

Cabinet

Minutes



Monday 6 February 2023

NOTE: This meeting was held remotely. A recording of the meeting can be watched at on YouTube at: <https://youtu.be/dEcGxMv22ps>

PRESENT

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

ALSO PRESENT

Councillor Aliya Afzal-Khan
Councillor Adronie Alford

1. MINUTES OF THE CABINET MEETING HELD ON 9 JANUARY 2023

RESOLVED:

That the minutes of the meeting of the Cabinet held on 9 January 2023 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATION OF INTERESTS

Councillor Sharon Holder declared a non-pecuniary interest in respect of Item 5, as a Council Tenant. She considered that this did not give rise to a perception of a conflict of interests and, in the circumstances, it would be reasonable to participate in the discussion and vote thereon.

4. PETITIONS : PETITION OF "ENSURING RESPONSIBLE DOG OWNERSHIP AND ENSURING DOGS' ESSENTIAL NEEDS ARE MET"

The Cabinet received one valid petition responding to a proposed Public Spaces Protection Order (PSPO) in relation to responsible dog ownership and dog control.

The Leader invited Mr Tom Holloway, the petition organiser, to address the Cabinet for 5 minutes to present his petition.

Mr Holloway made the following points:

- Some of the 'dog exclusion' areas should be reviewed to permit on lead well behaved dogs to have the opportunity for adequate socialization.
- Rather than 'dogs on leads' blanket rules, to have the option of 'dogs on leads by direction.' However, there were also risks to dogs being on lead as it caused them tension and frustration, therefore enforcement officers should have specialist training on dog behavior to evaluate their request. Off lead sniff walks were particularly important to dogs.
- They agreed with the 'specified maximum' of four dogs per non-qualified or assessed person or walking in smaller parks. However, in order to address more dogs needs and encourage professionals to invest in themselves so they had more skilled walkers, it should be allowed five dogs per person for qualified or assessed companies/ individuals in larger parks like Wormwood Scrubs and also allow eight dogs between two for those companies.
- They agreed that 'dog fouling' should be an offence.
- In relation to the 'poop scoop and/or disposable bag' order, to be less punitive and encourage good behaviour without enforcement and have more bins with free bags.
- To invest in more training and socialisation pens to have good dogs in the borough and advertisement to promote the importance of breeding, socialisation, exercise, and training on a dog's behaviour.
- To look into what revenue could be sought to invest in infrastructure via advertising.
- Not to make restrictions based on an unfortunate event or a few irresponsible dog owners or dog walkers.

Mr Holloway added that the petitioners were fully behind the Council's proposal to introduce rules to promote responsible dog practices and offered their help in suggesting ways forward based on their experience in order to have the best chance in achieving their intended goals. With the Leader's permission he circulated to all Cabinet Members a summary of their response to the PSPO draft.

19:21 – The Leader adjourned the meeting for 3 minutes to give Cabinet Members time to consider their written response.

19:24 – The meeting was resumed.

The Leader thanked Mr Holloway and invited questions from Cabinet Members.

Councillor Rebecca Harvey asked for the reason Mr Holloway was recommending five dogs. She stated that the RSPCA recommended that no more than four dogs were walked at any one time.

Mr Holloway said that the RSPCA were talking about the average dog walker, not necessarily assessed and trained. Based on his 15 years' experience as a dog walker and looking at other councils, five dogs per qualified and assessed person was a sensible number in large areas such as Wormwood Scrubs as dogs tended to stick together. In addition, a lower number would not be financially viable. The number of dogs should be based on the amount of land and the density of visitors in the area.

Councillor Sanderson, as Chair of the Wormwood Scrubs Charitable Trust, slightly disagreed that five dogs per person was a sensible number in Wormwood Scrubs. They were already dealing with issues with non-trained people having far more than five dogs and it was a highly visited area, therefore she would be more comfortable with four dogs per person. Mr Holloway reiterated that they were only suggesting this number to qualified dog owners.

Councillor Sharon Holder asked whether after they had analysed the findings from the survey Mr Holloway would be willing to discuss his dog walking experience with the Council and address the issues he had raised. Mr Holloway confirmed he would be happy to open the dialogue with the Council.

Councillor Adronie Alford expressed her concerns in relation to fining those that did not clean up after their dog, especially as there were not enough bins and bags in the borough. She asked whether more bags could be provided and to ensure that enforcement officers were careful about the enforcement on people.

The Leader replied that the Law Enforcement Team had been trained and briefed not to be harsh on enforcement. He added that with the large increase in dog ownership following the pandemic people needed to be educated to clean after their dog.

Councillor Holder informed that soiled dog bags could now be disposed of in any bin in the borough, not only the dog waste bins.

The Leader thanked Mr Holloway for offering his experience to help developing this policy. He stressed that the Council had consulted widely on this issue but was always open minded to review and adapt the policy to improve the result.

AGREED UNANIMOUSLY BY THE CABINET MEMBERS:

1. To note the petition
2. To take any decisions accordingly

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. THE HOUSING REVENUE ACCOUNT (HRA) BUDGET AND RENTS/SERVICE CHARGES FOR 2023/24

Councillor Sharon Holder declared a non-pecuniary interest as a Council Tenant. She considered that this did not give rise to a perception of a conflict of interests and, in the circumstances, it would be reasonable to participate in the discussion and vote thereon.

Councillor Frances Umeh stated that the Council had made a commitment to improve and invest in homes over the coming years. The Council was investing more than £700m over 12 years (over £1m a week) for major improvement work to existing homes as well as supporting the energy efficiency programme. In addition, there was a commitment to build 3,000 new energy efficient affordable homes within the next few years as well as strengthening the services offered to residents. To achieve that it was crucial that the Housing Revenue Account (HRA) maintained financial resilience.

Councillor Rowan Ree stated that the Council was fully aware of the impact of the cost-of-living crisis on many tenants. Therefore rents would only be increased by 4.4% rather than the 7% cap introduced by the Government. By increasing the charges the HRA would remain sustainable and resilient.

Councillor Adronie Alford expressed her concerns about the HRA. She noted that large savings had been made on the current financial year that were the result of increased income being raised. Therefore, in order to make the account balance it had been necessary to raise the income rather than making savings. She asked if the Council was certain that £1.1m of ongoing annual revenue savings per annum would be enough to balance the accounts considering the inflation and other factors.

The Leader stressed that the Council was committed to not raising rates again this year. They had achieved a balance between managing the HRA account while trying to minimise the impact of increased charges on tenants. He clarified that in Local Government revenue increases were considered savings. The Leader stated that the Council was investing greatly into repairing housing stock as there was a large backlog of investment needed.

In relation to a question from Councillor Alford regarding the high cost of service charges, the Leader replied that leaseholder charges had been kept very low over the last eight years; however, despite genuine concerns for leaseholders facing the cost-of-living crisis, with the challenging economy there was no easy option.

The Leader also addressed Councillor Alford's concerns in relation to the poor performance of contractors, particularly on repairs. He noted that Covid and Brexit had made labour scarce and significantly increased building costs but ensuring contract delivery was a high priority to the Council.

AGREED UNANIMOUSLY BY THE CABINET MEMBERS:

That Cabinet agrees:

1. To approve the Housing Revenue Account 2023/24 budget for council homes as set out in Table 1.
2. To approve £1.1m of ongoing annual revenue savings (when compared to the 2022/23 base budget) per annum from 2023/24.
3. To approve a rent increase of 4.4% from 3 April 2023, which equates to an average weekly increase for tenants of £5.20 in 2023/24.
4. To approve an increase to shared ownership rents of 7% from 3 April 2023.
5. To approve changes to tenant service charges to reflect the costs of providing communal services from 3 April 2023, which equate to an average weekly increase for tenants of 95p in 2023/24.
6. To approve an increase to charges for heating and hot water to reflect the costs of provision of the district heating service from 3 April 2023, which equate to an average weekly increase for tenants and leaseholders on the scheme of £2.75 (communal heating), £10.90 (tenants' personal heating) and £13.78 (leaseholders' personal heating) in 2023/24.
7. To approve an increase to the management fee for temporary on licence properties of 7% from 3 April 2023.
8. To approve an increase to the rent and service charges for hostels of 7% from 3 April 2023.
9. To increase garage charges for council tenants, resident leaseholders, and for other customers from April 2023 by 7%.
10. To note that any change to parking charges on housing estates will be considered separately with the Council's parking plans.
11. To increase car space rental charges for all customers by 7% from April 2023.
12. To approve an increase in the Leasehold After Sale – Home Buy Fees by 7% from April 2023 from £203 to £217.

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. REVENUE BUDGET AND COUNCIL TAX LEVELS 2023/24

The Leader stressed that the continuing national economic conditions of high inflation and interest rates presented many significant challenges to the Council and were affecting residents across the borough. The Council aimed to be the best in the country in offering value for money. With the third lowest Council Tax in the country, only 52% of residents paid the full Council Tax, which meant that 48% were receiving support. Despite the austerity within local government with budget cuts since 2010, services were still being maintained and delivered in addition to new services introduced, such as free adult social care, free breakfast meals for children in all primary schools, a new Law Enforcement Team to keep the streets safe and clean.

The Leader praised Sharon Lea, the Interim Chief Executive, and senior officers, for their commitment to providing residents with good quality services on budget.

AGREED UNANIMOUSLY BY THE CABINET MEMBERS:

That the Budget Council, for the reasons set out in this report and appendices, agree:

1. To increase the Hammersmith & Fulham element of Council Tax by 2.99% as modelled by the government in its spending power calculations for local government
2. To apply the Adult Social Care precept levy of 2% as modelled by the government in its spending power calculations for local government.
3. To set the council's own total net expenditure budget for 2023/24 at £132.627m
4. To approve **£10.651m** of new investment on key services for residents.
5. To approve fees and charges, as set out in paragraph 10, including freezing charges in adult social care, children's services, and general fund housing.

6. To note the budget projections to 2026/27 made by the Director of Finance in consultation with the Strategic Leadership Team.
7. To note the statement of the Director of Finance, under Section 25 of the Local Government Act 2003, regarding the adequacy of reserves and robustness of estimates (paragraph 37).
8. To approve the reserves strategy and realignment of reserves as set out in Appendix J and Appendix K.
9. To require all Directors to report on their projected financial position compared to their revenue estimates in accordance with the Corporate Revenue Monitoring Report timetable.
10. To authorise Directors to implement their service spending plans for 2023/24 in accordance with the recommendations within this report, the council's Standing Orders, Financial Regulations, relevant Schemes of Delegation and undertake any further consultation required regarding the Equalities Impact Assessment.
11. Set the council's element of Council Tax for 2023/24 for each category of dwelling, as outlined in the table below and in full in Appendix A and calculated in accordance with Sections 31A to 49B of the Localism Act 2011.

Category of Dwelling	A	B	C	D	E	F	G	H
Ratio	6/9 £	7/9 £	8/9 £	1 £	11/9 £	13/9 £	15/9 £	18/9 £
a) H&F	581.23	678.11	774.98	871.86	1,065.59	1,259.34	1,453.10	1,743.72

12. To note, based on the Mayor of London's draft consolidated budget, the element of Council Tax to be charged by the Greater London Authority in accordance with Section 40 of the Local Government Finance Act 1992 for each of the categories of dwellings as shown in the table below

Category of Dwelling	A	B	C	D	E	F	G	H
Ratio	6/9 £	7/9 £	8/9 £	1 £	11/9 £	13/9 £	15/9 £	18/9 £
b) GLA	289.43	337.66	385.90	434.14	530.62	627.09	723.57	868.28

13. That the overall Council Tax to be set at £1,306.00 per Band D property as follows:

Category of Dwelling	A	B	C	D	E	F	G	H
Ratio	6/9 £	7/9 £	8/9 £	1 £	11/9 £	13/9 £	15/9 £	18/9 £
a) H&F	581.23	678.11	774.98	871.86	1,065.59	1,259.34	1,453.09	1,743.72
b) GLA	289.43	337.66	385.90	434.14	530.62	627.09	723.57	868.28
c) Total	870.66	1,015.77	1,160.88	1,306.00	1,596.21	1,886.43	2,176.66	2,612.00

14. To authorise the Director of Finance to collect and recover National Non-Domestic Rate and Council Tax in accordance with the Local Government Finance Act 1988 (as amended), the Local Government Finance Act 1992 and the council's Scheme of Delegation.

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. FOUR YEAR CAPITAL PROGRAMME 2023-27 AND CAPITAL STRATEGY 2023/24

Councillor Rowan Ree introduced the report presenting the Council's four-year Capital Programme for the period 2023 to 2027. The council was investing £506.8m over the next four financial years to develop and enhance its assets.

AGREED UNANIMOUSLY BY THE CABINET MEMBERS:

1. To approve the four-year General Fund Capital Programme budget at £123.6m for the period 2023/24-2026/27 (presented in Table 2 and Appendix 1).
2. To approve the continuation of rolling programmes for 2023/24 funded from the Council's mainstream resources. For financial modelling purposes, these programmes are assumed to continue at the same level until 2026/27:

	£m
Corporate Planned Maintenance	2.400
Footways and Carriageways	2.030
Column Replacement	0.346
Total	4.776

3. To delegate approval of the detailed programmes for use of the rolling programmes, in recommendation 2, to the relevant SLT Director in consultation with the Director of Finance and relevant Lead Cabinet Member.
4. To approve the four-year Housing (HRA) Capital Programme at £383.2m for the period 2023/24-2026/27 as set out in Table 5 and Appendix 1.
5. To delegate authority to the Director of Finance in consultation with the Cabinet Member for Finance and Commercial Services to approve the potential use of up to £4.3m of capital receipts under the Government's Flexible Use of Capital Receipts provisions for funding of Invest to Save schemes in 2023/24 and 2024/25 (as identified in Appendix 4) and potential match-funding opportunities.
6. To approve the Capital Strategy 2023/24, as set out in Appendix 3.
7. To approve the annual Minimum Revenue Provision policy statement for 2023/24, as set out in Appendix 5.
8. To note the existing mainstream funded schemes previously approved, but now reprofiled to 2023/24 and future years as detailed in Table 3.

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. CAPITAL PROGRAMME MONITOR & BUDGET VARIATIONS, 2022/23 (THIRD QUARTER)

Councillor Rowan Ree stated that this report provided a financial update on the Council's capital programme for quarter 3 and requested approval for budget variations to the capital programme.

AGREED UNANIMOUSLY BY THE CABINET MEMBERS:

1. To note the net decrease in forecast capital expenditure of £5m for 2022/23. The variations are detailed in Appendix 2.
2. To approve the updated four-year capital programme for 2022-2026 of £641.5m as detailed in Appendix 1.
3. To approve £890,000 additional budget with regards to Hammersmith Bridge Stabilisation works, funded from General Fund borrowing.
4. To note the potential risks regarding the Housing Capital Programme, as summarised in paragraphs 18-21.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

9. TREASURY MANAGEMENT STRATEGY STATEMENT 2023/24

Councillor Rowan Ree informed that this report would be presented at Full Council for final approval later in the month. He congratulated all the staff working in treasury management for their success in managing council borrowing during a turbulent year in terms of global markets.

AGREED UNANIMOUSLY BY THE CABINET MEMBERS:

It is recommended that:

1. Approval be given to the future borrowing and investment strategies as outlined in this report.
2. The Director of Finance, in consultation with the Cabinet Member for Finance and Reform, be delegated authority to manage the Council's cash flow, borrowing and investments in 2023/24 in line with this report.

3. In relation to the Council's overall borrowing for the financial year, to approve the Prudential Indicators as set out in this report and the revised Annual Investment Strategy set out in Appendix E.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

10. SOURCING STRATEGY

Councillor Rowan Ree introduced the report looking at improving the procurement of goods, works and services across the Council, and making it more transparent and efficient to secure the best outcomes for residents.

AGREED UNANIMOUSLY BY THE CABINET MEMBERS:

To agree the sourcing strategy, attached at Appendix 1, for the council, to be implemented across all directorates and services.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

11. CIVIC CAMPUS ENHANCED INVESTMENT

Councillor Andrew Jones introduced the report bringing forward the final budget on the Civic Campus. He thanked the officers involved in the scheme on their success in securing an 80% fixed build contract in 2020 during the pandemic to avoid subsequent inflation. This had been vital considering the economic turmoil and price inflation across many sectors, especially the construction sector experiencing inflation around 20%.

AGREED UNANIMOUSLY BY THE CABINET MEMBERS:

1. Cabinet notes that Appendices 1, 3 and 4 are not for publication on the basis that they are legally privileged as set out in paragraph 5 of Schedule 12A of the Local Government Act 1972.
2. Cabinet approves estimated additional capital funding of £21.4m (£19.2m plus £2.2m contingency) necessary to complete the construction and fit out of the new Town Hall building, associated fees and other works (including necessary changes to the specification of works).
3. Cabinet notes estimated additional one-off revenue costs of £1.6m (£1.4m plus £0.2m contingency) necessary for project costs related to returning to the Town Hall and additional dilapidations provision.
4. Cabinet approves the entering into by the Council of a deed of variation of the Construction Contract dated 1st December 2020 necessary to implement the proposed addition investment and changes to the specification of works the details of which are included at Appendix 1
5. Cabinet approves the procurement strategy for design and assurance services to enable the award of a contract for 11 months for an estimated value of £ 860,000 commencing March 2023.
6. Cabinet approves the award of a contract to Entec Si for Audio Visual services via G-Cloud 13 for a value of £328,060 with a contract term of 1 year commencing from 1st February 2023.
7. Cabinet approves the increase of the long-term leasehold interest to the LLP from a term of 255 years to a term of 999 years, in line with GLA guidance outlined in Appendix 1, but otherwise on the same terms as previously agreed.
8. Cabinet approves the variation to the Conditional Agreement for Lease (CAL) to include a mechanism for payment by the LLP of any additional consideration that may be due in respect of the leases to be granted to the LLP following the grant of those leases in advance of practical completion of the glass pod works should the construction costs for the glass pod works be less than the acceptable land value, in line with the advice to be provided relating to potential tax implications.
9. Cabinet approves a delegation to the Director of Finance, in consultation with the Cabinet Member for Finance and Reform, authority to temporarily increase the Capital Finance Requirement (CFR), for technical accounting purposes, to fund any capital debtor which may arise in the event of timing differences between the drawdown of each lease and the recognition of consideration by the Council, (up to a maximum of £11.9m reflecting the total value of leases proposed to be granted ahead of practical completion of the Pod works).

10. Cabinet approves a delegation to the Strategic Director of the Economy in consultation with the Assistant Director, Legal Services authority to take all necessary steps to facilitate the decisions in 1-7.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

12. HIGHWAYS WORKS CONTRACT FRAMEWORK EXTENSION

Councillor Sharon Holder introduced the report seeking to activate the 3-year contract extension periods for all five existing FM Conway highways maintenance contracts, in order to mitigate against expected contract cost increases and to enable the full reprocurement strategy for highways works to be developed and agreed before March 2026.

The Leader added that Sharon Lea, the Interim Chief Executive, always expected high quality of service delivery from contractors and had praised FM Conway. Therefore he would be pleased to extend this framework arrangement.

AGREED UNANIMOUSLY BY THE CABINET MEMBERS:

1. To agree that Appendices 1 and 2 are not for publication on the basis that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).
2. Approve three-year extensions of the five highways contracts for FM Conway from 1 April 2023 to 31 March 2026 (with annual reviews presented to the Cabinet Member for Public Realm), at a maximum estimated contract value of £45m (£15m per year).
3. To begin work on a procurement strategy for the provision of Highways works beyond the end of the current framework arrangement (from April 2026).

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

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

None.

13. FORWARD PLAN OF KEY DECISIONS

The Key Decision List was noted.

14. DISCUSSION OF EXEMPT ELEMENTS (IF REQUIRED)

There was no discussion of exempt elements.

Meeting started: 7.00 pm
Meeting ended: 7.51 pm

Chair