

# Cabinet

## Minutes

Monday 13 May 2013

### **PRESENT**

Councillor Nicholas Botterill, Leader (+ Regeneration, Asset Management and IT)  
Councillor Greg Smith, Deputy Leader (+ Residents Services)  
Councillor Helen Binmore, Cabinet Member for Children's Services  
Councillor Mark Loveday, Cabinet Member for Communications (+ Chief Whip)  
Councillor Marcus Ginn, Cabinet Member for Community Care  
Councillor Andrew Johnson, Cabinet Member for Housing  
Councillor Victoria Brocklebank-Fowler, Cabinet Member for Transport and Technical Services

### **ALSO PRESENT**

Councillor Rory Vaughan

### **210. MINUTES OF THE CABINET MEETING HELD ON 8 APRIL 2013**

#### **RESOLVED:**

That the minutes of the meeting of the Cabinet held on 8 April 2013 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

### **211. APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

### **212. DECLARATION OF INTERESTS**

There were no declarations of interest.

## **213. TRI-BOROUGH TOTAL FACILITIES MANAGEMENT - AWARD OF CONTRACT**

### **RESOLVED:**

1. That the Tri-Borough contract for the provision of TFM (“the Project Agreement”) to Amey Community Limited with the services commencing on 1 October 2013 for a period of 10 years (with an optional 3 year extension), be approved.
2. That a London-wide Framework Agreement for the provision of facilities management services to Amey Community Limited for a period of four years, be approved.
3. That it be noted that the initial £2 million savings identified in the Business Case have been met and that the potential net savings over the life of the contract could now significantly exceed this.
4. That the Bi-Borough Executive Director of Transport and Technical Services at H&F and RBKC in conjunction with the bi-borough Director of Law at H&F and RBKC, the Director of Corporate Property at RBKC and the WCC Strategic Director Housing Regeneration and Property with the Head of Legal Services agree to any final amendments to the PA and FA deemed necessary and to conclude the PA and FA accordingly.
5. That the structure of the ICF at a net annual cost of £1.7 million to be funded from existing FM budgets, be approved.
6. That the Royal Borough of Kensington and Chelsea be the host employer for the ICF, be approved.
7. That the proposed high level Governance arrangements and principles of the Tri-Borough Inter-Authority Agreement, subject to any other report thought necessary at a later date, be approved
8. That the Executive Director of Finance and Corporate Governance (LBHF), the Town Clerk and Executive Director of Finance (RBKC) and the Chief Operating Officer (WCC) be authorised to enter into a Tri-Borough agreement in respect of TFM underpinned by a Section 113 agreement for the client function.
9. That the methodology for allocating costs and indicative costs of TFM for each Borough, be noted.
10. That authority to spend £750,000 (£250,000 per Authority) required to mobilise the TFM contract from May to September 2013, to be split equally between the boroughs on the basis that the work required to deliver the TFM project in each borough is broadly the same, be approved. (It is anticipated that the £250,000 can be met from existing facilities management budgets but in the event that this is not possible, it may be necessary to call on funding from borough contingency budgets. For H&F in particular, this will need to be funded from the Efficiency Projects Reserve).

11. That the structure and form of the ICF be reviewed at a future date (no earlier than 12 months from contract commencement) with a view to considering a Tri-Borough Owned Company (TOC), should that prove to be commercially and operationally advantageous.

**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.

**214. REVENUE BUDGET 2012/13 AND CLOSURE OF ACCOUNTS**

**RESOLVED:**

That the Executive Director of Finance and Corporate Governance in consultation with the Leader of the Council be authorised to take the necessary decisions required to ensure the Council's accounts are closed by 30 June 2013.

**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.

**215. LINFORD CHRISTIE STADIUM : GENERAL INTERNAL AND EXTERNAL REFURBISHMENT OF CHANGING ROOM PUBLIC FACILITIES AND MAJOR UPGRADE OF COMMERCIAL KITCHEN**

**RESOLVED:**

That an order be placed under the Measured Term Contract for Non-Housing Projects 2011/2015 with Mulalley & Company Limited, based on a framework agreement with three contractors, at an estimated works cost of be £264,450 which includes a contingency sum of £22,470 to which fees of £ £39,667 will be added, making a total cost of £304,117.

**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.

**216. APPOINTMENT OF CONTRACTOR TO DELIVER STREET OUTREACH SERVICES IN HAMMERSMITH & FULHAM**

**RESOLVED:**

1. That Broadway Homelessness & Support be appointed to deliver street outreach services in Hammersmith & Fulham from June 2013 for a period of four years, with a break clause in the contract whereby the Council can terminate with three months' notice at any time after the second anniversary of the commencement of the contract.
2. That authority be delegated to the Cabinet Member for Residents Services to extend the contract in line with the options contained in the contract documentation, if it is considered appropriate at the time.
3. That it be noted that the Cabinet Member for Residents Services has agreed to allow the Council to vary the existing contract with Thames Reach by extending it for a period of up to 6 months on a month by month basis to allow for negotiations between Thames Reach and Broadway Homelessness & Support in relation to staff transfers (i.e. TUPE) and other matters.

**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.

**217. LETTING OF A SERVICE CONCESSION CONTRACT TO ALLOW NETWORK EQUIPMENT TO BE FITTED TO LAMP POSTS, STREET FURNITURE AND OTHER COUNCIL-OWNED ASSETS (AS APPLICABLE)**

**RESOLVED:**

That the 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.

**218. DELEGATED AUTHORITY TO EXTEND SUPPORTING PEOPLE CONTRACTS**

**RESOLVED:**

1. That approval be given for authority to be delegated to the Cabinet Member for Community Care, in conjunction with the Executive Director of Adult Social Care and the Executive Director of Finance and Corporate Governance, to extend a contract where there is an option to do so, or vary the contractual terms in order to extend the contract period for:
  - i. All existing housing support contracts listed in Appendix 1 of the exempt report; and
  - ii. All contracts called-off the West London Housing Support Framework Agreement 2012-16, including those already called-off listed in appendix 2 of the exempt report.
2. That approval be given for authority to be delegated to the Cabinet Member for Community Care and the Cabinet Member for Children's Services, in conjunction with the Executive Director of Children's Services and the Executive Director of Finance and Corporate Governance, to extend a contract where there is an option to do so, or vary the contractual terms in order to extend the contract period for:
  - i. All existing supported housing contracts for young people leaving care, listed in Appendix 3 of the exempt report; and
  - ii. Any future contracts for young people leaving care that are called off the Framework.
3. That each of the proposed Cabinet Member Decision reports seeking approval to extend or vary a contract as set out in recommendations 2.1 and

2.2 above shall detail the financial, legal and procurement implications and include details of savings and service improvements.

**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.

**219. HOUSING ESTATE INVESTMENT PLAN UPDATE**

Councillor Vaughan was of the view that the residents' and stakeholders' consultation between July and August was inappropriately timed. He requested that the consultation be put back or moved forward to encourage a higher response rate. Furthermore, he expressed his concerns that housing officers had not developed good working relations with Genesis Housing Association. Improved working relationships were required to support the establishment of a play scheme for the residents on the Factory Quarters scheme. He requested officers to keep him informed of the progress on the Becklow Gardens and Emlyn Gardens schemes.

Cabinet agreed that the consultation should be moved to a time outside July and August to encourage a better response. Officers are to look into the concerns raised regarding working relations and open further dialogue with Genesis to explore any outstanding issues.

**RESOLVED:**

1. That, subject to section 20 leaseholder consultation, the full scope of works for Fulham Court and Barclay Close Estates as described in section 5 and Appendix 1 of the report and to the allocation of a further £1.82m from the total budget for this project held in the Decent Neighbourhoods fund of £3.469m to deliver phase two of the works be approved, and that Cabinet notes that the first phase of works came in £0.15m under budget. (Cabinet also noted that the £3.469m represents the balance remaining of the original budget of £4.057m approved by Cabinet on 11 January 2010 following the construction of the Tudor Rose Centre).
2. That it be noted that, with the exception of lighting and CCTV improvements, work in phase two of the Fulham Court and Barclay Close project will be delivered by Mitie under the existing Planned Maintenance contract. Lighting and CCTV elements of the scheme will be taken forward by the appropriate Council departments.

3. That the development of draft investment plans for Sullivan Court, Becklow Gardens and Emlyn Gardens as phase 2 estates for HEIP investment and a budget of £50,000 funded from the 2013/14 Housing Services Budgets held in the Housing Revenue Account to develop proposals for the three estates with residents, be approved.

**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.

**220. HOUSING DEVELOPMENT PROGRAMME - NEW BUILD INNOVATIVE HOUSING**

Councillor Vaughan noted that the plans showed the potential loss of a children's play area. He asked officers to consider a replacement elsewhere in the development. The meeting was informed that there were plans for the re-provision with an improved new open space within the underutilised caretaker facility. The Leader noted that the plans were still being developed and officers would submit a further report with detailed proposals for consideration.

**RESOLVED:-**

1. That the work completed to date on the Pilot Site at Spring Vale Estate to develop a detailed development proposal be noted; and that approval be given for further expenditure of £3,394,000 (to be funded from the decent neighbourhoods fund) comprising:
  - Construction costs (£2,504,000),
  - Scape framework fee & pre-construction fees (£70,000),
  - City House Projects Limited's professional fees (£240,000),
  - Sales and marketing fees (£82,000), and
  - Statutory fees and project contingency (£498,000).
2. That the appointment of Willmott Dixon Capital Works Limited, through the SCAPE Framework, as building contractor for the Spring Vale scheme, be approved.
3. That authority be delegated to the Cabinet Member for Housing, in conjunction with the Executive Director of Housing and Regeneration, to appoint a sales and marketing agent following completion of the procurement process.

4. That the initial appraisals undertaken to date to identify two additional development sites at Becklow Gardens and Barclay Close be noted; and that expenditure of £230,000 be approved (to be funded from the decent neighbourhoods fund, or should the schemes prove to be abortive - due to unforeseen costs; issues specific to site which makes development risk too high; or the development does not get planning consent - the cost would fall to revenue funded from s106) for professional fees for City House Projects Limited (appointed under the Council's Framework for Innovative Housing Built Using Modern Methods of Construction and Associated Development Management Services) to undertake resident consultation, site investigation surveys, and design of the two sites to planning (RIBA Stage D); and that the letting of this work in phases, ensuring that funds are not expended if a feasibility issue emerges, be noted.
5. That it be noted that a further Cabinet report will be presented setting out detailed development proposals – including construction methodology options - for the Becklow Gardens and Barclay Close sites and approval for further funding to proceed with the schemes, following consideration of the Housing Development Programme Business Plan.

**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.

**221. CONTRACT AWARD - BI-BOROUGH PAY AND DISPLAY MACHINE MAINTENANCE SERVICES**

**RESOLVED:**

That a Bi-Borough three year contract with the option of a 24 month extension for 2 occasions, totalling 7 years inclusive for RBKC and LBH&F, be awarded to Metric Group Limited in accordance with option 1 as set out in this report at a tendered price of £709,817 per annum with an approximate full term total value of £4.97 million.

**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.

**222. EXTENSION OF A CONTRACT FOR THE PROVISION OF A VEHICLE REMOVAL SERVICE AND OPERATION OF A CAR POUND**

**RESOLVED:**

1. That the waiver to the provisions of Contract Standing Orders requiring the Council to obtain three tenders be approved and it be noted that negotiations have taken place with the current provider to provide continuing support until the new contract starts by January 2014.
2. That the contract for the removal of vehicles and the provision and operation of a car pound with Ontime Parking Solutions Ltd be continued on the existing terms and conditions until the commencement of the new contract which is scheduled to start by January 2014, at a notional value of £427,000 for seven month period commencing 1 June 2013 until 31 December 2013.

**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.

**223. PARKING PROJECTS & POLICY PROGRAMME FOR 2013/14 AND 2014/15**

**RESOLVED:**

That the list of parking projects and policy programme for the 2013/14 and 2014/15 financial years and the funding, as set out in Section 6 of the report, be approved.

**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.

**224. FORWARD PLAN OF KEY DECISIONS**

The Forward Plan was noted.

**225. 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.]

**226. TRI-BOROUGH TOTAL FACILITIES MANAGEMENT - AWARD OF CONTRACT - EXEMPT ASPECTS (E)**

**RESOLVED:**

That the full outsourcing of the provision of 'Total Facilities Management' (TFM) and award of a Tri-Borough contract, be approved.

**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.

**227. LINFORD CHRISTIE STADIUM : GENERAL INTERNAL AND EXTERNAL REFURBISHMENT OF CHANGING ROOM PUBLIC FACILITIES AND MAJOR UPGRADE OF COMMERCIAL KITCHEN : EXEMPT ASPECTS (E)**

**RESOLVED:**

That the 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.

**228. APPOINTMENT OF A CONTRACTOR TO DELIVER STREET OUTREACH SERVICES IN HAMMERSMITH & FULHAM : EXEMPT ASPECTS (E)**

**RESOLVED:**

That the 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.

**229. LETTING OF A SERVICE CONCESSION CONTRACT TO ALLOW NETWORK EQUIPMENT TO BE FITTED TO LAMP POSTS, STREET FURNITURE AND OTHER COUNCIL-OWNED ASSETS (AS APPLICABLE) : EXEMPT ASPECTS (E)**

**RESOLVED:**

That the recommendation in the exempt report be approved.

**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.

230. **DELEGATED AUTHORITY TO EXTEND SUPPORTING PEOPLE CONTRACTS : EXEMPT ASPECTS (E)**

**RESOLVED:**

That the 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.

231. **CONTRACT AWARD - BI-BOROUGH PAY AND DISPLAY MACHINE MAINTENANCE SERVICES : EXEMPT ASPECTS (E)**

**RESOLVED:**

That the 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.

**232. PARKING PROJECTS & POLICY PROGRAMME FOR 2013/14 AND 2014/15:  
EXEMPT ASPECTS (E)**

**RESOLVED:**

That the 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.

Meeting started: 7.00 pm  
Meeting ended: 7.16 pm

Chairman .....