and Waltham Forest. The separate report on the exempt part of the agenda provided further details of the tendering exercise and its outcome.

4. RECOMMENDATIONS

- 4.1 It is recommended that the Council participate in the framework agreements led by the London Borough of Havering on behalf of the LCSG for the supply and delivery of Office Stationery from 1 April 2010 until 31 March 2014.

5. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 5.1 The Director of Finance and Corporate Services supports the recommendations.

6. COMMENTS OF THE ASSISTANT DIRECTOR, STRATEGY PERFORMANCE AND PROCUREMENT

- 6.1 The comments of the Assistant Director of Strategy, Performance and Procurement are contained in the body of the report. The report sets out the potential savings to be achieved through the use of collaborative procurement.

7. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 7.1 The procurement of the contract was led by London Borough of Havering. It is understood that the terms and conditions for the new framework agreement are based upon those used for the current contract (due to expire on 31 March 2010). Legal Services will carry out a review of the terms and conditions prior to execution and will work with officers to arrange for the execution of the contract

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	Contract documentation	Joanna Angelides Ext 2586	Finance and Corporate Services Performance Strategy and Procurement, Room 10, Grd Floor, HTH.

CONTACT OFFICER:	NAME: Joanna Angelides EXT: (020) 8753 2586
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London Borough of Hammersmith & Fulham

Cabinet

29 MARCH 2010

LEADER

Councillor Stephen Greenhalgh

CABINET MEMBER FOR HOUSING

Councillor Lucy Ivimy

CABINET MEMBER FOR STRATEGY

Councillor Mark Loveday

CONTRIBUTORS

DCS
ADLDS
DFCS

STRATEGIC REGENERATION PROGRAMME

This report seeks approval for funding of the strategic regeneration function in the Council until March 2011.

**Wards
All**

Recommendations:

1. That approval be given to the allocation of existing resources and anticipated savings to fund a reduced regeneration function for the Council to March 2011.
2. That, subject to individual approvals for expenditure, approval be given to the ringfencing of regeneration and affordable housing section 106 funds, up to a maximum of £1.6m, to fund pump priming/feasibility activity related to technical and professional studies over the period to March 2013.

HAS A PEIA BEEN COMPLETED? YES

1. BACKGROUND

- 1.1 Cabinet approved the establishment of a strategic regeneration function in June 2008. It had a brief to inform the then emerging Local Development Framework and to promote inward investment to enable the capture of developer and landowner interest, particularly where benefit could be shown for local residents. The Regeneration and Renewal Programme has a focus on five areas in the borough – W12, Hammersmith, North Fulham, South Fulham Riverside and Old Oak Common Sidings.
- 1.2 The Council published its Core Strategy Options in June 2009. This document underpinned the rationale for regeneration and provided a clear way forward for physical, social and economic change across the borough over the next 20 years. As a spatial planning document, it articulated the opportunity for regeneration and renewal in its references to the Decent Neighbourhood Programme and provided a preferred option for development and change in each of the five priority areas in the next 10-20 years. The Core Strategy will be published for further consultation in autumn 2010 and then submitted to the Government for an Examination in Public in 2011. Area wide planning strategies are being prepared for the expanded White City Opportunity Area (in conjunction with the GLA), for Earls Court/West Kensington which is now identified as a proposed opportunity area in the draft new London Plan, and for South Fulham Riverside.
- 1.3 A considerable amount of detailed work is needed to provide a robust evidence base for the Core Strategy, the planning frameworks, and to support promotion of the Council's objectives in the new London Plan. General underpinning support will be provided by the neighbourhood audit review. Area based audits review the key strengths and weaknesses in the population, environment and services and provide a robust socio-economic summary to inform potential interventions and planning for the area. In parallel, detailed work is in hand on other key areas including housing typology and density/capacity analysis, borough wide viability of affordable housing and an estate renewal review to understand how a given estate performs, not only in terms of the condition of the housing stock, but against a range of other indicators that could affect the beneficial impact of housing investment.
- 1.4 The Strategic Regeneration team currently comprises 12 posts (of which 9 are filled) comprising regeneration and planning professionals. The team works in a matrix fashion across planning and housing functions and will develop the emerging programme of projects and interventions ensuring a robust evidence base is in place to underpin the Core Strategy as it moves towards Public Examination and adoption. The team will be hands-on in communicating with residents and may be taking forward considerable work over the next 12/24 months in the Earls Court/West Kensington regeneration area.
- 1.5 Initial funding for the team was approved for just two years to March 2010 in the anticipation that future developer contributions would render the team largely self-financing from 2010. However, given the economic downturn, development in the borough has slowed considerably. This report therefore requests approval for further funding in 2010/11 from various sources and in 2011/12 from anticipated savings arising from the more efficient organisation of existing housing and regeneration functions. Broad activities of the team are shown at Appendix B and high level milestones of key projects can be found at Appendix C.

2. RESOURCING CORE STAFF COSTS

- 2.1 In June 2008, funding of £1.168m was approved for the strategic regeneration function for the two years 2008/09 and 2009/10. This covered a core team of 12 officers across regeneration, planning and housing as well as associated consultancy costs with funding split between the HRA and the General Fund.
- 2.2 Approval is now requested to amend the funding sources of the HRA core staff costs for 2009/10 and to confirm the longer term funding of core staff so that the Strategic Regeneration function can contribute towards the Council's forward strategy over the next 10-20 years.
- 2.3 Originally, it was intended that the HRA core staffing costs would be met from HRA balances. However, the HRA working balance has come under pressure in 2009/10 and section 3 sets out a proposal to resource all staffing costs in order to reduce pressure across both the General Fund and HRA by substituting, using these funding streams from appropriate Section 106 sources.
- 2.4 In order to avoid any additional pressure on the General Fund and HRA, it is proposed that core staff costs are funded in 2010/11 through a combination of savings generated from various areas. From 2011/12, efficiency savings arising from opportunities to integrate activities in housing and regeneration areas will fund the team and thereafter we expect that the function can be largely self financing from developer contributions.
- 2.5 The table below sets out suggested funding for one year only, and reduces the number of posts from 12 to 9 FTE.

Table 1 – Funding the Strategic Regeneration Team

	2009/10	2010/11
	£'000s	£'000s
Staffing Expenditure:	9 FTE	9 FTE
Planning x 3		
Regeneration x 5		
Estate Renewal x 1		
	686	642
Funded by:		
Underspend brought forward	0	253
LABGI Grant	311	0
Debt Reduction Savings	284	0
Economic Regeneration reorganisation/Non repayable grant	135	140
HRA Contribution	45	0
Section 106	164	249
Anticipated Developer Contributions	0	0
Efficiency savings Housing & Regeneration		
Balance to be carried forward	(253)	0
Resources	686	642

3, PUMP PRIMING NON-STAFF COSTS

- 3.1 From time to time, the Council will need to supplement its own resources with specific expertise around feasibility, legal and finance work to advance the programme. The Council has considerable balances in Section 106 funding streams which are ringfenced for use for affordable housing and regeneration purposes. It is expected that over the 3 years 2009/10 - 2012/13 this kind of work could require a specialist support fund of up to £1.665m of currently available Section 106 resources, £0.245m of LABGI and £0.139m of unallocated regeneration balances. The funds would be deployed in the event that additional specialist assistance is needed on specific technical aspects of the possible programme ahead, and each use would require specific approvals. Where projects proceed, it is anticipated that such pump priming funds can be reclaimed through partner developers or capitalised against various projects.
- 3.2 The future of the LABGI scheme is unclear beyond 2009/10. Should future allocations be received, then this will provide an opportunity for the proposed use of the section 106 contributions, along with other Council funding, to be reduced.
- 3.3 Any draw down from Section 106 resources will be subject to appropriate approval, in accordance with the terms of the agreements. However, the table at Appendix C sets out the key Section 106 pots from which it is suggested funds are drawn for this purpose. It is anticipated that further S106 contributions will be negotiated for regeneration purposes. Where particular projects are taken forward, it is anticipated that the Council may be able to recover costs it has incurred on consultancy.

4. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 4.1 The report provides an update on expenditure incurred to date on the enhanced regeneration function and sets out a detailed interim funding strategy for regeneration activities in the General Fund and Housing Revenue Account. The long-term funding strategy remains the funding of these activities from developer contributions. Should the funding strategy be agreed, then these budgets will be subject to future review as part of the Council's on-going MTFs process.
- 4.2 In addition to the core regeneration function, the report proposes that £2.049m be set aside to fund consultancy and other non-staff costs. The majority of this funding will come from Section 106 contributions or LABGI grant. It is recommended that the drawdown of funds from funding sources as set out in Appendix A is approved by Cabinet. It is noted that the Council will seek to recover such expenditure whenever possible.
- 4.3 An analysis of further savings opportunities required to fund the 2011-2012 HRA / General Fund contribution is currently underway.

5. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 5.1 The Council's principal regeneration power is contained in S.2 of the Local Government Act 2000 which provides that the Council has the power to do anything which it considers likely to achieve the promotion or improvement of the economic, social or environmental well-being of its area. This power may be exercised in

relation to, or for the benefit of, the whole or part of the borough or all or any persons resident or present in that area.

- 5.2 In exercising its powers under S.2 the Council must have regard to guidance issued by the Secretary of State and the Council's own community strategy. The recommendations contained within this report are consistent with the guidance and the community strategy.
- 6.3 The well-being power cannot be used to raise revenue or to carry out activities prohibited by statute.
- 6.4 In exercising its powers under S.2, the Cabinet must be satisfied that the decision in question is likely, in their view, to promote the economic, environmental or social well-being of the borough or part of it.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	Cabinet Report: Resourcing Regeneration Functions June 2008	Lyn Garner Ext 1313	Community Services 145 King Street

**APPENDIX A
TOTAL OF SECTION 106 PROPOSED FUNDING**

Section 106 Regeneration/Affordable Housing	£000
Empress State (ref 468) employment & regeneration	301
Kensington Village (ref 422) employment & regeneration	96
Vencourt Hotel (ref 481) regeneration	3
Fulham Broadway (ref 403) regeneration of town centre	423
Westfield (2006) Econ Devt	350
Westfield (2002/9) Affordable Housing/Regeneration	106
Stamford Bridge Stadium (ref 262) affordable housing	414
Watson House (ref 310) affordable housing	385
Total Available	2078
Contribution to Staffing	413
Ringfenced for potential consultancy spend 09/10 -12/13	1665

Housing, Planning & Regeneration Structures

Regeneration & Housing Strategy

Planning

Comms

North

South

Strategic Projects

Housing Development & Evaluation

Housing Commissioning

Regeneration Planning

Comms Officer

- White City
- Old Oak
- Shepherds Bush Market
- Hammersmith Flyover

- Earls Court
- Fulham Town Centre
- North Fulham
- South Fulham Riverside

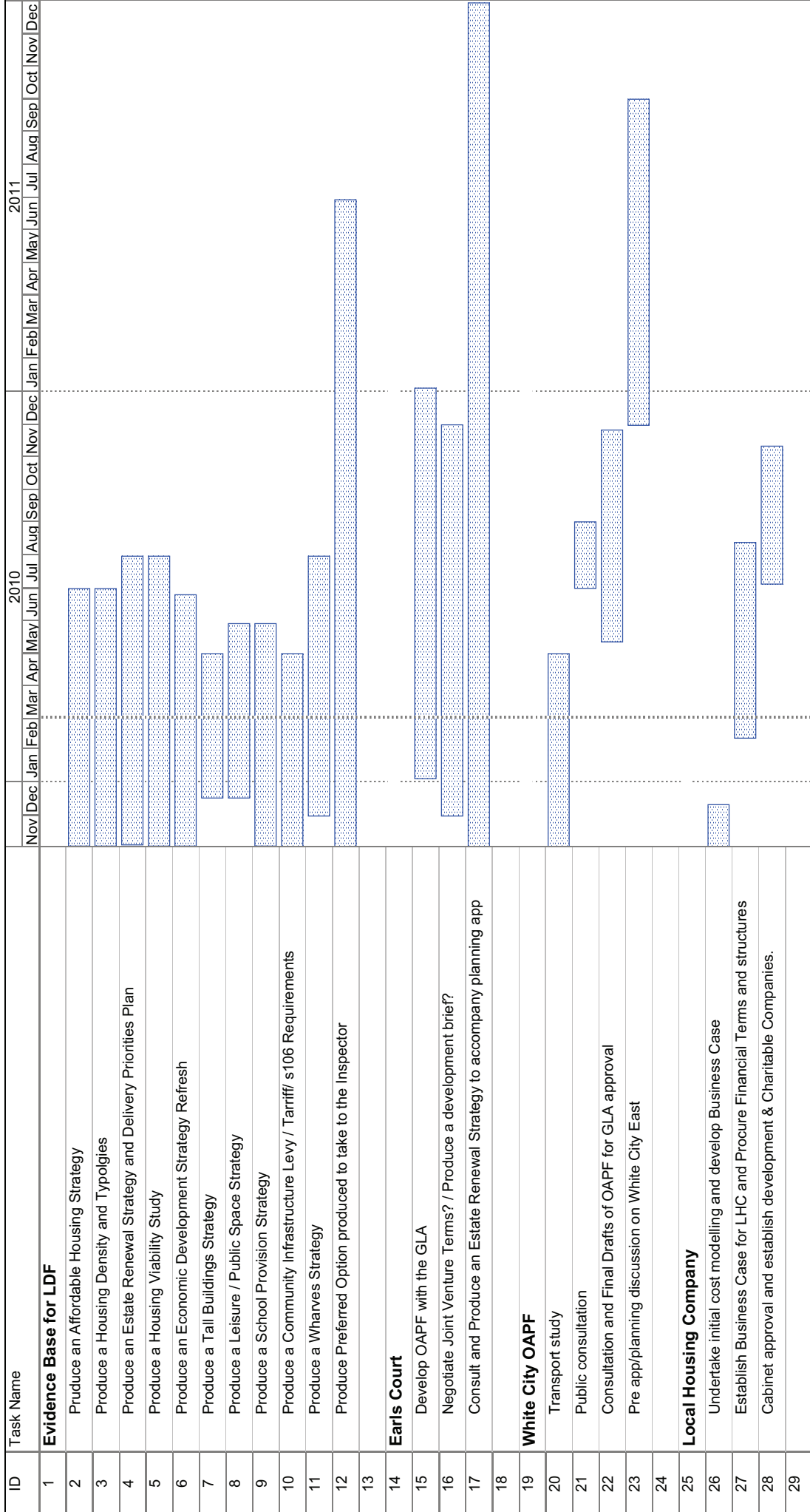
- Hsg Commission
- LHC
- LDF

- Housing Projects
- Disposals
 - RSL Programming
 - Hidden Homes
 - Watermeadow
 - HRA Shops
 - Jepson House

- Housing Policy
- Performance

- White City OAPF
- Earls Court SPD
- South Fulham Riverside

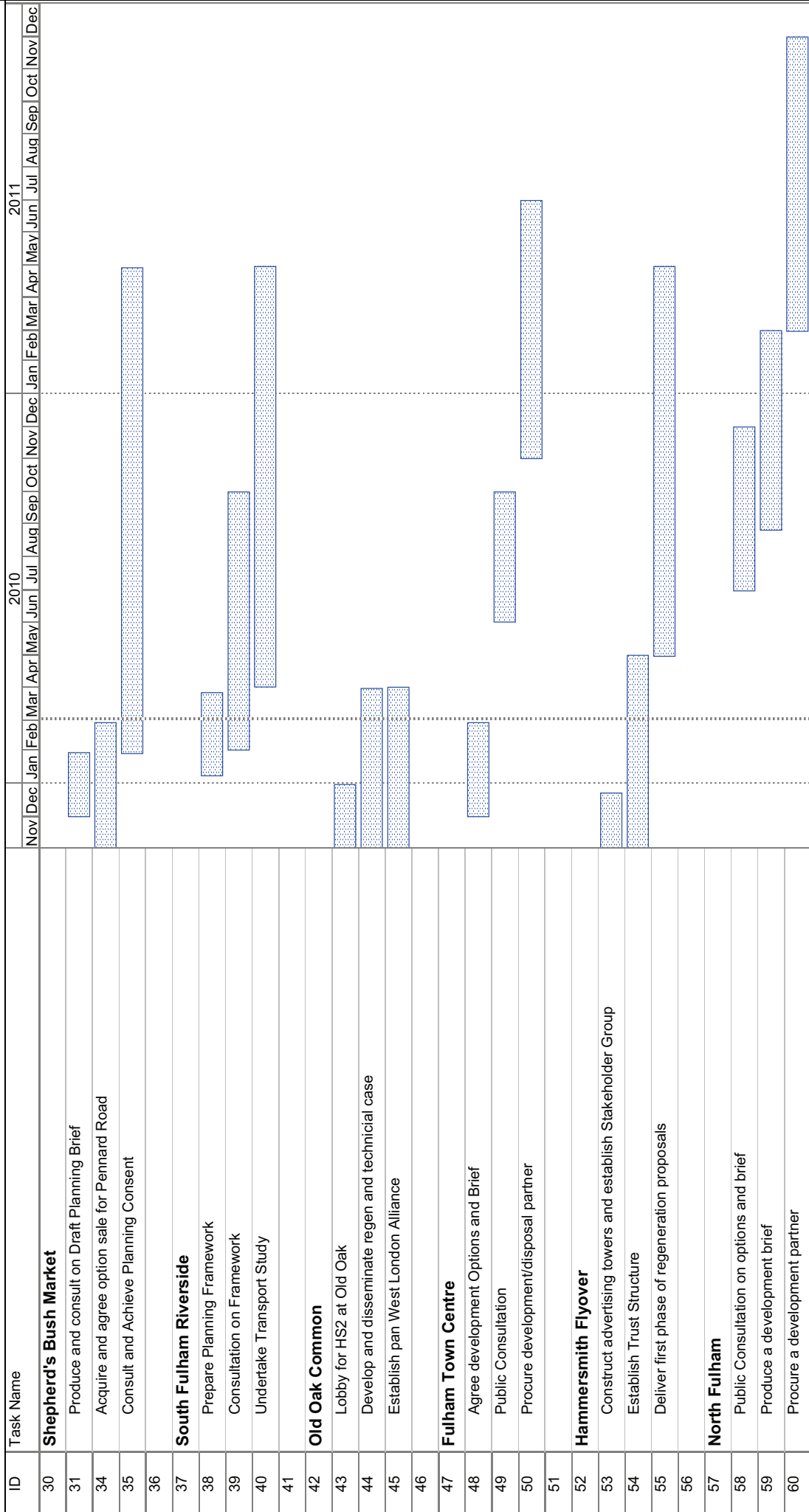
APPENDIX C
Strategic Regeneration Overall Work Programme



Project: Overall Strategic Reg
Date: Tue 02/03/10

Task
 Split
 Progress
 Milestone
 Summary
 Project Summary
 External Tasks
 External Milestone
 Deadline

APPENDIX C
Strategic Regeneration Overall Work Programme



Project: Overall Strategic Reg
Date: Tue 02/03/10

Task
 Split
 Progress

Milestone
 Summary
 Project Summary

External Tasks
 External Milestone
 Deadline

Agenda Item 8



London Borough of Hammersmith & Fulham

Cabinet

29 MARCH 2010

LEADER

Councillor Stephen Greenhalgh

**BUILDING SCHOOLS FOR THE FUTURE
PROGRAMME PROCUREMENT PHASE AND
NEXT STEPS - CAPITAL EXPENDITURE ON
SCHOOLS**

All Wards

**CABINET MEMBER
FOR CHILDRENS
SERVICES**

Councillor Sarah Gore

Details of procurement proposals for the Building Schools for the Future Programme, and Capital expenditure for Primary Schools to develop / extend capacity to meet the increasing number of families seeking places.

CONTRIBUTORS:

DChS
DFCS
ADLDS

Recommendations:

HAS A PEIA BEEN COMPLETED? YES

1. That authority be delegated to the Chief Executive, in consultation with the Cabinet Member for Children's Services and the Director of Finance and Corporate Services, to take the necessary steps to progress the following recommendations contained within this report:

- a) Delivery of the co-location of Cambridge School with Adult Education and Youth Services on the Bryony site;
- b) Approval of the Long List (up to 3 bidders) following the evaluation of responses to the Pre-Qualification Questionnaire (PQQ) and approval to issue the Invitation to Participate in Dialogue documentation;
- c) To take decisions to progress the BSF procurement programme to the next stage of the procurement process, Invitation to Participate in Dialogue Phase 1 (IPD1), including the approval of the Short List of no more than 2 bidders to take forward into the following stage of procurement, Invitation to Participate

In Dialogue Phase 2 (IPD2), following the evaluation of the submitted initial solutions;

- d) Approval to continue dialogue into Phase 2 (IPD2) of Competitive Dialogue with the short list of bidders, to further develop the submitted initial solutions with bidders through to the Close of Dialogue and the submission of Final Bids (the appointment of a Selected Bidder through to Financial Close will be subject to a Cabinet decision);**
- e) Procurement of additional Technical, Financial, Legal and Client Design Advisor support services to support the BSF programme, where required, within existing resources.**

2. That authority be delegated to the Chief Executive, in consultation with the Cabinet Member for Children's Services and the Director of Finance and Corporate Services, to take the necessary steps to progress the following recommendations contained within this report:

- a) to amend the scope and priority of schemes within the Primary Capital Programme and identify substitute schemes as necessary, to address any operational circumstances during 2010/11 to deliver the Council's objective of providing a quality primary phase education;**
- b) to approve financial sums to develop PCP schemes through procurement within the financial parameters set out in this report.**
- c) for the Programme Director and the Cabinet Member for Children's Services to develop and take the necessary steps to implement the Children's Services Revenue Maintenance Programme for 2010/11.**

1. BSF

- 1.1 The Hammersmith & Fulham Schools of Choice Strategy delivered through investment provided by the Building Schools for the Future (BSF) programme and Hammersmith & Fulham Council, will provide Capital Investment to rebuild/remodel (including ICT developments) every secondary school in the authority. We are a wave 6 Authority, and as such contained within the current comprehensive spending review cycle; the overall Capital envelope for the programme is £207 million, to be spent in line with deliverability of the schemes detailed within the OBC (Outline Business Case) document. The anticipated commencement of the estate re-development is Summer 2011. The OBC was submitted on the 7 October 2010 and is currently awaiting approval from Partnerships for Schools (PfS) before the Procurement phase can commence.
- 1.2 To ensure that the programme progresses through the Procurement phase with efficiency, thus protecting our future investment, the authority must ensure that effective delegations are in place to deliver a Private Sector Partner within an efficient programme timescale. This report identifies the necessary delegations required to enable us to meet an efficient programme prior to the approval of the Selected Bidder; this decision will be a Cabinet decision based on the advice of officers.
- 1.3 We formally entered the programme as a wave 6 authority following our “Remit for Change” meeting on 23 June 2008. Our Strategy for Change Part 1 was approved on 11 November 2008 and the Strategy for Change was approved on 14 July 2009. Our OBC was submitted to PfS on the 7 October 2009 and is still to be approved by PfS. There has been an ongoing communication between PfS and the BSF Programme Director in response to the submitted OBC and the required clarifications to the OBC document submitted to PfS in October 2009. The PfS Peer Review of the OBC was issued to the Chief Executive on 16 December 2009, identifying the lack of two confirmed bidders and a number of minor clarifications to be addressed prior to the formal approval of the OBC and ability to enter the Procurement phase. All clarifications and responses to the PfS Peer Review have been made to the OBC document.
- 1.4. A fundamental aspect of the PfS approval of the OBC document is the ability of PfS to confirm that there is “*sufficient market interest*”, prior to the formal issue of the OJEU notice, by at least two bidders in the Hammersmith & Fulham BSF programme. The BSF Programme team have undertaken extensive soft market testing and engagement over an eighteen month period; this has included the successful bidders day held at the Ark (March 2009), Local Supply Chain Event (July 2009), ICT Bidders Day (September 2009) and the more recent Bidders Event at Fulham Palace (January 2010). Despite the extensive interest shown at these events, a second bidder has not been secured at this point in time. The level of BSF programmes currently being procured, aligned with current economic conditions and the forthcoming General Election, are considered to be factors affecting the private sector’s ability to engage within a BSF procurement. It is anticipated that a private sector bidder embarking on a BSF procurement is

required to commit approximately £3 million of risk capital. The ability of the programme to attract a second bidder, prior to the release of the OJEU notice, is a priority for the Programme Director and he is currently engaged with potential private sector partners to satisfy this PfS requirement and enable OBC approval, and therefore OJEU publication, by early March 2010.

- 1.5. Simultaneous with the preparation and submission of the OBC, the standard procurement and legal documentation has been reviewed and derogations to these documents submitted and approved by PfS.
- 1.6. The detail and development of our strategies has been led by the BSF Programme Board chaired by the Cabinet Member for Children's Services with senior leadership across the Council and Schools, including the Directors of Children's Services and Environment, Assistant Director Regeneration and Housing Strategy, and Assistant Director (Legal and Democratic Services). The Director of Finance and Corporate Services (the Corporate Sponsor) is also on the Board and has been integral to the approval of the affordability of the programme as the S151 officer.
- 1.7. The programme has been structured to maximise school and broader Council engagement. BSF is a corporate programme, developing its plans to support the Council achieving the BSF objectives and wider regeneration issues through the development of the scope of services that the LEP is able to offer. Specific workstreams are in place to ensure that the strategies and objectives of the Council through BSF are achievable and sustainable.
- 1.8. The phasing of our proposals are detailed in the Strategy for Change Part 2 but are shown below:

Order	Wave 6 school by phase	Start Date	Completion Date	Duration
Enabling Works				
1	Cambridge School	June 2010	August 2011	14 months
Sample Schools				
2 *	Bridge Academy	July 2011	July 2013	24 months
3	Sacred Heart High School (VA)	July 2011	July 2014	36 months
Phase 1 Schools				
4	Fulham Cross Girls' School	October 2012	October 2014	24 months
5	Henry Compton School	June 2012	June 2015	36 months
6	Hurlingham & Chelsea School	October 2012	August 2015	34 months
7	Phoenix High School	June 2012	December 2014	30 months
8	William Morris Sixth Form	June 2012	June 2015	36 months

Phase 2 Schools				
9 *	Queensmill School (Phase 1 but timings Phase 2)	April 2013	April 2015	24 months
10	Jack Tizard School	June 2013	June 2014	12 months
11	Lady Margaret School (VA)	April 2013	October 2015	30 months
12	London Oratory School (VA)	April 2013	April 2015	24 months
13	Woodlane High School	June 2013	June 2015	24 months

** We are looking to condense the timings of these two schools as they are interlinked, in order to facilitate an earlier relocation of both schools.*

- 1.9. Cambridge School will re-locate in partnership with Adult Education and other services to complement the Phoenix High School Campus at the Bryony site as part of our co-location and inclusion strategy.
- 1.10. The co-location of Cambridge School onto the Phoenix campus at the Bryony Centre site is a key element of the SEN review which identified the need to improve the outreach provision within a mainstream context for those learners. One of the BSF sample projects is the Bridge Academy and its sequencing within the SEN relocation strategy underpins the need to place the Cambridge project as a Pre LEP project ahead of the main BSF programme.
- 1.11 The Bryony Centre is currently an Adult Education facility, and we are consulting with Adult Education to achieve a new-build design solution that, in the context of the wider Phoenix campus, will significantly enhance the lifelong learning opportunities of residents in the north of the borough. The site position allows the community emphasis of the new Cambridge School to be maximised with a close physical connection to Phoenix High School, which shares an inclusive community ethos. Together with the development of post 16 provision and the BSF programme at Phoenix, this will enable the rationalisation of fragmented Adult Education and Youth services through the creation of an integrated campus for the delivery of effective teaching and learning for pupils, parents and the wider community
- 1.12. PfS have accepted the principle of Cambridge School relocation as a pre-LEP enabling project and have confirmed their agreement to release funding (estimated at £8.37m in our OBC) when the BSF Programme reaches Financial Close in Spring 2011. The Cambridge project is currently in the detailed design stage, and the timeline anticipates a construction period of October 2010 to October 2011. The funding strategy for project delivery prior to release of BSF funding at Financial Close is via prudential borrowing - estimated interests costs up to financial close of just under £130k - with the debt being serviced from the ChSD Revenue Maintenance Budget. Officers are exploring with PfS an alternative Business Case with the objective of enhancing forward funding to negate or reduce the need for prudential borrowing.

Recommendation – delegate authority to officers to take the necessary steps to ensure the Cambridge School re-location is progressed to deliver the BSF programme.

1.13 The two sample projects, Sacred Heart High School and The Bridge Academy, will engage with bidders during the Procurement phase, and are considered to be reflective of the ongoing estate issues through the BSF programme. As identified within the Strategy for Change documentation, the two schools will also provide the required challenges to bidders in relation to:

- The recognition of a school's Readiness to Deliver according to its individual journey through educational transformation, incorporating strong school leadership with clarity on how the school's SfC can be delivered with a clear Change Management process, including effective stakeholder engagement and curriculum development.
- An acknowledgement of the specific circumstances of individual schools and their circumstances that could impact on their ability to meet the time and resource challenges required of a sample school status.
- An acknowledgement of the strength and innovation of the individual school's Strategy for Change.
- The ability of the institution to meet the time commitment requirements in order to effectively engage with the market through the development of the OBC, procurement documentation and procurement through competitive dialogue.
- Reflection of the control option for a school being a New Build or a Refurbishment re-development solution.
- How critical the school's redevelopment is within the overall BSF programme.
- Deliverability of the individual schemes.

2. BSF PROCUREMENT METHODOLOGY AND STAGES

2.1 The BSF programme is seeking to appoint a Private Sector Partner to form a Local Education Partnership jointly with the Authority and PfS. The Local Education Partnership will be exclusively responsible for the delivery of the BSF and PCP capital programme. The LEP could also be offered the opportunity to deliver additional services, on a non exclusive basis, in accordance with the scope of services defined within the published OJEU notice advertising the BSF procurement opportunity. The scope of services to be offered by the LEP, included as part of the OBC document, are identified below for reference; the extent of the services will be developed through the competitive dialogue phase. At this stage, schools' preferences are strongly towards maintaining their own workforce and it is expected this will be the position at the end of dialogue, with the Contractor providing a more strategic support and lifecycle maintenance

function. The extended scope services will provide the Council with the opportunity in the future to work with its LEP partner with a view to using this partnership to deliver effective value for money solutions in those areas:

Activity	Core Scope (Exclusivity)	Extended Scope (Non Exclusivity)
Secondary and Primary Estate		
Redevelopment of Schools Estate	✓	
ICT Provision and Management	✓	
School Estate Lifecycle Planned Maintenance	✓	
School Estate Reactive Maintenance	✓	
Schools Hard and Soft Facilities Services and Management	✓	
Corporate Facilities Management		
Catering		✓
Cleaning		✓
Buildings Lifecycle Planned Maintenance		✓
Buildings Reactive Maintenance		✓
Asset Management/ Lettings		✓
Security		✓
Capital Investment associated with Borough Regeneration Initiatives (could be extended to provision of services to enable social regeneration)		✓
Youth Services		✓
Building Technical Services (currently undergoing market testing)		✓
Children's Centres		✓

The long term partnership between the authority and the LEP will be embodied within a Strategic Partnership Agreement (SPA), which will be in place, subject to performance criteria, for an initial period of 10 years with the ability to extend this relationship for a further 3 periods of 5 years each; this could deliver a strategic long term partnership over a 25 year period. The details of individual elements as set out in the table above will be developed through the Competitive Dialogue phase and will be subject to appropriate consultations.

- 2.2 The procurement of a PSP will be in accordance with the Public Contracts Regulations 2006 (SI 2006 No.5), which identifies a procurement process for complex projects identified as the “Competitive Dialogue Procedure”. The definition of Competitive Dialogue is:

“a procedure in which any economic operator may request to participate and whereby the contracting authority conducts a dialogue with the candidates admitted to that procedure, with the aim of developing one or more suitable alternatives capable of meeting its requirements and on the basis of which the candidates chosen are invited to tender”

- 2.3 The approval of the OBC document will enable the BSF programme to enter into the procurement phase commencing with the issue of the OJEU notice. As indicated in the OBC, it is anticipated that the

procurement process through to Financial Close of the project will take approximately 65 weeks. Through an effective and efficient competitive dialogue process, officers will be seeking, with bidders, to streamline this timescale with the objective of reaching Selected Bidder stage prior to the March 2011 Comprehensive Spending Review.

- 2.4. The process of delivering a PSP through the Competitive Dialogue process incorporates a number of stages; at certain stages bidders will be deselected. The stages of the Competitive Dialogue process are identified:

Stage 1 – Issue OJEU Notice

The OJEU notice will be issued once the OBC has received PfS approval. Officers already have delegated authority to undertake this action. The OJEU notice was included within the OBC document and has already received approval from the Project Board, ratified by the Project Sponsor and the Chief Executive through the delegations approved within a previous Cabinet paper. Bidders responding to the OJEU notice will have to submit the Pre Qualification Questionnaire by the advertised due date.

Sutton Council have expressed interest in being named on our OJEU to allow our LEP to provide services to deliver their BSF. This is subject to their Cabinet approval (consideration scheduled March 2010) and the Authority would welcome the opportunity to enhance the scope of our programme by the inclusion of another high performing London Borough.

The placing of the OJEU notice is expected to have taken place in early March 2010.

Stage 2 – Evaluation of Pre Qualification Questionnaires (PQQ) and Selection of Long List

Following the placing of the notice, returned PQQ documents are received by the authority by the advertised due date (expected to be Mid April 2010) and are reviewed and assessed, with Bidders who meet the published predetermined criteria being invited to form a 'Long List' of Bidders who will progress onto the next stage. Typically, the list will be no more than three bidders.

KEY DECISION - Approval of the Long List (up to 3 Bidders) following the evaluation of responses to the Pre Qualification Questionnaire (PQQ), and approval issue the Invitation to Participate in Dialogue documentation

Stage 3 – Invitation to Participate in Dialogue Phase 1 (IPD1)

The long listed bidders (up to 3 bidders) are issued with tender documentation identifying the authority's needs and requirements. Bidders are invited to attend a number of dialogue meetings in order that solutions can be developed and

options considered according to the pre determined evaluation criteria. The main aspects of the dialogue process will cover:

- Partnering
- Design / Facilities Management
- ICT
- Commercial (Financial/ Legal)

Dialogue meetings with bidders will include a range of stakeholders including representatives from the BSF Programme Team and Sample Projects (Sacred Heart High School and The Bridge Academy). If three bidders are included in the long list approximately 30nr meetings per bidder will be required, with each meeting covering a particular aspect of the required solution. It is anticipated that all meetings will be delivered within a 12 week period. At the end of this period, bidders are requested to submit their initial solutions responding to the dialogue meetings and the issued tender documents. The submitted bids are evaluated against pre-determined criteria in order that long list of bidders can be reduced to a short list of bidders incorporating no more than 2nr bidders. The short list of bidders will be invited to continue in dialogue with the authority in order to deliver fully developed solutions that will inform the strategic partnership that the authority will be entering into with the LEP.

KEY DECISION – Authority sought to delegate authority to officers to take decisions to progress the BSF procurement programme to the next stage of the procurement process, Invitation to Participate in Dialogue Phase 1 (IPD1), including the approval of the short list of no more than 2nr Bidders to take forward into the next stage of procurement, Invitation to Participate in Dialogue Phase 2 (IPD2), following the evaluation of the submitted initial solutions.

Stage 4 – Invitation to Participate in Dialogue Phase 2 (IPD2)

Following the selection of a short list of bidders (no more than 2nr bidders) further dialogue meetings are undertaken with the authority. The purpose of this stage is to develop further the solutions being discussed in order that the authority can be certain the final bids submitted are capable of meeting the requirements of the tender documentation and the pre-determined evaluation criteria. It is the responsibility of the authority to resolve issues that will affect price and risk in advance of closing dialogue; the authority will not be able to make substantive changes to its requirements once dialogue has been closed. Dialogue can only be closed once the authority is confident that the solutions submitted can meet its requirements from a long term partnership with the LEP.

Once all parties to the dialogue are confident that the solutions developed through the dialogue stage can meet the requirements of the authority - this includes the designs for the sample projects - the dialogue phase is officially closed. Short listed bidders are then requested to submit their final bids for evaluation. Once dialogue has been closed, submitted solutions can only be clarified or fine tuned.

KEY DECISION - Approval to continue dialogue into Phase 2 (IPD2) of Competitive Dialogue with the short list of bidders, to further develop the submitted initial solutions with Bidders through to the Close of Dialogue and the submission of Final Bids. The appointment of a Selected Bidder through to Financial Close will be subject to a Cabinet decision.

2.5. Technical, Design, Legal and Financial Advisors

The BSF programme is highly complex and at times will require specialised Technical, Design, Legal and Financial advice to support the existing skills of officers within the core BSF team through the procurement phase of the project. These services can be procured through the use of advisory frameworks established by Partnerships for Schools and The Commission for Architecture in the Built Environment (CABE). All advisors have now been appointed through a 'mini competition' using the established advisory frameworks and are supporting the core team in the delivery of the BSF programme within a defined scope of services. All external advisory appointments have been previously approved by the BSF Project Board.

KEY DECISION - Procurement of additional Technical, Financial, Legal and Client Design Advisor support services to support the BSF programme, where required, within existing resources.

3. PRIMARY PLACES AND THE PRIMARY CAPITAL PROGRAMME (PCP)

- 3.1 The Primary Capital Programme (PCP) is a much less ambitious programme than BSF and is tasked to address improvements to half of the estate in the borough, over 15 years. It is funded at £3.2m in 2009/10 followed by £5.5m per year until we reach a ceiling of £70m. Future years are subject to the next Comprehensive Spending Review (CSR) although Government guidance is to plan for the same annual funding as in 2010/11 per year.
- 3.2. PCP national allocations do not allow for changes in pupil numbers. In common with many other London Boroughs we have a projected child increase of 16% over the next 10 years and our allocation does not reflect this. In conjunction with other London boroughs, we have lobbied accordingly through the GLA. (Our estimate currently is that we would have to use £29m of our allocation to provide extra capacity in our schools for the population increases over the next ten years).
- 3.3 Unfortunately, the borough does not qualify for any additional support through the "additional Primary Places funding" made available by the Government as the unfilled (surplus) places in the later stages of Primary Education offset and discounted the real pressures on the Authority to provide Reception Places. Therefore the Council is having to respond to this by re-aligning some of the Primary Capital Programme and Revenue Maintenance Programme funding areas for 2010/11 to address these pressures.

- 3.4 For 2009/10, we had to re-align some of the funding to support expenditure needed to facilitate increased capacity at the following schools for admissions in September 2009 and January 2010:
- Brackenbury (a single bulge year)
 - St Johns (expansion to admit and additional form of entry)
 - St Thomas's (expansion to admit an additional 15 children)
 - Old Oak (expansion to admit an additional 15 children)
- 3.5 In September 2009, we had 1,350 places available for reception prior to the increases set out above; these raised the Authority's admissions levels to 1,440. Following the admissions process, all parents who had made an application on time were offered an appropriate place. From closure of the admissions and ongoing a further 215 applications were received, taking the total applications to over 1,650. The borough has managed to place most families, and in the Spring of 2010, in line with the admissions code of practice, a couple of schools have been supported to take a few extra children over the standard 30 to ensure all our children receive their statutory entitlement. For the 2010 academic year, we are expecting around 1,700 applications and as such will require a capacity of around 1,500 to ensure we can meet residents' aspirations.
- 3.6 These expansions addressed the short term needs of the Authority for admissions for the 2009/10 academic year. PfS approval for our Primary Strategy for Change was granted on 23 November 2009. This approval secures PCP funding for 2010/11. Following the Government's Comprehensive Spending Review for the period 2012 – 2014, we will report back to Cabinet on the Council's response.
- 3.7 However, given that we cannot qualify for additional places funding in the current funding cycle, and the uncertainty over what resources will be available in the future, the authority will again have to re-prioritise funding in 2010/11 to address its pressures and create a sustainable future provision for the current number of families seeking places at our primary schools.
- 3.8 The following proposals are set out to utilise the Primary Capital Programme for 2010/11.
- a) Allocate £1.6m to continue the development of the 3 main priority PCP schemes, namely Holy Cross, St Peters and Bentworth, through the next financial year (noting that two of these schemes will provide increased numbers of places for future years and Bentworth is exploring the potential of expansion as part of its feasibility work).
 - b) Allocate £1m to Old Oak School to develop its facilities to provide 2 forms of entry through the school.
 - c) Allocate £1m to St Thomas's to develop its facilities to provide 2 forms of entry through the school.

- d) Allocate £1m to Flora Gardens to develop its facilities to provide 2 forms of entry through the school.
- e) Allocate £500k to develop the facilities at St Johns to provide 2 forms of entry through the school.
- f) Allocate the remaining £0.4m to continue to support the development of ICT provision and support below the floor schools.

3.9 These steps (plus the bilingual offer started for September 2010 with Holy Cross and the Lycée) should enable the Council to offer 1,468 places for September 2010, with officers working with schools to identify where an additional 30 places could be created that would not disadvantage the quality of education to be provided. The longer term strategy by 2013 is to have secured the provision of the schemes identified above for the full term at primary schools and there will be a further 60 places available through Holy Cross and St Peters, with a further potential of an extra 30 places at Bentworth subject to the feasibility works being undertaken.

KEY DECISION - To delegate authority to the Chief Executive, in consultation with the Cabinet Member for Children's Services, and the Director of Finance and Corporate Services, to amend the scope and priority of schemes within the PCP, and identify substitute schemes as necessary, to address any operational circumstances up to 2011 Comprehensive Spending Review that may impact on the Council's objectives of providing a quality primary phase education. To take the necessary steps to deliver these schemes on behalf of the Cabinet.

3.10 The Capital Programme for 2011/12 has funding identified of £1.2m to support expansion of primary places. It is recommended that this is brought forward into 2010/11 and used for the following:

- a) To supplement if required the £530k currently available for Wendell Park to modernise the school to ensure it can meet the needs of the increasing roll as its previous planned expansion is working through the school.
- b) To develop further models within schools to respond to the pressures being faced by the increases in admissions

KEY DECISION - to bring forward the £1.2m from the 2011/12 Capital Programme and delegate authority to the Chief Executive and the Cabinet Member for Children's and Community Services to take the necessary steps to utilise this to support Wendell Park and other schools to further enhance capacity.

3.11. The Children's Services revenue maintenance programme budget is £1.5m. Given the needs of maintaining the schools and Children's Services estates, this resource needs to be allocated flexibility within the year to make it most effective. To achieve this, it is recommended that the Programme Director and Cabinet

Member work further with schools to identify the most effective use in the next financial year and balance this against the other investments identified within this report. Given the most effective time to do school projects is within the summer holidays, and with the respective timing difficulties that will arise due to the need to procure goods and services speedily, it is recommended that Cabinet delegates the implementation of this to the Programme Director and Cabinet Member to ensure timely decision making.

KEY DECISION - To delegate authority to the Chief Executive, in consultation with the Cabinet Member for Children's Services, and Director of Finance and Corporate Services to approve financial sums and take the necessary steps to implement the Revenue Maintenance Programme for 2010/11.

4. RISK MANAGEMENT

- 4.1 The BSF and PCP programmes are considered to be a key corporate priority and as such the risk management process for the two programmes is closely aligned with and complies with the Risk Management Policy and Standard as approved by the Corporate Management Team. The Programme Risk Manager meets regularly with the Corporate Risk Manager to consider whether there is a need for identified risks to be included on the Council's main register and to exchange risk and opportunity-related information.
- 4.2 A system is in place for reporting risks and evaluating them in relation to likelihood and impact, and incorporates a process for escalation to the Project Board where appropriate.

5. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 5.1 The Director of Finance and Corporate Services is corporate sponsor for the BSF programme and is aware of the work being undertaken. She notes that both BSF and PCP are subject to Government funding and approvals. The work to develop the bids and achieve the approvals are contained within existing budgets (except where indicated that commitment is subject to approval of the PCP by the DCSF).
- 5.2 The submitted BSF Outline Business Case (OBC), supported by a Section 151 letter confirms the decisions made by the Authority to manage and meet the affordability requirements associated with the programme. The BSF programme will be procured through a conventional Design & Build route.
- 5.3 Reference is made in the report that the Cambridge Project may need to be progressed in advance of the release of BSF funding. This would require potential temporary prudential borrowing of £8.3m. This will have an estimated revenue impact of just under £130k which will be met from the current schools

revenue maintenance budget. Discussions are ongoing to try and avoid/minimise the need for such borrowing.

- 5.4 Decisions regarding the Primary Capital Programme are subject to approvals from the Government to release funding against our bid.
- 5.5 In addition to the Primary Capital Programme, the Council's Capital Programme incorporates mainstream funding of £1.2m for the expansion of primary places. At present, this funding is identified for use in 2011/12 but it is now proposed that it be drawn down in 2010/11. At present the overall capital programme is forecast to be in surplus of £0.589m in 2010/11 and in broad balance to 2014/15. Bringing forward the £1.2m funding to 2010/11 will have no impact on the overall programme to 2014/15 but will require the 2010/11 position to be managed. Options available to the Council will include the re-profiling of other schemes or identification of expenditure slippage. At this stage, such potential in-year over-programming is not unreasonable.

6. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 6.1 The Assistant Director is a member of the Project Board and is working in conjunction with Trowers and Hamlins to provide legal advice and support to this project.

LOCAL GOVERNMENT ACT 2000
BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	BSF Outline Business Case	Paul Taylor x3627	ChSD Cambridge House
2.	Primary Strategy for Change	John Brownlow x3781	ChSD Cambridge House

Agenda Item 9



London Borough of Hammersmith & Fulham

Cabinet

29 MARCH 2010

**DEPUTY LEADER
(+ENVIRONMENT)**

*Councillor Nicholas
Botterill*

**DELEGATION OF AUTHORITY TO AWARD
TERM CONTRACTS FOR SUPPLY OF
STREET LIGHTING AND SIGNAGE
MATERIALS 2010 TO 2011 AND STREET
LIGHTING SUPPORT 2010 TO 2013**

**Wards
All**

This report recommends that Cabinet delegates the award of these Term Contracts to the Director of Environment and Director of Finance and Corporate Services, in consultation with the Deputy Leader (+ Environment), for the reasons detailed within the report.

CONTRIBUTORS

DENV
DFCS
ADLDS
TENDER APPRAISAL
PANEL

Recommendation:

That authority be delegated to the Director of Environment and Director of Finance and Corporate Services to award the Term Contracts for Street Lighting Support 2010 to 2013 and Supply of Street Lighting and Signage Materials 2010 to 2011, in consultation with the Deputy Leader (+ Environment).

**HAS A PEIA BEEN
COMPLETED?
YES**

1. PURPOSE OF THE REPORT

- 1.1 This report has been prepared to seek Cabinet approval for the delegation of the decision to award the Term Contracts for Street Lighting Support 1 April 2010 to 31 March 2013 and the Supply of Street Lighting & Signage Materials 1 April 2010 to 31 March 2011 to the Director of Environment (DEnv) and Director of Finance & Corporate Services (DFCS) in consultation with the Deputy Leader (+ Environment). This would otherwise be a Key Decision.
- 1.2 The Term Contract for Street Lighting Support is being prepared to support the Council's in house contractor (Borough Lighting) deliver its annual programme of works. Works will be called off as and when required, matched to peaks in the workload of the in-house team.
- 1.3 The contract for the Supply of Street Lighting & Signage Materials is being created to regularise the purchase of materials in line with the Council's Contract Standing Orders and Public Contract Regulations.
- 1.4 The procurement strategy was agreed by and progress of these contracts has been reported to the the Deputy Leader (+ Environment) at various key stages of the procurement exercise.

2. INFORMATION AND PROCUREMENT PROGRAMME

- 2.1 The Term Contracts for Street Lighting Support and the Supply of Street Lighting & Signage Materials both have a proposed start date of 1 April 2010 for a three year and 12 month term respectively
- 2.2 The proposed start date of 1 April 2010 was identified to coincide with the start of the new financial year.
- 2.3 The report identifying and agreeing the shortlist of tenders for the Street Lighting Support contract was approved by the Deputy Leader (+ Environment) on 26 November 2009. The Supply of Street Lighting & Signage Materials contract is an open tender process where companies / suppliers can submit tenders without the need to pre-qualify.
- 2.4 The Street Lighting Support contract documents were electronically issued to the shortlist of tenderers on the 22 January 2010 via the London Tenders portal website. The final date for Tender submission is the 3 March 2010.
- 2.5 The Supply of Street Lighting & Signage Materials contract documents are due to be issued for open tender on 17 February 2010. The final date for Tender submission will then be the 29 March 2010.
- 2.6 The targeted commencement date of 1 April 2010 will therefore not be met, but this presents no risk to the current service. The delay to the procurement programme has arisen because key officers have been dealing with the severe weather issues over the Christmas period as well as being fully engaged in the procurement of a number of other contracts which have been successfully let during the current financial year.

- 2.7 In addition to 2.5 above, the local elections in May would coincide with the award of the contracts and this may present further delays to the programme; therefore a delegated decision to award these term contracts is being sought to enable the contracts to be let by the intended deadlines.

3. COUNCIL DECISION-MAKING PROCESS

- 3.1 The total contract value is estimated at £900,000 for the Street Lighting Support contract (for the 3 year term) and £200,000 for the Supply of Street Lighting & Signage Materials (12 month term). This requires the award of the contracts to be approved by Cabinet through a Key Decision report in accordance with the Council's Decision-Making process.
- 3.2 The award of this contract is being overseen by a corporate Tender Appraisal Panel (TAP) and in order to meet a new start date as soon as possible after the originally planned 1 April 2010, their recommendation is to seek authority from Cabinet for the award of these contracts to be delegated to Chief Officers in consultation with the Deputy Leader (+ Environment).
- 3.4 The proposed delegation would mean that the contracts could be awarded in early April 2010 and, following a short mobilisation period, could commence from 1 May 2010.

4. CONTRACTS AWARD DECISION

- 4.1 The evaluation of the most economically advantageous tenders will be determined by the TAP.
- 4.2 In the case of the Street Lighting Support contract, the Tender evaluation shall be based on 70:30 price/quality ratio respectively, and for the Supply of Street Lighting & Signage Materials contract it shall be based on lowest price conforming.
- 4.3 The TAP recommendations to the Director of Environment and the Director of Finance are submissions which offer the most economically advantageous tender.

5. RECOMMENDATIONS

- 5.1 To delegate the award of the Term Contracts for Street Lighting Support 2010 to 2013 and Supply of Street Lighting & Signage Materials 2010 to 2011 to the Director of Environment and Director of Finance & Corporate Services, in consultation with the Deputy Leader (+Environment).

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 6.1 The report identifying and agreeing the shortlist of tenders for the Street Lighting Support contract was approved by the Deputy Leader (+ Environment) on 26 November 2009. Unfortunately, it has not been possible to conclude the procurement within the proposed timetable and it will be necessary to implement interim arrangements until the contract can be mobilised.
- 6.2 The final date for Tender submission for the Street Lighting Support contract is 3 March 2010. The final date for Tender submission for the Supply of Street Lighting & Signage Materials contract will be 29 March 2010. The Tender Appraisal Panel will then meet to consider submissions and recommend to the Director of Environment and Director of Finance and Corporate Services approval of the successful contractor. The approval report will contain the financial implications of the award at that time.

7. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 7.1 The Assistant Director (Legal and Democratic Services) agrees with the recommendations in this report. Legal Services will continue to provide advice to officers on the procurement of this contract.

8. COMMENTS OF THE ASSISTANT DIRECTOR STRATEGY, PERFORMANCE AND PROCUREMENT

- 8.1 The Assistant Director agrees with the recommendations contained in this report and will provide procurement advice through out the tendering process.

**LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS**

No.	Description of Background Papers	Name/Ext. of holder of file/copy	Department/ Location
1	PQQ's and evaluation files. Minutes of Tender Appraisal Panel Meeting	Jonathan Addis Ext. 3073	EnvD 4 th floor HTHX

Agenda Item 10



London Borough of Hammersmith & Fulham

Cabinet

29 MARCH 2010

**DEPUTY LEADER
(+ENVIRONMENT)**
*Councillor Nicholas
Botterill*

**CABINET MEMBER
FOR RESIDENTS
SERVICES**
Councillor Paul Bristow

**CABINET MEMBER
CULTURE &
HERITAGE**
*Councillor Frances
Stainton*

CONTRIBUTORS

DRSD
DFCS
ADLDS
ADPAP

HAS A PEIA BEEN COMPLETED? YES

**APPOINTMENT OF APPROVED CATERERS -
FULHAM PALACE**

**Wards
Palace Riverside**

Following the completion of restoration work in late 2006, the Council has operated a list of five external caterers approved to work at Fulham Palace. These contracts have expired and the provision of catering services has been retendered. It is proposed that the Council approve five external caterers to provide catering services at Fulham Palace.

A separate report on the exempt part of the agenda provides confidential information about the tendering exercise.

Recommendation:

That contracts be entered into for the provision of catering services at Fulham Palace with the following catering companies:

- Create Ltd
- At Home
- Foodshow
- Bovingdons
- Mosimanns

1. BACKGROUND

- 1.1 Following the completion of restoration work in late 2006, the Council has operated a list of five caterers approved to work at Fulham Palace. These contracts have expired and the provision of catering services has been retendered.
- 1.2 The Council wishes to again appoint five external caterers to work at Fulham Palace. No other caterers would be permitted to work at the Palace other than in very exceptional circumstances. The Council wishes to appoint caterers that not only have experience in private client catering but also robust relationships with the corporate sector, so that it can work in partnership with the caterers to develop midweek corporate business at the Palace.
- 1.3 The appointment of a small panel of approved caterers is in line with industry best practice for the provision of catering at historic properties. The proposed contract is for five years. The benefits of having a limited number of approved caterers permitted to work at the Palace for five years and with experience of the private and corporate markets are that the:
- Caterers will be in competition with each other and constantly working to provide a high quality, value for money product to clients.
 - Caterers will have the confidence to work with the Council to grow business at the Palace across a reasonable timeframe (fewer than five caterers would lead to complacency in this respect, more than five would result in indifference on behalf of the caterer).
 - The Council can exploit the caterers' links to the corporate market so that it can develop weekday corporate business at the Palace alongside its established weekend private function business.
 - The Council can establish a relationship with each of the caterers to ensure that the Palace's historic fabric is protected and its kitchens properly used and cared for.
 - Caterers will provide a large amount of marketing for the Palace (especially to the corporate and wedding markets) including the regular hosting of promotional functions (three per year at no cost to the Council) and access to their extensive contact databases.
 - Council will be paid a percentage of the turnover of caterers' business at the Palace.
 - Caterers will be incentivised to bring corporate clients to the Palace through the payment of a 10% commission on any corporate room hire bookings they bring to the Palace.
 - Variety of costs and types of menu can be agreed with the caterers to ensure that a broad spectrum of tastes, dietary requirements and

incomes is provided for. This will be of particular value to the private client market which expects a high degree of catering choice at venues.

- Council can tightly monitor the quality of catering and ensure that high standards are maintained across all caterers at all times.

1.4 As a condition of contract, the approved caterers would, *inter alia*, be obliged to:

- Provide cocktail catering at three promotional functions arranged by the Council in partnership with the Tenderer and hosted at Fulham Palace during the duration of the contract. The catering would support joint promotion of the Palace to key markets and clients as defined by the Council. The cost to the Tenderer would not exceed £3,000 per function and there would be no cost to the Council.
- Work with the Council to market Fulham Palace to the corporate sector through the establishment of a shared database of corporate contacts.
- Use their existing channels of promotion to raise the profile of the Palace within the corporate sector.
- Include links to the Palace on their own websites.

1.5 The Council would reserve the right in very exceptional circumstances to permit non-approved catering companies to work at the Palace up to a cumulative total of four functions per year at a fixed concession rate of 20% of gross food and beverage revenue.

2. TENDER PROCESS

2.1 A tender appraisal panel (TAP) was established to advise on the contract. The TAP confirmed that catering services are classified as Part B services under the Public Contracts Regulations 2006 and are therefore not subject to the full procurement regime under the Regulations, but recommended that expressions of interest (Eols) should be sought prior to requesting tenders.

2.2 The requirements of the Eol were discussed and agreed at the TAP meeting of 13 July 2009. The Council advertised for Eols on the websites of both the Council and Fulham Palace. All advertisements were placed on the 21 July 2009. Eols were required to be submitted by 14 August 2009.

2.3 Respondents were asked to submit an Eol in their own chosen format to include:

- Company / Consortia / Partnership profile;

- Statement of each of the service provider's overall turnover and accounts for the past 3 years;
- Details of experience of approved catering at Fulham Palace (if applicable) and / or other sites during the last 3 years – especially the provision of catering at wedding receptions of between 80 and 150/180 people.
- Experience of working in buildings of outstanding heritage merit with high operational constraints aimed at maintaining security and protecting historic fabric.
- Details of technicians and technical services available, whether or not directly related to the undertaking, with special reference to catering, event management, quality control, sales and marketing;
- Breakdown of the organisation's management (or proposed management) and staff resources including operatives, together with details of educational, technical and professional qualifications held;
- Details of marketing properties within which caterers have worked – in particular details of successful marketing to the corporate market

2.4 A total of nine Eols were received. The Eols were assessed by the Palace's Hospitality Manager and Assistant Hospitality Manager. The accounts for each respondent were passed to Corporate Finance and each company was credit checked. All of the companies passed the credit check. The results of the Eol were discussed at the TAP meeting of 2 September 2009 and it was agreed that all of respondents should be invited to tender. The assessment criteria for the tenders was approved at the same meeting.

2.5 Tenders were issued on the 22 October 2009 with a submission deadline of noon on 23 November 2009. Tenders were evaluated on a combination of price (40%) and quality (60%). The price of the tender was a percentage of the gross income to the caterer generated by the provision of catering at the Palace. The quality of the tender was determined from the content of the written proposal and by a site-based sampling of the tenderer's food. The assessment criteria were weighted to reflect their relative importance and a minimum quality threshold score was established. The key assessment criteria were:

- Tenderer's proposal to promote Fulham Palace as a major venue for private and corporate functions.
- The manner in which the tenderer proposes to manage the contract – in particular the provision of a single point of contact / account manager.
- The procedures and practices the tenderer will use to ensure and sustain excellent quality and high standards of care towards the Council and individual clients.

- 2.6 The separate report on the exempt part of the agenda summarises the tendering process and its outcome.
- 2.7 It is recommended that the following five tenderers be approved to provide catering services at Fulham Palace.

- Create Ltd
- At Home
- Foodshow
- Bovingdons
- Mosimanns

3. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 3.1 The financial implications of the recommendations of this report relate to the appointment of catering contractors approved to work at Fulham Palace.
- 3.2 In common with the industry standard, the catering contract was tendered on the basis that the Council would receive a fixed percentage of the gross income generated by the each caterer from the provision of catering services at the Palace.
- 3.3 In 2006, the concession tendered by each of the current approved caterers was 10%. It is expected that the average rate of 10% will be achieved once again taking into account the range of rates offered by those caterers that have expressed an interest. From 2010/11, the real benefit will be the additional business that is predicted through the joint sharing of marketing and promotions between the Council and caterers, and access to caterers who have strong links with both the private and corporate function markets.
- 3.4 The optimal number of caterers required to cover the breadth of market is five. It will be a contractual condition for all of the caterers that they carry out marketing and promotions at their own costs in order to generate as much room hire business as possible. Income from catering is predicted to be £55k for 2009/10. This is expected to grow to £78.5k for 2010/11 . Officers are confident that the new arrangements as highlighted in this report will deliver the targets.

4. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 4.1 The AD Legal and Corporate Services agrees with the recommendation contained in this report.

5. COMMENTS OF THE ASSISTANT DIRECTOR (PERFORMANCE AND PROCUREMENT)

5.1 The AD Performance & Procurement agrees with the recommendation contained in this report and has been represented on the Tender Appraisal Panel.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	Minutes of TAP Meetings	Matthew Bates	Fulham Palace
2.	TAP Report	Matthew Bates	Fulham Palace

CONTACT OFFICER:	NAME: Matthew Bates EXT: (020) 76107161
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Agenda Item 11



London Borough of Hammersmith & Fulham

Cabinet

29 MARCH 2010

**CABINET MEMBER
FOR RESIDENTS
SERVICES**

Councillor Paul Bristow

**CABINET MEMBER
FOR PARKS,
CULTURE AND
HERITAGE**

*Councillor Frances
Stainton*

**BISHOPS PARK TENNIS COURT
REFURBISHMENT**

**Wards
Palace Riverside**

Tennis provision at Bishops Park requires extensive refurbishment to meet minimum national standards to improve facilities for the public. The proposed refurbishment will see all courts resurfaced, floodlighting of five courts, and reconfiguration of the existing 15 courts to provide 12 full size adult courts and 4 junior courts. This will establish a centre of excellence for tennis in the borough.

The estimated value of the project is £340,000 which will be funded through existing parks capital and external grant funding.

CONTRIBUTORS

DRS
ADLDS
DFCS

Recommendations:

- 1. That the budget expenditure for delivery of the tennis improvement scheme at Bishops Park of £340,000 be approved.**
- 2. That authority be delegated to officers (Director of Residents Services) to award contract(s) to deliver the project**

**HAS A PEIA BEEN
COMPLETED?
YES**

1. BACKGROUND

- 1.1 Hammersmith and Fulham has a celebrated tradition of promoting access to sports for all residents through a wide range of sporting facilities. However, despite investment to improve sports facilities around the borough, there remain significant improvements to be made.
- 1.2 Bishops Park is one of the borough's flagship parks attracting visitors from across the borough. A recent survey in 2008 estimated over 2 million trips (gate counter 2009) to the park. Its significance in the borough is due to the broad range of sports provision and unique heritage landscape.

2. PURPOSE OF THE PROJECT

- 2.1 Bishops Park has the largest number of tennis courts, at a single site, in the borough. The Council has run a number of coaching and competition programmes in Bishops Park for young aspiring tennis players since 2006. Over 2000 children under 12 years have participated in this programme, demonstrating the level of support for playing tennis.
- 2.2 However, the tennis courts have fallen into disrepair and now present health and safety concerns (uneven surfaces, poor site security) in addition to not meeting current minimum standards set by the national regulatory authority, the Lawn Tennis Association (LTA), due to unconventional court sizes and layout.
- 2.2 The need to raise the profile of tennis in the borough is recognised by the Lawn Tennis Association as well as some of our key partners delivering tennis development programmes, such as the Queens Club. Improvements to the Bishops Park facilities, such as the reinstatement of floodlighting to some of the courts, are central to delivering increased tennis participation in the borough.
- 2.3 The improvements to the facilities will also enable the provision of a dedicated programme to enhance grass roots tennis development and allow for a more self sustaining service through greater revenue income generation.

3. POLICY FRAMEWORK

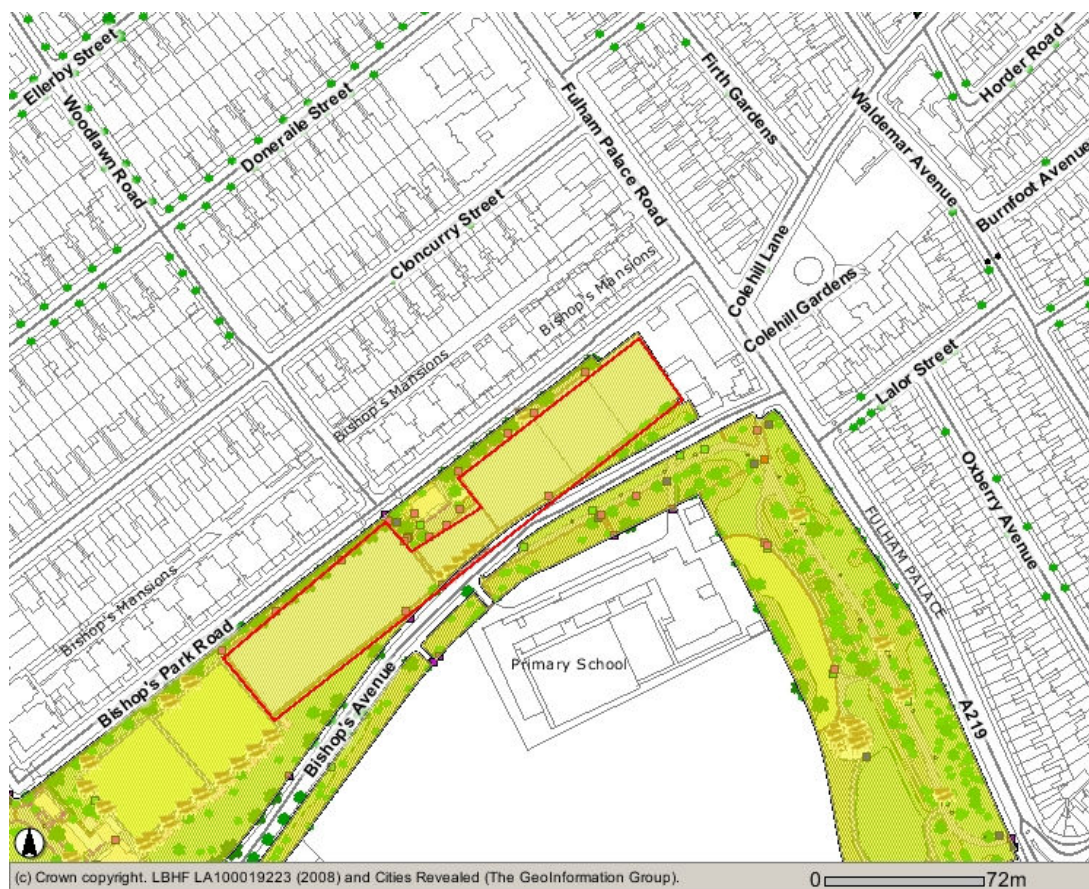
- 3.1 There are a number of applicable local and national policies related to improving sports participation. This project will support the Council's key priority of a "Cleaner Greener borough" through improved facilities in parks.
- 3.2 Tennis is designated as one of the nine key priority sports in the 2006-2012 H&F Sports Strategy. In addition, the improvements made to the Bishops Park tennis facility will support the objectives in the Parks and Open Spaces Strategy 2008 – 2018:
 - Creating safe, attractive and accessible spaces for all;
 - Improving the standard of management and maintenance;
 - Actively involving the community in their local open spaces
 - Increasing participation in open spaces.

3.3 The regional context, The London Plan for Sport and Physical Activity 2004-2008 (Sport England, also sets objective for local authorities to increase levels of participation.

4. SCOPE OF THE PROJECT

4.1 The project is focused on the physical improvement of the existing 15 tennis courts which includes the surface treatment, fencing both internal and boundary, and illumination of five courts as well as egress areas. Total area of improvement is approximately 7,888 sq metres. See Fig. 1:

Fig. 1 Location of tennis court improvements.



4.2 All areas outside the existing footprint of the current tennis courts are outside the scope of this project, including the tennis pavilion and the surrounding landscape. Future improvements to the landscaping around the tennis courts and the tennis pavilion will be addressed as a separate scheme subject to future funding opportunities.

4.3 The introduction of some floodlights in the scheme required planning consent and full planning permission was granted for this element on 23 September 2009. Other physical improvements such as resurfacing and fencing will fall under the 'sites permitted development' rights.

4.4 The specific outcome of the project will be as follows

Outcome/activity	Rationale	Benefits
Resurfacing of all courts	Surfaces are uneven with some having significant level changes. Tarmac surface deterioration	Minimise the health and safety risks. Improve quality of playing surface as well as users' experience of site.
Root barriers installed along the northern boundary of the courts	Boundary tree roots are penetrating through courts creating uneven surface and safety concerns.	Preventative measure to extend the surface lifespan
Floodlighting of 5 courts. (Only centre court and four courts of the south bank will be floodlit).	Currently courts are closed from 4pm in winter months, limiting opportunity and access to tennis for significant period of the year.	Extend the access to tennis in winter months to 8pm, which also provides additional income to support the service.
Court remarking to reduce 15 courts to 12 full size Adult courts.	Present court sizes are too small and safety zones between courts do not meet LTA minimum standards.	Improves quality of play, minimises risk to players.
Introduction of 4 junior courts in junior court zone.	Grass root coaching and development currently not supported by existing set up.	Encourage young players and novices to be introduced to tennis and support long-term growth of sport in the borough
Boundary fencing and internal court separation.	Present fencing dilapidated.	New fencing will improve quality of play and safety. Additional separation of courts in blocks will decrease nuisance from adjoining courts

4.5 Appendix 1 provides an illustration of how the courts will be reconfigured and the design specification.

5. CONSULTATION

5.1 Consultation on improving the tennis courts was undertaken in as part of the Bishops Park Heritage Lottery Fund application process and as part of the formal planning application process for the installation of floodlights in 2009.

5.4 The demand from schools and private clubs for both tennis floodlighting and the associated improvements at Bishops Park has also been expressed through the Urban Tennis project. There are at least six local primary schools that are in the catchment area of Bishops Park and which would directly

benefit from the improvements proposed and have expressed positive interest in participation in the proposed scheme.

5.5 The most significant impact of refurbishing the tennis courts will be the potential additional hours of usage of courts in floodlit hours during the winter months. Concerns raised during the planning process were light pollution and potential nuisance from floodlights.

5.6 Noise and light nuisance to residents will be managed as a condition of the planning application, with the hours of operation restricted to end at 8:00pm. In addition, a specific level of permissible lighting has been set in the planning conditions approved. The floodlights will have shields that restrict light spillage to a minimum.

6. FINANCIAL AND PROCUREMENT CONSIDERATIONS

6.1 The project has evolved through a collaborative partnership with the Lawn Tennis Association, the national regulatory body for tennis. The LTA has assisted with the development of the specification for the scheme with in-kind support through their technical advisors and consultants to achieve a scheme that will meet minimum national standards for both court infrastructure and grass root development programme.

6.2 The total cost of the project is estimated at £340k including contingency for possibly phasing project delivery (40K). Funding for the project will be sourced as follows:

Source	Capital amount
Tennis Foundation	£150k
Queens Club	£20k
H&F Parks Capital	£170k
Total	£340

6.3 The Tennis Foundation is providing capital funding of £150K (and potentially a further £20K from GLA to be confirmed). The Queens Club, London, has also undertaken to provide a capital grant of £20K towards the refurbishment of the facilities. Funding from the Tennis Foundation is being fast-tracked. There is a minimal risk of not achieving this source of funding but procurement will not be undertaken until the funding is confirmed.

6.4 The construction phase of the project will be outsourced, following Council procurement standing orders. Suitable contractors will be awarded to deliver the following works package:

Scope of works	
Floodlights, equipment, control units and connection	£60k
Ground levelling, root barriers and resurfacing	£197k
Fencing	£83k
Total	£340k

- 6.5 Bishops Park represented a total of 70% of tennis booking revenue in 2008/9. These improvements are projected to deliver an estimated increase in net revenue of £20,000 per annum from 2011/12 (first full year) and by 2011/12 net increase from 2008 will be £33,950 per annum.

7. PROJECT TIMETABLE

- 7.1 To ensure minimal impact of the project to users and income stream, the ideal scenario would be to complete the project in single phased before the start of the Tennis Season in May.
- 7.2 This timescale is not possible, but phasing the project to have half the courts completed with floodlights ready for the winter season and the rest completed in the autumn will ensure continuity of provision throughout the year but will reduce service and income at peak season. Therefore the following programmes are proposed:

Activity	One phase	Two phases
Procurement process	February 2010	February 2010
Award Contract	April 2010	April 2010
Contractor on site	October 2010	April 2010 – June 2010 October 2010 – December 2010
Completion of works	December 2010	December 2010

8. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 8.1 Although £170k has been set aside from the Capital Fund for parks development, the project is dependent upon a further £170k of additional funding. The project will only go ahead when this external funding has been realised. As well as improving the facility and tennis participation in the borough, the improvements to the facilities are expected to yield an extra £20k of net revenue per annum.

9. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 9.1 The Council has the power to provide and improve sports facilities in its parks and open spaces.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Parks and Open Space Stragety	Rob Kelly 2292	Parks and Culture
2.	Bishop Park tennis courts Planning Application	Paul Bassi 2599	Parks and Culture
3.	2006-2012 Sports Strategy	Terry See	Parks and Culture

CONTACT OFFICER:	NAME: Paul Bassi EXT: 2599
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London Borough of Hammersmith & Fulham

Cabinet

29 MARCH 2010

**CABINET MEMBER
FOR CRIME AND
STREET SCENE**

Councillor Greg Smith

UPDATED ENFORCEMENT POLICY

**Wards
All**

The Enforcement Policy (attached as Appendix 1), has been adapted to reflect the recent corporate restructure and the requirements of the Regulators Compliance Code. Specific references to Public Protection & Safety have been removed to allow a widened range of enforcement activities to be included to cover Private Housing Services and the Street Scene and Waste Management Teams in Resident's Services.

CONTRIBUTORS

ADPPS
ADLDS
DFCS

Recommendation:

That the adoption of the updated Enforcement Policy, attached as Appendix 1 to this report, be approved.

<p>HAS A PEIA BEEN COMPLETED? YES</p>
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1. BACKGROUND

- 1.1 The Council is responsible for enforcing a wide variety of legislation and consequently delegates powers to individual officers to take enforcement action where necessary. The decision to take (or not to take) enforcement action is a serious one that may have implications for all involved and it is important that we have a policy in place that ensures, amongst other things, fairness and consistency.
- 1.2 The table in Appendix 2 sets out a summary of the enforcement activity carried out by just one division of the Council (Public Protection and Safety) in 2008/09. Enforcement of legislation is a primary function of the division and the number of activities shown reflects the need to have a robust Enforcement Policy. The Public Protection and Safety division has had an Enforcement Policy in place since 2002.

2. PROPOSALS

- 2.1 The Public Protection and Safety Division's Enforcement Policy was last updated in October 2006 to ensure that it achieved compliance with Best Value Performance Indicator (BVPI) 166 (a) and (b). Compliance with the BVPI was discretionary but the scores were published and used both to compare performance between local authorities and to drive continuous improvement. In April 2008, all of the BVPIs were replaced by 198 new performance indicators as part of the National Performance Framework for Local Government. The new indicator set does not contain an equivalent to BVPI 166.
- 2.2 Enforcement Policy has, until now, also been guided by the six principles of good enforcement set out in the 1998 Enforcement Concordat. Those principles were:
 - Performance will be measured against published standards;
 - There will be openness in dealing with businesses and others;
 - Enforcement officers will be helpful, courteous and efficient;
 - Complaint procedures will be published;
 - Enforcement decisions will be proportionate to the circumstances;
 - Enforcement officers will strive for high standards of consistency.
- 2.3 The Regulators' Compliance Code came into effect on 1 April 2008, effectively replacing the Enforcement Concordat.
- 2.4 **The Regulators' Compliance Code**

The Code is a new statutory Code of Practice for Regulators, requiring that we have regard to the following specific factors.

Economic progress – Regulators should consider the impact that their regulatory intervention may have on economic progress, especially on small businesses.

Risk Assessment – The Code puts risk assessment at the forefront of decision making, requiring that it informs all aspects of regulatory activity including data collection, inspection, advice and enforcement.

Advice and Guidance – Regulators should ensure that all legal requirements are promptly communicated to regulated entities and provide general information, advice and guidance. This includes distinguishing between legal requirements and best practice.

Inspections and other visits – There should be no inspection without a reason and greatest effort should be focused where both failure to comply with the law would pose a serious risk and there is a high likelihood of non-compliance.

Enforcement actions and sanctions – Regulators should take a light touch approach to regulated entities that regularly achieve good compliance levels. Suspected breaches should be discussed with regulated entities prior to enforcement actions being taken and any sanctions should be consistent with the principles of proportionality and flexibility set out in the Macrory review. Namely they should:

- Aim to change the behaviour of the offender;
- Aim to eliminate any financial gain or benefit from non-compliance;
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with criminal conviction;
- Be proportionate to the nature of the offence and the harm caused;
- Aim to restore the harm caused by regulatory non-compliance; and
- Aim to deter future non-compliance.

Clear reasons should be given to a person against whom enforcement action is being taken, at the time the action is taken. Those reasons should be confirmed in writing at the earliest opportunity. Any relevant complaint or appeals procedures should be explained at the same time. Inspectors and Enforcement staff should interpret and apply their legal requirements and enforcement policies consistently and fairly.

Accountability – Regulators should create effective consultation and feedback opportunities to enable continuing cooperative relationships with regulated entities. They should ensure that employees provide courteous and efficient services to regulated entities and others and take account of comments from regulated entities regarding the behaviour of enforcement staff.

2.5 Enforcement Policy (Appendix 1)

The Enforcement Policy has been re-written to reflect the above factors, the corporate restructure and to ensure that it can be adopted by other Divisions within the Council. Specific references to Public Protection & Safety have been removed to allow a widened range of enforcement activities to be included to cover Private Housing Services, Street Scene and Waste Management Teams in Residents' Services.

Its emphasis is on helping businesses and individuals understand the circumstances under which we may follow a particular course of action rather than how we actually do it. Sections explaining detailed internal procedures, which inevitably change over time and can therefore quickly become outdated and irrelevant, have been removed from the Policy.

Other significant alterations include an update in relation to Proceeds of Crime Applications and the addition of the new sanctions of Fixed Penalty Notices and Penalty Charge Notices.

The Enforcement Policy recognises that it is necessary to protect the consumer and the environment and that where businesses persistently and deliberately flout the law or put the safety of others at risk, there must be effective sanctions.

3. ALTERNATIVE OPTIONS

3.1 None; the enforcement policy requires updating.

4. CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1 The draft Enforcement Policy has been displayed on the LBHF website since August 2009 and some 1,700 businesses throughout the borough were invited to comment. No comments have been received.
- 4.2 Officers within the Environment Services Department have been consulted and any comments or suggestions have been incorporated into the policy where appropriate.
- 4.3 Officers within the Residents' Services Department have been consulted and any comments or suggestions have been incorporated into the policy where appropriate.
- 4.4 When adopted, the policy will be published on the internet and distributed on request.

5. RISK MANAGEMENT

- 5.1 Failure to meet new and existing statutory requirements is specifically addressed in the Environment Services Department's risk register. Controls in place to mitigate this risk include training, internal auditing, periodic updates of the scheme of delegation and the business planning process.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 6.1 There are no financial implications associated with this report.

7. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 7.1 Compliance with the Enforcement Policy would support enforcement actions and the instigation of prosecutions in appropriate cases. Failure to comply could compromise and prejudice such action.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Regulators Compliance Code	Iain McCord ext 4920	Environment Services
2.	The existing Public Protection & Safety Enforcement Policy.	Iain McCord ext 4920	Environment Services
CONTACT OFFICER:		NAME: Iain McCord EXT: 4920	

Appendix 1 ENFORCEMENT POLICY

1. Introduction

1.1 In 1998 the London Borough of Hammersmith & Fulham (LBHF) signed up to the Enforcement Concordat as commended by the Cabinet Office and the Local Government Association. The Concordat lays down the principles of good practice to ensure fair, practical and consistent enforcement and those principles are reflected in this policy.

1.2 The enforcement of legislation is an important function within the Council and the effective discharge of this requires the prosecution/cautioning of offenders in appropriate cases. Additionally, the potential for legal offences is created by the service of notices under a number of statutes. The decision to take (or not to take) enforcement action is a serious one and any such action may have implications for all involved. The Council applies this policy to ensure that:

- Decisions about enforcement action are fair, proportionate and consistent;
- Officers apply current Government guidance and relevant codes of practice;
- Everyone understands the principles that are applied when enforcement action is considered.

1.3 This policy must therefore guide all officers who are involved in investigating cases, serving notices and recommending or deciding upon the commencement of legal proceedings. When any officer is in any doubt as to how to apply the policy, he/she should seek the guidance of senior officers and ensure that adequate information is available so that decisions may be reached correctly. Any individuals or businesses who may potentially be affected by the policy can access it in the following ways:

- From the council web site at www.lbhf.gov.uk
- Via e-mail (environmentalprotection@lbhf.gov.uk),
- By phone on 020 8753 1081
- In person from the Environment Services Department reception on the 3rd Floor, Town Hall Extension, King Street, London W6 9JU.
- In writing addressed to The Public Protection & Safety Division at the 5th Floor, Town Hall Extension, King Street, London W6 9JU.

1.4 'Enforcement' includes any action taken by officers aimed at ensuring that individuals or businesses, including Local Authority managed premises, comply with the law. This is not limited to formal enforcement action such as prosecution.

1.5 This document promotes efficient and effective approaches to regulatory inspection and enforcement which improve regulatory

outcomes without imposing unnecessary burdens. This is in accordance with the Regulators' Compliance Code, a copy of which can be found at: <http://www.berr.gov.uk/files/file45019.pdf>

- 1.6 Whilst the general principles outlined below will apply in all cases it must be recognised that each individual case will vary and each must be considered on its own merits before a decision is reached. In certain instances for example, we may conclude that a provision in the Regulators' Compliance code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code or any other of the general principles will be properly reasoned, based on material evidence and documented.

2. General Principles

- 2.1 Prevention is better than cure and our role therefore involves actively working with businesses and individuals to advise on, and assist with compliance. We will make clear not only what they have to do but, where relevant, what they don't. In practice, this means distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory, thereby minimising the cost of compliance by requiring proportionate action.
- 2.2 We aim to risk assess our regulatory activities through the annual business planning process, targeting our resources where they will have the greatest effect. We will carry out inspections only where there is a reason for doing so, for example, as a response to intelligence or as part of our risk assessment process. Greatest effort will be focussed where failure to comply would pose a serious risk and there is a high likelihood of non-compliance.
- 2.3 We will apply a light touch approach to those businesses who comply with regulatory requirements and those who work with us to achieve compliance. However we will not hesitate to use the full range of enforcement tools at our disposal against those businesses or individuals whose activities are likely to cause material loss or harm to others, or endanger the health, safety and wellbeing of people or our neighbourhood.
- 2.4 Enforcement decisions will be made in a fair, independent and objective way and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source.
- 2.5 We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, and its significance, in making the decision to take formal action.

2.6 The London Borough of Hammersmith & Fulham is a public authority for the purposes of the Human Rights Act 1998. We will therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. In particular, and where relevant, we will comply with the Regulation of Investigatory Powers Act 2000 (RIPA) when conducting investigations into alleged non-compliances.

3. Notifying Alleged Offenders

3.1 If we receive information (for example from a complainant) that may lead to enforcement action we will notify those concerned as soon as is practicable of any intended enforcement action, unless this could impede an investigation or pose a safety risk to anyone concerned.

3.2 During the progression of enforcement investigations/actions, business proprietors or individuals and witnesses will be kept informed of progress. Confidentiality will be maintained and personal information about individuals will only be released to a court when required and/or in accordance with the Data Protection Act 1998. Information gathered during such investigations will be subject to the restrictions on disclosure laid out in the Enterprise Act 2002

4. The Appropriate Level of Enforcement Action

4.1 The level of enforcement action that may be taken varies from no action through to formal proceedings in court. Examples of the main types of action that can be considered are shown below.

- No action;
- Informal action and advice;
- Formal Notice;
- Fixed Penalty Notices;
- Penalty Charge Notices;
- Forfeiture Proceedings;
- Seizure of goods/equipment;
- Works in Default;
- Injunctive Actions;
- Refusal/Revocation of a Licence;
- Simple Caution;
- Prosecution.

4.2 In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- The seriousness of compliance failure;
- The business's past performance and its current practices, including response to previous advice;
- The risks being controlled;
- Legal, official or professional guidance;

- Local priorities of the Council.
- 4.3** Under normal circumstances, a process of escalation will be used until compliance is reached. Exceptions may occur where there is a serious risk to public safety or the environment or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment.
- 4.4** In certain circumstances, legislation allows an officer to serve a notice requiring action to be taken or, that certain operations/activities be stopped immediately. The service of a legal notice may be followed by an investigation into the cause of the breach and further enforcement action, including prosecution may ensue. Failure to comply with a legal notice will usually be taken as a disregard for the law and appropriate action will be taken. Legal notices are normally used where:
- A serious threat to public health, safety, the environment or to amenity will arise or a situation deteriorate, if a breach is not remedied quickly; or
 - An informal approach has failed, or in the opinion of the officer is likely to fail to achieve the necessary improvements; or
 - The breach is one of a number of matters prescribed under legislation.
- 4.5** Certain offences are subject to Fixed Penalty Notices where prescribed by legislation. They are normally appropriate for offences at the minor end of the scale and avoid the defendant gaining a criminal record. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice, we may (subject to evidential and public interest tests – paragraphs 5.3 & 5.4 below) chose to administer one on a first occasion, without issuing a warning. A Fixed Penalty Notice would not normally be appropriate for a repeat offence.
- 4.6** Complaints from tenants of Registered Social Landlords (RSL) relating to housing matters will be dealt with in the manner laid out in the RSL Protocol. We will mediate where there are continuing disputes or difficulties, encouraging tenants to follow the RSL's complaint procedures, and will intervene where we foresee an immediate risk to health or safety.
- 4.7** Decisions about the most appropriate enforcement action will be based upon professional judgement, legal guidelines, statutory codes of practice and priorities set by the Council and Central Government. Any sanctions or penalties will be applied according to the principles which emerged from the Macrory review regarding the elimination of financial gain or benefit from non-compliance, proportionality and deterrence of future non-compliance.
- 4.8** Clear reasons for any formal enforcement action will be given at the time the action is taken. These reasons will be confirmed in writing at

the earliest opportunity and any relevant complaints or appeals procedures will be explained.

- 4.9 Applications may be made under the Proceeds of Crime Act for confiscation of assets in serious cases. Their purpose is to recover the financial benefit that the offender has obtained from any criminal conduct. Applications are made after a conviction has been secured.

5. The Decision to Prosecute/Issue a Simple Caution

- 5.1 Two tests are applied in determining whether a Prosecution or a Simple Caution is viable and appropriate. We follow guidance issued by the Crown Prosecution Service when applying the tests. More information can be found at: [Code for Crown Prosecutors](#).

- 5.2 A Simple Caution or Prosecution proceedings will only be progressed when the case has passed both the evidential test and the public interest test. The principles outlined apply equally to the other types of formal enforcement actions that are available.

5.3 The Evidential Test

We must be satisfied that there is enough evidence to provide a 'realistic prospect of conviction' against each defendant on each charge. In considering the evidence, officers should have regard to any lines of defence which are open to or have been indicated by the accused, as well as any other factors likely to affect the prospects of conviction including admissibility of the evidence and reliability of witnesses. This must be an objective test since a conviction will only be obtained if the Court or the jury is sure of a defendant's guilt.

5.4 The Public Interest Test

The public interest test must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. We will balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the suspect. Some factors may increase the need to prosecute whilst others may suggest that another course of action would be more appropriate.

6. Liaison with other regulatory bodies and enforcement agencies

- 6.1 Where appropriate, enforcement activities will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.
- 6.2 We will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies. These may include (but

are not limited to) Government Agencies and Departments, other Local Authorities, Police Forces and Fire Authorities.

7. Implementation of the Enforcement Policy

7.1 The relevant Assistant Directors, Heads of Operations and individual Service Managers will be responsible for ensuring that all enforcement officers are familiar with the requirements of and carry out their duties in accordance with this Enforcement Policy.

8. Review of the Enforcement Policy

8.1 This Policy will be reviewed annually.

APPENDIX 2**Enforcement Activity 2008/09
Public Protection & Safety Division**

Private Housing	Notices served	106
	Notices complied in default	1
Pollution Control	Complaints investigated	1853
	Notices served	109
Noise Control	Complaints investigated	7841
	Notices served	341
	Notices complied in default	16
	Summonses and Simple Cautions	14
	Equipment seized	9
Food Safety	Complaints investigated	210
	Food Hygiene inspections	1121
	Informal advice/written warnings	1121
	Improvement Notices served	16
	Summonses and Simple Cautions	4
Public Health	Complaints investigated	1424
	Notices served	22
	Notices complied in default	8
Health & Safety	Complaints investigated	180
	Inspections carried out	294
	Informal advice/written warnings	294
	Improvement Notices served	2
	Prohibition Notices served	5
Trading Standards	Complaints investigated	798
	Informal advice/written warnings	371
	Prosecutions commenced	7
	Under-age test purchase attempts	66



FORWARD PLAN OF KEY DECISIONS

Proposed to be made in the period April 2010 to July 2010

The following is a list of Key Decisions, as far as is known at this stage, which the Authority proposes to take in the period from April 2010 to July 2010.

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

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

The Forward Plan will be updated and published on the Council's website on a monthly basis. (New entries are highlighted in yellow).

NB: Key Decisions will generally be taken by the Executive at the Cabinet. The items on this Forward Plan are listed according to the date of the relevant decision-making meeting.

*If you have any queries on this Forward Plan, please contact
Katia Richardson on 020 8753 2368 or by e-mail to katia.richardson@lbhf.gov.uk*

Consultation

Each report carries a brief summary explaining its purpose, shows when the decision is expected to be made, background documents used to prepare the report, and the member of the executive responsible. Every effort has been made to identify target groups for consultation in each case. Any person/organisation not listed who would like to be consulted, or who would like more information on the proposed decision, is encouraged to get in touch with the relevant Councillor and contact details are provided at the end of this document.

Reports

Reports will be available on the Council's website (www.lbhf.org.uk) a minimum of 5 working days before the relevant meeting.

Decisions

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

Making your Views Heard

You can comment on any of the items in this Forward Plan by contacting the officer shown in column 6. You can also submit a deputation to the Cabinet. Full details of how to do this (and the date by which a deputation must be submitted) are on the front sheet of each Cabinet agenda.

LONDON BOROUGH OF HAMMERSMITH & FULHAM: CABINET 2009/10

Leader: Greenhalgh	Councillor Stephen
Deputy Leader (+ Member for Environment): Botterill	Councillor Nicholas
Cabinet Member for Residents' Services: Bristow	Councillor Paul
Cabinet Member for Housing: Ivimy	Councillor Lucy
Cabinet Member for Children's Services: Gore	Councillor Sarah
Cabinet Member for Strategy: Loveday	Councillor Mark
Cabinet Member for Crime and Street Scene: Smith	Councillor Greg
Cabinet Member for Parks, Culture and Heritage: Stainton	Councillor Frances

LIST OF KEY DECISIONS PROPOSED APRIL 2010 TO JULY 2010

Where the title bears the suffix (Exempt), the report for this proposed decision is likely to be exempt and full details cannot be published.

New entries are highlighted in yellow.

* 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: (ie Council or Cabinet)	Date of Decision-Making Meeting and Reason	Proposed Key Decision	Lead Executive Councillor(s) and Wards Affected
Cabinet	29 Mar 2010	Capital Programme and Revenue Budget 2009/10 month 9 amendments	Leader of the Council
	Reason: Expenditure more than £100,000	The purpose of this report is to seek approval for changes to the capital programme and the revenue budget.	Ward(s): All Wards;
Cabinet	29 Mar 2010	Review of trade waste collection	Cabinet Member for Crime and Street Scene
	Reason: Expenditure more than £100,000	The trade waste service is currently provided in-house. A review has been undertaken to consider how the service should develop to maximise income, improve debt recovery and ensure enhanced customer satisfaction in this area of the business. Options include expanding the business as and when appropriate to do so, reducing our offer, or working in partnership with another agency to deliver this service.	Ward(s): All Wards;
Cabinet	29 Mar 2010	Delegation of Authority to Award Term Contracts for Supply of Street Lighting & Signage Materials 2010 to 2011 and Street Lighting Support 2010 to 2013	Deputy Leader (+Environment)
	Reason: Expenditure more than £100,000	Seeking approval to award the above contracts to the contractors (tenderer) assessed to have submitted the most economically advantageous tender to the Council to deliver the works. A separate report on the exempt part of the agenda provides confidential information regarding the tender process for this contract.	Ward(s): All Wards;
Cabinet	29 Mar 2010	Bishop Park's Tennis Courts Refurbishment	Cabinet Member for Residents Services, Cabinet Member for Parks, Culture and Heritage
	Reason: Expenditure more than £100,000	Proposing improvements to the existing 15 tennis courts, to include re-introduction of floodlights to illuminate 5 courts, resurfacing of all courts, reconfiguring court layout to include junior courts and 12 LTA courts as well as boundary fencing. Approval is sought to delegate authority to appoint the contractor and for total expenditure of £340k, comprising LBHF capital funding of £170k; £150k of match grant	Ward(s): Palace Riverside;

Decision to be Made by: (ie Council or Cabinet)	Date of Decision-Making Meeting and Reason	Proposed Key Decision	Lead Executive Councillor(s) and Wards Affected
		funding from LTA; and £20k from Queens Club.	
Cabinet	29 Mar 2010	<p>Building Schools for the Future - Programme Procurement Phase and Next Steps; Capital Expenditure on Schools</p> <p>Seeking delegation of powers to senior officers to select two bidders from the pre-qualification questionnaire (PQQ) to Invitation to Proceed with Dialogue 2 (IPD2) shortlist. A recommendation for selected bidder will then be submitted to Cabinet following close of dialogue and submission of final bids.</p>	Leader of the Council, Cabinet Member for Children's Services
	Reason: Expenditure more than £100,000		Ward(s): All Wards;
Cabinet	29 Mar 2010	<p>Appointment of Approved Caterers - Fulham Palace (open and exempt)</p> <p>To agree that the provision of catering at Fulham Palace should be restricted to the Council's catering division and to a list of the Council's 'approved caterers' selected by open tender</p>	Cabinet Member for Parks, Culture and Heritage, Cabinet Member for Residents Services, Deputy Leader (+Environment), Leader of the Council
	Reason: Expenditure more than £100,000		Ward(s): Palace Riverside;
Cabinet	29 Mar 2010	<p>Updated Enforcement Policy</p> <p>Local Authorities are required, by section 24(2) of the Legislative and Regulatory Reform Act 2006, to have regard to The Regulators' Compliance Code, issued on 17 December 2007 by the Department for Business, Enterprise and Regulatory Reform (now Business, Innovation and Skills - BIS).</p> <p>One of the recommendations of the Code is that Regulators should publish an enforcement policy. The Public Protection and Safety Division's original Enforcement Policy was written and approved in February 2002 and last updated in October 2006. This report contains a revised Enforcement Policy, taking account of the recommendations contained in the Regulators' Compliance Code.</p>	Cabinet Member for Crime and Street Scene
	Reason: Affects more than 1 ward		Ward(s): All Wards;
Cabinet	29 Mar 2010	<p>Arrangements for the Supply and Delivery of Educational Stationery, Equipment, Electronic Office Supplies, Print and Bulk</p>	Leader of the Council

Decision to be Made by: (ie Council or Cabinet)	Date of Decision-Making Meeting and Reason	Proposed Key Decision	Lead Executive Councillor(s) and Wards Affected
	Reason: Expenditure more than £100,000	Paper ("Office Stationery") (open and exempt) The Council's current contractual arrangements expire on 31st March 2010. The report will provide details of new arrangements that are currently being tendered on behalf of all London boroughs and other public bodies by the London Borough of Havering as a framework arrangement. The decision required will be to access this new arrangement from 1st April 2010 for a four year period.	Ward(s): All Wards;
Cabinet	29 Mar 2010	Strategic Regeneration Programme This report seeks approval for funding of the Strategic Regeneration function in the Council until March 2012.	Leader of the Council, Cabinet Member for Housing, Cabinet Member for Strategy
	Reason: Expenditure more than £100,000		Ward(s): All Wards;
Cabinet	26 Apr 2010	Capital Programme and Revenue Budget 2009/10 month 10 amendments The purpose of this report is to seek approval for changes to the capital programme and the revenue budget.	Leader of the Council
	Reason: Expenditure more than £100,000		Ward(s): All Wards;
Cabinet	26 April 2010	Corporate Out of Service Review Delivery of efficiency savings and service improvements in relation to the Council's out of hours initial point(s) of contact - Duty officers.	Cabinet Member for Crime and Street Scene
	Reason: Expenditure more than £100,000		Ward(s): All Wards;
Cabinet	26 Apr 2010	Regeneration of 248 Hammersmith Grove - disposal of head lease This report proposes disposal of the head lease to Notting Hill Housing Group (NHHG) for demolition and redevelopment.	Cabinet Member for Housing
	Reason: Expenditure more than £100,000		Ward(s): Addison;
Cabinet	26 Apr 2010	Disposal of the Bumpsadaisies Day Nursery site, Broomhouse Lane, SW6 Authority is sought to sell the freehold interest to	Leader of the Council, Cabinet Member for Children's Services, Deputy

Decision to be Made by: (ie Council or Cabinet)	Date of Decision-Making Meeting and Reason	Proposed Key Decision	Lead Executive Councillor(s) and Wards Affected
		the adjoining Parsons Green Sports Club (PGSC), to include re-location of the tenant Bumpsadaisies Nursery within a development proposed by PGSC/Bellway Homes; all subject to Planning consent.	Leader (+Environment)
	Reason: Expenditure more than £100,000		Ward(s): Sands End;
Cabinet	26 Apr 2010	Fulham Palace - transfer of the management of the site to the Fulham Palace Trust The management of Fulham Palace is being transferred to a single managing body. This report seeks approval for: (1) The transfer of the site to the Fulham Palace Trust. (2) The draft strategic plan which sets out, inter alia, the strategic objectives for the Trust for 2009-12 (3) The draft Service Level Agreement which specifies the terms under which a grant will be offered to the Trust by the Council.	Leader of the Council, Cabinet Member for Parks, Culture and Heritage, Cabinet Member for Residents Services
	Reason: Expenditure more than £100,000		Ward(s): Palace Riverside;
Cabinet	26 Apr 2010	Business Continuity (open and exempt) Approval is sought to the establishment of a major improvement to the Council's business and service continuity.	Leader of the Council
	Reason: Expenditure more than £100,000		Ward(s): All Wards;
Cabinet	26 Apr 2010	Hammersmith and Fulham Carbon Management Plan This report seeks approval for the Council's Carbon Management Plan. The Plan outlines the actions required to reduce carbon emissions and expenditure on energy in the delivery of Council services.	Deputy Leader (+Environment)
	Reason: Expenditure more than £100,000		Ward(s): All Wards;
Cabinet	26 Apr 2010	Local Implementation Plan Highways Capital Programme 2010/11 This report summarises the Transport for London funded schemes proposed for 2010/11 under the new 'corridors' and 'neighbourhoods' programmes. Ten schemes are funded in 2010/11 totalling approximately £2 million capital investment into our road network.	Deputy Leader (+Environment)
	Reason: Expenditure more than £100,000		Ward(s): All Wards;
Cabinet	26 Apr 2010	Procurement of Energy 2010-2011 This report details the energy contracts currently	Deputy Leader (+Environment)

Decision to be Made by: (ie Council or Cabinet)	Date of Decision-Making Meeting and Reason	Proposed Key Decision	Lead Executive Councillor(s) and Wards Affected
	Reason: Expenditure more than £100,000	held by the Council and details the arrangements for their renewal in 2010-11 via a Central Purchasing Body (currently LASER operated by Kent County Council).	Ward(s): All Wards;
Cabinet	26 Apr 2010 Reason: Expenditure more than £100,000	Amendment to Stableway Travellers Site Management Agreement Proposal to update Stable Way Travellers Site Management Agreement between H&F and Royal Borough of Kensington & Chelsea, to fully reflect the changed relationship between the boroughs since the creation of H&F Homes, the Council's Arms Length Management Organisation, which carries out the day to day management of the site, and to allow for an appropriate client management structure to be in place in the event of appointing another provider of management services.	Cabinet Member for Housing Ward(s): College Park and Old Oak;
Cabinet	26 Apr 2010 Reason: Expenditure more than £100,000	Proposed Commitments Against the IT Infrastructure Grant and the Adult Social Care Supported Capital Expenditure Grant (SCE). This paper outlines how two capital grants relating to information technology and infrastructure will be committed and used in adult social care and Community Services. The two grants included in this report are the IT infrastructure grant and the Adult Social Care Supported Capital Expenditure grant (SCE). The grants will be used to fund the necessary development and support posts, routine upgrades of the existing systems and for specific projects relating to "Supporting Your Choice" and NHS number matching.	Leader of the Council Ward(s): All Wards;
Cabinet	14 Jun 2010 Reason: Affects more than 1 ward	Expansion of requirement to recycle borough-wide Following the report that was submitted to the Cleaner and Greener Scrutiny Committee on 17 June 2008, further work has been undertaken to gauge the appropriateness of introducing a requirement to recycle across the borough, now that the single pass waste collections are embedded and a promotional programme has been agreed, to maximise the ongoing and sustainable rise in participation.	Cabinet Member for Crime and Street Scene Ward(s): All Wards;

Decision to be Made by: (ie Council or Cabinet)	Date of Decision-Making Meeting and Reason	Proposed Key Decision	Lead Executive Councillor(s) and Wards Affected
Cabinet	14 Jun 2010	IT Strategy Seeking approval to the Council's IT Strategy 2010, covering 2010 to 2013, ensuring that the IT provision is aligned with the Council's key priorities and assists the achievement of the Council's value for money objectives	Leader of the Council
	Reason: Expenditure more than £100,000		Ward(s): All Wards;
Cabinet	14 Jun 2010	Council's Corporate Plan 2010/13 & Executive Summary The corporate plan and its executive summary encapsulates the council's key priorities for improvement over the next 3 years. It is linked to the Local Area Agreement (LAA) and the national indicators. The plan has been developed from departmental plans following consultation with the Leader. Other Cabinet Members have been consulted by Directors concerning the departmental plans relevant to their portfolios. The plan will enable the council to monitor progress against key priorities. The Corporate plan and executive summary are available under separate cover.	Leader of the Council
	Reason: Affects more than 1 ward		Ward(s): All Wards;
Cabinet	14 Jun 2010	Hostel Improvement Report Request to use a portion of the capital receipts from the sale of hostel stock to improve remaining stock	Cabinet Member for Housing
	Reason: Expenditure more than £100,000		Ward(s): All Wards;
Cabinet	14 Jun 2010	Procurement of larger family sized accommodation Proposing that the Council, working in partnership with a registered social landlord, purchases up to 18 four bed properties both in and out of the borough to assist the Council's strategies in relation to relieving overcrowding and assisting in meeting urgent housing need.	Leader of the Council, Cabinet Member for Housing
	Reason: Expenditure more than £100,000		Ward(s): All Wards;
Cabinet	14 Jun 2010	Single Equality Scheme (2009-11) To seek Cabinet approval to the Single Equality Scheme (2009-11) and action plan. Preparing and publishing an equality scheme is a legal requirement for race, gender and disability. The Single Equality Scheme sets out the council's aims and the key actions it will take to create a borough of opportunity with life chances for all.	Leader of the Council
	Reason: Affects more than 1 ward		Ward(s): All Wards;

Decision to be Made by: (ie Council or Cabinet)	Date of Decision-Making Meeting and Reason	Proposed Key Decision	Lead Executive Councillor(s) and Wards Affected
Cabinet	14 Jun 2010	SmartWorking programme - Stage C To seek approval for the corporate rollout of SmartWorking following completion of Stage A and B. The report will summarise the outcomes achieved during Stages A and B, present an updated plan and business case and request detailed funding for the remainder of the programme.	Deputy Leader (+Environment)
	Reason: Expenditure more than £100,000		Ward(s): All Wards;

Agenda Item 14



London Borough of Hammersmith & Fulham

Cabinet

29 MARCH 2009

SUMMARY OF OPEN DECISIONS TAKEN BY THE LEADER AND CABINET MEMBERS REPORTED TO CABINET FOR INFORMATION

CABINET MEMBER

**DEPUTY LEADER
(+ENVIRONMENT)**

*Councillor Nicholas
Botterill*

14.1 SCRUBS LANE (MITRE BRIDGE) – SHARED CYCLE PATH

Outlining a proposal to implement a north directional shared cycle path to the west side footway of Scrubs Lane between North Pole Road and Mitre Bridge.

Decision taken by Cabinet Member on: 18 February 2010

To approve the proposal to implement a north directional shared cycle path to the west side footway of Scrubs Lane between North Pole Road and Mitre Bridge, as outlined in the report.

Wards: College Park and Old Oak

**DEPUTY LEADER
(+ENVIRONMENT)**

*Councillor Nicholas
Botterill*

14.2 LBHF STAFF TRAVEL PLAN FRAMEWORK

This framework sets out proposals which form the basis of the Council's Corporate Travel Plan.

Decision taken by Cabinet Members on: 18 February 2010

- 1. That the contents of the Council's Travel Plan framework are noted and that the document is cleared to be internally published.**
- 2. That the elements of the action plan not yet started are supported and instigated by the interim travel plan co-ordinator to develop a full Council Staff Travel Plan for consideration by the Cabinet in 2012.**

Wards: All

**DEPUTY LEADER
(+ENVIRONMENT)**

*Councillor Nicholas
Botterill*

14.3 WANDSWORTH BRIDGE ROAD JUNCTION WITH TOWNMEAD AND CARNWATH ROAD - CYCLE AND PEDESTRIAN IMPROVEMENTS

The main purpose of the scheme is to declutter the street to improve the pedestrian and cycle environment.

Decision taken by Cabinet Member on: 18 February 2010

To approve the removal of the mast arm, and decluttering of signals and redundant street furniture, as detailed in section 1 of this report.

LEADER

Councillor Stephen Greenhalgh

14.4 INNOVATION FUND FOR SHELTERED HOUSING IN HAMMERSMITH & FULHAM

- updating Cabinet Member on the development of two grant funded innovation initiatives to support the development of Home Support (Home Care and Housing Related Support services) and Enhanced Housing Management for sheltered tenants in H&F.
- seeking approval to award one off funding of £67,250 from the Innovation Fund (ASC Main Programme and Transformation Grant)

Decision taken by Cabinet Member on: 8 March 2010

1. To note the development of the innovation initiatives.
2. To award the one off funding of £67,250 to Notting Hill Housing / HF Homes and Shepherd's Bush Housing.

Wards: All

CABINET MEMBER FOR CHILDREN'S SERVICES

Councillor Sarah Gore

14.5 APPOINTMENT OF LEA GOVERNOR – BAYONNE NURSERY SCHOOL

Recording the Cabinet Member's decision to appoint an LEA Governor which falls within the scope of her executive portfolio.

Decision taken by Cabinet Member on 17 March 2010:

To appoint Mr.Oliver Cardigan as an LEA Governor to Bayonne Nursery School for a period of four years expiring on 14 February 2014.

Ward: Fulham Reach

CABINET MEMBER FOR CHILDREN'S SERVICES

Councillor Sarah Gore

14.6 APPOINTMENT OF LEA GOVERNOR – MELCOMBE PRIMARY SCHOOL

Recording the Cabinet Member's decision to appoint an LEA Governor which falls within the scope of her executive portfolio.

Decision taken by Cabinet Member on 17 March 2010:

To appoint Ms. Anne Harrison as an LEA Governor to Melcombe Primary School for a period of four years expiring on date of signature (17 March 2014).

Ward: Fulham Reach

**CABINET MEMBER
FOR CHILDREN'S
SERVICES**

*Councillor Sarah
Gore*

**14.7 APPOINTMENT OF LEA GOVERNOR – HURLINGHAM AND
CHELSEA SECONDARY SCHOOL**

Recording the Cabinet Member's decision to appoint an LEA Governor which falls within the scope of her executive portfolio.

Decision taken by Cabinet Member on 18 March 2010:

To appoint Caroline Ground as an LEA Governor to Hurlingham and Chelsea Secondary School for a period of four years expiring on 17 March 2014.

Ward: Fulham Reach