

# Cabinet

## Minutes



Monday 7 October 2019

### **PRESENT**

Councillor Stephen Cowan, Leader of the Council  
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

### **ALSO PRESENT**

Councillor Adronie Alford  
Councillor Rory Vaughan

#### **46. MINUTES OF THE CABINET MEETING HELD ON 2 SEPTEMBER 2019**

##### **RESOLVED:**

That the minutes of the meeting of the Cabinet held on 2 September 2019 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

#### **47. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Sue Fennimore and Councillor Sue MacMillan.

#### **48. DECLARATION OF INTERESTS**

There were no declarations of interest.

**49. APPROVAL TO ESTABLISH 5 FIRST STAGE ROLL OUT WARD ACTION GROUPS**

The Leader congratulated Councillor MacMillan on her amazing work creating the Ward Action Groups. Their aim was to empower residents to improve their own communities, created community engagement and were expected to build trust with local people.

**RESOLVED:**

To approve that the further roll outs for three out of five Ward Action Group roll outs) be funded from the existing approved budget of £45,000.

**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.

**50. DEVELOPING OUR RELATIONSHIP WITH THE VOLUNTARY AND COMMUNITY SECTOR**

**RESOLVED:**

1. That the Cabinet agrees with the ambition statement set out in Appendix 1.
2. That the Cabinet instructs officers to seek an initial response from the sector and work together to co-produce a shared vision that ensures we jointly deliver council priorities:
  - Building shared prosperity
  - Doing things with residents not to them
  - Taking pride in Hammersmith & Fulham
  - Creating a compassionate council
  - Bring ruthlessly financially efficient

**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.

**51. CORPORATE REVENUE MONITOR 2019/20 MONTH 3 - 30 JUNE 2019**

**RESOLVED:**

1. To note that Directors and Cabinet Members continue to identify and deliver actions that offset the forecast General Fund overspend.
2. To note the HRA forecast overspend.
3. To approve the virements requested in Appendix 10.
4. To note the MTFS Monitor and forecast shortfalls against targets in Appendix 10.

**Reason for decision:**

As set out in the report.

**Alternative options considered and rejected:**

As outlined in the report.

**Record of any conflict of interest:**

None.

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

None.

**52. CAPITAL PROGRAMME MONITOR & BUDGET VARIATIONS, 2019/20 (FIRST QUARTER)**

**RESOLVED:**

1. To approve the proposed budget variations to the capital programme totalling £20.5m (summarised in Table 1 and detailed in Appendix 2).
2. To approve an additional £511,000 budget for the Disabled Facilities Grant programme and Adults Social Care capital programme funded from the grant of £0.38m and borrowing of £0.13m. The decision on how the Adult Social Care grant is spent is delegated to the Strategic Director of Adult Social Care and Public Service Reform in consultation with the Strategic Director of Finance and Governance and the Cabinet Member for Health and Adult Social Care and Cabinet Member for Finance and Commercial Services.
3. To note the issues regarding General Fund Capital Programme described in sections 5 and 6 of the report.

4. To establish a disposals programme that will enable reserves to be maintained and reduce reliance on additional borrowing.
5. To note the potential new capital receipt of £0.7m for 2019/20 and that this be set aside to fund invest to save and IT investment.
6. To note the potential risks regarding the Housing Capital Programme, as summarised in section 8.

**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.

**53. ENGINEERING AND MOTOR INSURANCE TENDER STRATEGY FOR 2020-25**

**RESOLVED:**

1. To approve a waiver to Contract Standing Orders 7 – 10 and 11 – 16 concerning the conduct of the tendering process, on the basis that the process will be conducted in accordance with the EU public procurement rules and otherwise the requirements of the Contract Standing Orders of the RB of Kensington & Chelsea as lead borough for the procurement will apply, on the basis that that this is in the overall interests of the Council (as provided for within Contract Standing Order 3) in relation to the following two contracts:
  - Engineering inspection.
  - Motor insurance.
2. To approve the proposed procurement strategy for tendering the Council's engineering inspection services and motor insurance requirements set out in the report.
3. To approve the inviting of tenders on a collaborative basis for the following LBHF insurance requirements:
  - Engineering inspection.
  - Motor insurance.

4. To approve a delegation to the Strategic Director of Finance and Governance, in consultation with the Cabinet Member for Finance and Commercial Services, to approve the award of the contracts listed in paragraph 2.3 above.
5. To approve a waiver of the requirements of Contract Standing Order 19 concerning the format of the contract documents and the requirement for the contract to be executed as a deed, on the basis that there are circumstances which are genuinely exceptional (as provided for within Contract Standing Order 3) as further explained in paragraph 4.11 of the report.

**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.

**54. PROCUREMENT STRATEGY TO COMMISSION AN EXTERNAL TRAINING VENUE FOR PARTNERS IN PRACTICE PROGRAMME**

**RESOLVED:**

That in accordance with the Council's Contracts Standing Orders, Cabinet:

- 1 Approves the Business Case and Procurement Strategy as set out at appendix A of this report.
- 2 Approves the Council entering into an inter-authority agreement with RBKC as the lead borough hosting the Centre for Systemic Social Work (CfSSW).
- 3 Approves a waiver of the usual requirements of Contract Standing Orders 10 to 17 in relation to any Centre for Systemic Social Work services<sup>1</sup> (including the training venue) provided to Hammersmith & Fulham by RBKC accordingly, on the basis that a legislative exemption applies.
- 4 Delegates authority to the Director of Children's Services in consultation with the Cabinet Member for Children and Education, following the

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<sup>1</sup> Those services will include staff to deliver the training, and the provision of a venue for the training to take place by way of RBKC directly awarding a contract to the National Council for Voluntary Organisations (NCVO) for the current 2019/20 financial year and on completion of the procurement exercise, a new contract from 2020/21 onwards to the successful provider

procurement exercise and prior to the award of a new contract for venue hire, to agree continued commitment to the service with RBKC and at annual intervals thereafter subject to best value and budget provision from course fee and DfE grant availability.

**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.

**55. APPROVAL OF PROCUREMENT STRATEGY AND PAYMENTS TO THE WEST LONDON ALLIANCE FOR USE OF AND CONTINUED ACCESS TO DYNAMIC PURCHASING VEHICLES FOR CHILDREN'S SOCIAL CARE AND SUPPORT SERVICES**

**RESOLVED:**

- 1 That Cabinet notes and approve the adoption of the Procurement Strategy and Business Case at Appendix 1 to allow the Council to enter into the following three Access Agreements:
  - i) With the London Borough of Barnet for the provision of Independent Fostering Agency placements through a Dynamic Purchasing Vehicle from April 2018 for three years, with three options to extend the term, each option being of one further year
  - ii) With the London Borough of Ealing for the provision of Children's Residential Home placements through a Dynamic Purchasing Vehicle from July 2018 for three years, with three options to extend the term, each option being of one further year
  - iii) With the London Borough of Brent for the provision of Special Educational Needs placements at Independent and Non-Maintained Special Schools through a Dynamic Purchasing Vehicle from October 2018 for three years, with three options to extend the term, each option being of one further year.
- 2 That Cabinet approves payment of £162,000 to the West London Alliance, this sum representing the Council's contribution to the operation of the three Dynamic Purchasing Vehicles in financial years 2018/19 and 2019/20, during which time the Council benefitted from being allowed to access the three Dynamic Purchasing Vehicles.

- 3 That Cabinet agrees that a payment of approximately £82,500 in 2020/21 to the West London Alliance to allow the Council to access the three Dynamic Purchasing Vehicles during that financial year. Costs for 2020/21 have not yet been agreed and so this is an estimate based on the previous 2 years.
- 4 That in the event any or all of the options to extend the three Dynamic Purchasing Vehicles are exercised that Cabinet agrees to delegate the decisions for the Council to continue to access any or all of the three Dynamic Purchasing Vehicles in 2021/22, 2022/23 and 2023/24, with a total consequential spend of approximately £247,500, to the Director of Children’s Services in consultation with the Cabinet Member for Children and Education.

<b>PROGRAMMES</b>	<b>CONTRIBUTION PER BOROUGH FOR FY 2018/19</b>	<b>CONTRIBUTION PER BOROUGH FOR FY 2019/20</b>
Commercial Procurement &	£15,000	£12,000
Children’s Commissioning	£44,500	£44,500
Care Place	£23,000	£23,000
<b>Total</b>	<b>£82,500</b>	<b>£79,500</b>

**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.

**56. ANNUAL EMERGENCY PLANNING & BUSINESS CONTINUITY REPORT**

**RESOLVED:**

That Cabinet notes the report and the work plan for 2019-2020.

**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.

**57. APPROVAL TO MAXIMISE EMPLOYMENT AND SKILLS SUPPORT AND FUNDING (STRATEGIC INVESTMENT POT GRANT FUNDING)**

**RESOLVED:**

1. To approve the entering into of a Memorandum of Understanding (MoU) with Ealing council in relation to the receipt of Strategic Investment Pot (SIP) funding through the West London Alliance for the delivery of employment and skills activity for the total value of £448,000; and
2. To approve match funding from identified S106 funding as follows:
  - 2.1 £400,000 in relation to the SIP funding referred to in 1.1 in the report.
3. To approve the submission of a further grant application for SIP funding of approximately £500,000 (subject to available funds); and
  - 3.1 In the event that the second application for SIP funding is successful; delegate authority to enter into a Memorandum of Understanding (MoU) with Ealing Council in relation to the second application for SIP funding;
4. To delegate authority to the Assistant Director of Legal and Democratic Services, in consultation with the Cabinet Member for the Economy, to agree and finalise the MOU for any successful application for additional funding as referred to in 3.1 above.

**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.



## **58. EARLS COURT COMPULSORY PURCHASE ORDER STRATEGY**

### **RESOLVED:**

Councillor Jones stated that this report recommended to proceed with the next stage of the CPO Programme to implement the strategy for delivery of the Earl's Court scheme, due to the lack of activity on the site.

The Leader stated that the Council had taken the compulsory purchase order decision as Capco had left the site derelict for years. Although Capco had promised a range of improvements to the area including 7,500 new homes, most had failed to materialise leading to a breakdown in trust. The project had completely stalled over the last six years with only the demolition of the exhibition centres taking place.

The Leader stressed that when markets failed, the public sector must step in, and that was precisely what the Council was doing in order to deliver much-needed homes and economic activity on the site.

### **RESOLVED:**

#### **That Cabinet:**

1. Notes and agrees the CPO strategy attached at Appendix 1, including the recommendations set out in section 11.5.
2. Agrees to proceed with the next stage of the CPO Programme based on Option 1 within the CPO Strategy and delegates authority to the Strategic Director for the Economy, in consultation with the Cabinet Member for the Economy, to undertake the necessary actions to progress the recommendations as set out in section 11.5.
3. Approves a budget of £360,000 for work described in Option 1 funded by the Corporate Demands and Pressures Reserve.
4. Approves a waiver to contract standing orders to directly appoint Avison Young to provide project management support.
5. Agrees to award a contract to Avison Young up to a value of £120,000 to provide project management support.
6. Agrees to delegate authority to the Strategic Director for the Economy, in consultation with the Cabinet Member for the Economy, to award contracts for specialist professional advice to progress resident consultation, initial master planning, viability, delivery structure, specialist legal and soft market testing work.

### **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.

**59. REMAIN IN H&F - OUR RESPONSE TO BREXIT**

Councillor Jones stated that the Council believed the UK leaving the EU would have negative impacts on many people who lived and worked in the borough. He wished to ensure that those impacts were reduced through mitigating actions and implementing the three recommendations on the report.

The Leader stressed that the Council had a clear mandate against Brexit as it was a regressive and socially divisive policy that would have a negative impact on the majority of the borough's residents. The Council was the first in the country to formally oppose Brexit and take mitigating actions.

**RESOLVED:**

1. That Cabinet agrees the adoption of the following policy statement: *H&F Council is opposed to Brexit and will do everything in its power to promote the benefits of the UK remaining in the European Union and to seek a People's Vote on any Brexit deal, with an option to remain. We will continue to take positive action to ensure that all EU citizens feel welcome in Hammersmith & Fulham and do all we can to encourage them to remain in our borough.*
2. That the Leader appoints a Lead Member for Stopping Brexit.
3. That in the event that the UK leaves the EU, H&F Council will do everything it reasonably can to mitigate the risks of negative impacts on EU citizens living and working in the borough, and on Hammersmith & Fulham residents and businesses in the borough.

**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.

**60. PROCURING AND DELIVERING A LONG-TERM REPAIRS AND MAINTENANCE MODEL FOR HAMMERSMITH AND FULHAM**

Councillor Homan stated that this report was one of a series of reports presented to Cabinet over the course of 2019 that collectively formed the Councils' overall programme to invest in and improve resident homes. The report had been discussed at The Economy, Housing and the Arts Policy and Accountability Committee with significant residents' involvement.

Councillor Rory Vaughan reported that they had called an extraordinary Economy, Housing and the Arts Policy and Accountability Committee on 1 October to give an opportunity to residents to comment on it. He urged Cabinet to note the recommendations given by the Committee.

The Leader asked Cabinet to agree to add a further recommendation to the report to note the comments made by The Economy, Housing and the Arts Policy and Accountability Committee, which the Cabinet agreed unanimously.

**RESOLVED:**

That Cabinet:

- 1 Approves the Procurement Strategy and Business Case for the Council's long-term housing repairs and maintenance requirements as set out in Appendices 1 and 2. The Council will undertake a competitive procedure with negotiation (CPN).
- 2 Delegates authority to the Strategic Director for The Economy, in consultation with the Cabinet Member for Housing, to award all contracts procured in accordance with the Procurement Strategy and Business Case at Appendices 1 and 2, where these are procured either:
  - Through a full competitive process or, in extremis;
  - From third party framework agreements either through direct call-off or after mini-competition in accordance with the terms of the framework
- 3 Approves the budget allocation of up to £827,000 from the Transformation Reserve set out in paragraph 4.13 for the provision of specialist services, to include but not limited to procurement and commercial, IT systems, legal, programme management and Quantity Surveyors throughout the programme.
- 4 Delegates authority to the Strategic Director for The Economy, in consultation with the Cabinet Member for Housing, to award contracts for the provision of services within the budget agreed for the Transformation Reserve.

- 5 Approves a waiver, in relation to the decision to appoint support services as set out in paragraph 2.3 of the usual requirements of Contract Standing Orders for the Cabinet to approve a Procurement Strategy on the grounds this is in the Council's overall interests.
- 6 Delegates authority to the Strategic Director for The Economy, in consultation with the Cabinet Member for Housing, to amend or make changes to the proposed packaging of services in Exempt Appendix 2 for operational reasons, where such amendments can be contained within the overall approved budget envelope and available resources.
- 7 Approves the extension of the interim model and associated contracts until the end of July 2020. The associated contracts to be extended are set out in Exempt Appendix 4.
- 8 Approves an additional one-off appropriation from the Housing Revenue Account General Reserve of up to £1.025m to fund the three-month extension of the interim model.
9. Notes the following comments to Cabinet agreed by The Economy, Housing and the Arts Policy and Accountability Committee on an extraordinary meeting held on 1 October to consider this item:
  - The Committee welcomed the Interim Service Model which had been introduced, which they felt was an improvement on the previous MITIE arrangements. However, the Committee acknowledged it was still early days and they noted that some tenants and residents who had attended the meeting had been nervous about how the longer-term model would work given that the interim arrangements had only been in place for a short time. However, there was evidence service improvements had been made.
  - The Committee agreed the Interim Service Model had enabled good resident involvement to date through working parties, which the Committee expected would continue.
  - The Committee were encouraged that data on first time repairs showed this was on target. The Committee confirmed that, going forward, it would want to monitor the quality of works, as well as overall resident satisfaction levels.
  - The Committee hoped the Authority would continue to work with residents to provide a strong oversight of the repairs and maintenance service through resident working groups and future Policy and Accountability Committee (PAC) meetings.

**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.

**61. PROCUREMENT STRATEGY AND BUSINESS CASE IN RELATION TO THE RECOMMISSION OF STATUTORY ADULT ADVOCACY SERVICES**

**RESOLVED:**

Cabinet approves:

1. The Business case and Procurement Strategy at Appendix 2 for the commissioning of statutory adult advocacy services to start on 1 April 2020 for a duration of three years with an option to extend for a further two-year period.
2. That a partnership model be tendered in which a lead provider would act as the front door for all advocacy services and take responsibility for the contract monitoring and quality assurance of partners. This is in order to give consideration to social value and improving the local social infrastructure.
3. To delegate the decision to extend the contract beyond the initial period to the Strategic Director of Social Care in consultation with the Cabinet Member for Health and Adult Social Care.

**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.

**62. STRATEGY AND OPTIONS FOR PROCURING THE WASTE, RECYCLING AND STREET CLEANSING CONTRACT**

**RESOLVED:**

1. That Cabinet delegates to the Strategic Director of Environment, in consultation with the Cabinet Member for the Environment, the decision to either extend the existing Waste, Recycling and Street Cleansing Contract or to procure a new contract.
2. That Cabinet commits council reserves to fund the options proposed in this report. The funds required are set out in the exempt appendix.

**Reason for decision:**

As set out in the report.

**Alternative options considered and rejected:**

As outlined in the report.

**Record of any conflict of interest:**

None.

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

None.

**63. FORWARD PLAN OF KEY DECISIONS**

The Key Decision List was noted.

**64. ANY OTHER BUSINESS**

None.

Meeting started: 7.00 pm  
Meeting ended: 7.25 pm

Chair .....