

# Cabinet

## Minutes



Monday 1 July 2019

### **PRESENT**

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

### **13. MINUTES OF THE CABINET MEETING HELD ON 3 JUNE 2019**

#### **RESOLVED:**

That the minutes of the meeting of the Cabinet held on 3 June 2019 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

### **14. APOLOGIES FOR ABSENCE**

Apologies for Absence were received from Councillor Sue Macmillan.

### **15. DECLARATION OF INTERESTS**

Councillor Wesley Harcourt declared an interest in item 17 - Linford Christie Outdoor Sports Stadium - Outcome of Public Consultation, as he was the Chair of Wormwoods Scrubs Charitable Trust. He left the room and did not take part in the discussions and did not vote on the item.

## **16. REGULATION OF INVESTIGATORY POWERS (RIPA)**

### **RESOLVED:**

1. That Cabinet approve the termination of the existing agreement between Hammersmith & Fulham Council and RBKC pursuant to Section 113 of the Local Government Act 1972.
2. That authority be delegated to the Strategic Director of the Environment in consultation with the Assistant Director of Legal and Democratic Services to finalise and approve the proposed sovereign borough Hammersmith & Fulham RIPA Policy for the exercise of RIPA powers in Hammersmith & Fulham (attached as Appendix 1).
3. That Cabinet approve the appointment of the Chief Officer, Safer Neighbourhoods & Regulatory Services, Environment Department, as the Senior Responsible Officer for Hammersmith & Fulham Council.

### **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.

## **17. 2018/19 CORPORATE REVENUE OUTTURN REPORT**

### **RESOLVED:**

1. To note that the 2018/19 budget required the delivery of £15.2m of savings.
2. To note, subject to audit, the General Fund overspend of £1.6m net of unused budgeted contingency. The overspend has been charged against corporate earmarked reserves.

### **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.

**18. CAPITAL PROGRAMME MONITOR & BUDGET VARIATIONS, 2018/19 (OUTTURN)**

**RESOLVED:**

1. To note the capital outturn for the year.
2. To approve proposed technical budget variations to the capital programme as summarised in Table 1 and detailed 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.

**19. HOUSING REVENUE ACCOUNT 2018/19 OUTTURN**

**RESOLVED:**

1. To note the HRA provisional underspend of £3.779m, which is after the transfer of £5.302m of underspends to HRA reserves.
2. To note the Housing capital programme outturn of £20.137m.

**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.

**20. TREASURY OUTTURN REPORT 2018/19**

**RESOLVED:**

That this report be noted.

**Reason for decision:**

As set out in the report.

**Alternative options considered and rejected:**

As outlined in the report.

**Record of any conflict of interest:**

None.

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

None.

**21. PLANNING OBLIGATIONS DRAW DOWN REPORT 2018/19**

**RESOLVED:**

That officers be authorised to drawdown Section 106 and CIL monies as set out in section 4 of this report, to fund expenditure of **£14,167,432** including **£288,946** of monitoring and administration costs.

**Reason for decision:**

As set out in the report.

**Alternative options considered and rejected:**

As outlined in the report.

**Record of any conflict of interest:**

None.

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

None.

**22. PROCUREMENT STRATEGY FOR NOURISH HUB REFURBISHMENT WORKS**

**RESOLVED:**

1. To approve the Nourish Hub Procurement Strategy and Business Case, as defined in Appendix 1, leading to the procurement of a works contractor to deliver refurbishment works and fit out for the Nourish Hub, using an open process.

2. To delegate to the Strategic Director for the Economy, in consultation with the Cabinet Member for Economy, the decision to award and enter into contract with the preferred bidder, up to a value of £980,000.

**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.

**23. CONTRACT EXTENSION TO ALLOW CONTINUATION OF THE STEP UP TO SOCIAL WORK TRAINING PROGRAMME**

**RESOLVED:**

1. Approves the continuation of the contract between the Council and the University of Hertfordshire in respect of the delivery of the Step Up to Social Work programme for a further period of 2 years from 26<sup>th</sup> June 2019 at a total value of £478,000.
2. Delegates the decision to approve a further two-year extension until August 2023, permitted under the contract, to the Director of Children's Services in consultation with the Cabinet Member for Children and Education, and receive a report updating Cabinet on the progress and performance of the programme over the previous two years.

**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.

## **24. ASSET MANAGEMENT COMPLIANCE STRATEGY AND CAPITAL PROGRAMME**

Councillor Lisa Homan stated that the Council's number one priority was the safety and welfare of all residents. This report described the strategy of works to deliver Fire Safety Plus and other health and safety compliance works. Further details would be subject to a future report.

In response to concerns raised by Charecroft Estate residents during the discussion of this item Councillor Lisa Homan confirmed that CCTV would be installed on stairwells in the buildings and she would inform the residents on the timetable once known.

David McNulty, Assistant Director Operations, explained that Charecroft Estate works would be delivered in two phases. Phase one was described in the report, Phase two would be subject to a future Cabinet report and would be fully liaised with residents.

In reply to a concern raised by a resident, David McNulty stated that he would investigate the issue related to the removal of fire safety doors and equipment from garages and would respond directly to residents.

The Leader stressed that fire safety was on the Council's Manifesto and Fire Safety Plus had been created to go beyond the legal requirements.

### **RESOLVED:**

1. Approve the capital spending programme set out in this report at Appendix A, this to include commencement of the programme to be contained within the approved HRA capital programme budget up to £121,929,000.
2. Extend the delegation given to the Cabinet Member for Housing on 20 September 2018 to award all contracts forming part of the Housing capital programme in accordance with the approved procurement strategy to include expenditure incurred in the financial year 2022/23.

*Following the meeting the Leader endorsed and formally delegated the recommendation 2 above to the Cabinet Member for Housing.*

### **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.

## 25. **BUILDING HOMES AND COMMUNITIES STRATEGY**

### **RESOLVED:**

1. That Cabinet approves the outline strategic case for the Building Homes and Communities Strategy set out in Appendix A which aims to:
  - Build new, genuinely affordable housing which will help maintain the borough's vibrant social mix;
  - Supports the Council's Business Plan priority of 'Building Shared Prosperity';
  - Renew key community assets, including schools and leisure centres; and
  - Generates income to reinvest in frontline services
2. That Cabinet notes the approach to consultation and engagement including:
  - (a) the principle that no individual scheme can proceed without substantial resident involvement
  - (b) the interdependency between the strategy and the Defending Council Homes policy currently in development
  - (c) the establishment of a resident panel to provide oversight of consultation on individual schemes as an integral part of the development gateway process.
3. That Cabinet approves the outline programme with further work being undertaken to assess feasibility of individual schemes and procure design work where schemes pass the relevant development gateway.
4. That Cabinet approves budget of up to £230,000 for feasibility studies and project management costs for General Fund schemes identified at appendix C, funded from previously approved developer contributions.
5. That Cabinet approves budget of up to £1,484,119 in relation to HRA schemes set out at appendix B for initial business case, design and survey costs to enable the Council to develop these schemes to outline design (RIBA stage 1) funded from right to buy receipts, grants, developer contributions, borrowing or reserves.
6. That Cabinet approves that a core programme team capital budget of up to £2,134,800 over the current capital programme to 2022/23 to be recovered from capital project costs, where these can be capitalised.
7. That Cabinet notes a future financial requirement of up to £6,990,150 to allow the Council to develop HRA schemes set out at appendix B to allow the Council to develop those schemes identified as feasible to planning (RIBA stage 3). This will require further approvals in line with the Council's Constitution and Financial Regulations.

8. That Cabinet notes a future financial requirement of up to £2,165,958 for initial business case, design and survey costs to enable the Council to develop General Fund schemes set out at appendix B to outline design (RIBA stage 1). This will require further approvals by Cabinet.
9. That Cabinet notes a future financial requirement of up to £12,336,980 to allow the Council to develop General Fund schemes set out at appendix B to planning (RIBA stage 3) if they are considered viable. This will require further approvals in line with the Council's Constitution and Financial Regulations.
10. That Cabinet delegates the decision to commit expenditure to progress schemes within the outline programme from RIBA stage 0 (strategic definition) to RIBA stage 3 (developed design) to the Strategic Director for the Economy, in consultation with the Strategic Director, Finance and Governance in line with the above budget approvals.
11. That Cabinet delegates identification of funding of the above budget approvals to achieve RIBA stage 0 to 3 to the Strategic Director, Finance and Governance in consultation with the Cabinet Member for Finance and Commercial Services.
12. That Cabinet approves the Procurement Strategy and Business Case for the appointment of multi-disciplinary design teams to develop initial business cases, design and survey costs for schemes identified in the outline programme, as set out in exempt appendix C, and delegate the decision as to which of the recommended frameworks to use for each design team procurement to the Assistant Director for Growth.
13. That Cabinet delegates authority to the Strategic Director for Economy to agree revisions to the approved Procurement Strategy and Business Case where there are good operational or procurement reasons for doing so.
14. That Cabinet agrees to delegate the award of the contracts for design services to the Strategic Director for the Economy in consultation with the Cabinet Member for the Economy and the Arts provided that these have been procured in accordance with the approved Procurement Strategy and Business Case referred to in paragraph 2.11.
15. To Cabinet agrees to appoint Bevan Brittan as legal advisors to the Council with regards to the 50 Commonwealth Avenue through a direct award from the London Borough's Legal Alliance (LBLA) panel framework.
16. That the Council enters into the Master Development Agreement, a Deed of Cooperation and any other legal agreements with ARK and any subsidiary Company and any of its funders, which are required to facilitate the delivery of Education City.
17. To delegate authority to the Strategic Director for Growth and Place, in consultation with the Cabinet Member for the Economy and the Arts and the Assistant Director of Legal and Democratic Services, to finalise and



complete negotiations with ARK and any subsidiary company and any of its funders in order to give effect to the decision in 2.16 above.

18. Cabinet are asked to approve a waiver of the usual tendering requirements of Contract Standing Order 10 in relation to the proposed development agreement with ARK (and its subsidiaries) for the Education City development, on the grounds that this is covered by a legislative exemption, as described in the legal implications of the Cabinet report of 29<sup>th</sup> April 2019 (exempt).

**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.

**26. COMMUNITY ASSET TRANSFER**

**RESOLVED:**

- 1 That Cabinet approve the surrender of the current lease granted to Grove Neighbourhood Centre, Bradmore Park Road and to agree a community asset transfer of freehold interest.
- 2 To delegate to Strategic Director, The Economy in consultation with Cabinet Member for Finance and Commercial Service as well as Assistant Director of Law to agree to the legal property transfer document to be completed.

**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.

## **27. OLD LAUNDRY YARD, SHEPHERDS BUSH**

The Leader stated that the Council was committed to build affordable homes but was also committed to protect the Shepherd's Bush Market traders. This report was only the beginning of a consultation and concerns raised would be taken into account.

James Horada, Chair of the Shepherd's Bush Market Tenants' Association, raised concerns in relation to the linear nature of the market being compromised and the proposal to relocate 20 market units, affecting 15 market trader tenants. This could cause a loss of trade, continuity and affect the value of the premises. There was no certainty that the empty units would be kept.

He was also concerned that the access to the market could be compromised.

Councillor Andrew Jones stated that he had met with the traders on the previous week and had discussed the Council's commitment to protect the heritage of the linear nature of the Shepherd's Bush Market and to keep the traders within the market. There would be further discussions once a feasibility study had been carried out, including the access to the market.

### **RESOLVED:**

1. That Cabinet approves a budget of up to £1.3m funded from HRA borrowing for the Council's share of the Old Laundry Yard professional fees to enter into a Development Management Agreement with U+I and submit a planning application and the associated costs.
2. That Cabinet approves the set-aside of HRA reserves of £1,300,000 to mitigate the risk of potential write off of capital costs should the scheme not proceed.
3. That Cabinet agrees to waive the usual tendering requirements of Contract Standing Order 10 pursuant to the procedure in CS03 on the grounds that the circumstances are covered by legislative exemptions, to permit the direct award of the Development Agreement.
4. That the Council enters into the Heads of Terms and Development Management Agreement with U+I or any subsidiary company guaranteed by U+I, which are required to facilitate the delivery of the Old Laundry Yard.
5. To delegate authority to the Strategic Director for The Economy, in consultation with the Cabinet Member for the Economy and the Arts and the Assistant Director of Legal and Democratic Services, to finalise and complete negotiations with U+I in order to give effect to the decision in 2.3 above.

6. Resolves that the area of land at Old Laundry Yard, Pennard Road referred to in this report and shown edged red, coloured yellow on the plan at Appendix 1 is no longer required for the purpose for which it is currently held in the HRA.
7. To approve in principle the appropriation of the area of land as shown edged red at Appendix 1, for the planning purposes of facilitating redevelopment for residential and other uses pursuant to section 122 of the Local Government Act 1972 which will enable the Council to override easements, covenants and other third party rights in respect of the land pursuant to section 203 of the Housing and Planning Act 2016 and note that final approval will be subject to a further report demonstrating that the requirements set out in the legal implications section having been satisfied.

**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.

**28. AWARD OF CONTRACT FOR THE INTEGRATED HOUSING MANAGEMENT SYSTEM**

**RESOLVED:**

1. To approve the direct award of the contract between the London Borough of Hammersmith and Fulham and Northgate Public Service (UK) Ltd from 1 July 2019 to 1 July 2020.
2. To approve a waiver of Contract Standing Orders (CSOs) to allow the contract to be awarded to Northgate Public Services (UK) Ltd at a value of £394,000 for a full year.
3. To approve the delegation of authority to the Strategic Director for the Economy in consultation with the Cabinet Member for Housing to authorise a contract extension of up to six months between the London Borough of Hammersmith and Fulham and Northgate Public Services (UK) Ltd, to allow for mobilisation of the new housing ICT contract.

**Reason for decision:**

As set out in the report.

**Alternative options considered and rejected:**

As outlined in the report.

**Record of any conflict of interest:**

None.

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

None.

**29. LINFORD CHRISTIE OUTDOOR SPORTS STADIUM - OUTCOME OF PUBLIC CONSULTATION**

Councillor Wesley Harcourt declared an interest in the item. He left the room and did not take part in the discussions and did not vote on the item.

In response to a question from Councillor Sue Fennimore, Jo Rowlands, Strategic Director for The Economy, provided an update in relation to QPR's position. There was still uncertainty regarding their finance. She added that QPR was considering a site outside the borough, in Ealing.

**RESOLVED:**

**That Cabinet:**

1. Carefully consider all the responses to the consultation including officers' comments in paragraph 5 as well as full details in Appendix 1 of this report.
2. Note there is public support for a major intervention at the Linford Christie Outdoor Sports Stadium.

**That subject to the Trust approving the recommendations of the report to the Wormwood Scrubs Charitable Trust Committee dated 26<sup>th</sup> June that Cabinet:**

3. Note the report to Wormwood Scrubs Charitable Trust Committee of 26 June, attached as Appendix 2 and agree the Procurement Strategy as set out as an exempt appendix of that report.
4. Delegate authority to the Strategic Director for the Economy, in consultation with the Chair of the Trust, to award contracts to multi-disciplinary advisors and enter into any other legal agreements which become necessary to obtain an Outline Business Case on behalf of the Trust.
5. Allocate a budget of £397,500 to progress the Outline Business Case on behalf of the Trust which will be funded from Community Infrastructure Levy receipts.

**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.

**30. FORWARD PLAN OF KEY DECISIONS**

The Key Decision List was noted.

**31. ANY OTHER BUSINESS**

None.

Meeting started: 7.00 pm  
Meeting ended: 7.30 pm

Chair .....