

Cabinet

Minutes

Monday 12 October 2015

PRESENT

Councillor Stephen Cowan, Leader of the Council
Councillor Andrew Jones, Cabinet Member for Economic Development and Regeneration
Councillor Max Schmid, Cabinet Member for Finance
Councillor Vivienne Lukey, Cabinet Member for Health and Adult Social Care
Councillor Lisa Homan, Cabinet Member for Housing
Councillor Sue Fennimore, Cabinet Member for Social Inclusion
Councillor Wesley Harcourt, Cabinet Member for Environment, Transport & Residents Services
Councillor Ben Coleman, Cabinet Member for Commercial Revenue and Resident Satisfaction
Councillor Sue Macmillan, Cabinet Member for Children and Education

60. MINUTES OF THE CABINET MEETING HELD ON 7 SEPTEMBER 2015

RESOLVED:

That the minutes of the meeting of the Cabinet held on 7th September 2015 confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

61. APOLOGIES FOR ABSENCE

Apologies for Absence were received from Councillor Mike Cartwright.

62. DECLARATION OF INTERESTS

There were no declarations of interest.

63. FINANCIAL MANAGEMENT OF FULHAM PALACE TRUST

RESOLVED:

1. That the following recommendations be noted:

- The explanation given to the Audit, Pensions and Standards Committee by the Fulham Palace Trust was that their pensions' deficit of £388,000 was a recent discovery and that the Trustees had not fully explored the financial issues at the time the Trust was established nor taken independent financial advice.
 - Fulham Palace Trust has therefore suggested that the Council has an obligation to cover this cost. However under the terms of the pension scheme Admission Agreement the Council has no obligation to fund the pension scheme for Fulham Palace Trust.
 - That officers revisited the arrangements because of Fulham Palace Trust's demand but confirmed that it is explicit in Section 4 Obligations of the Trust in the Grant Funding Agreement (GFA) that: [4.1] that The Trust will: 'accept staff transferred on TUPE terms from the Council' and as the Admission Agreement to the pension scheme was signed off by Fulham Palace Trust's Chairman, Tim Ingram, it remains Fulham Palace Trust's responsibility.
 - That in Fulham Palace Trust's draft accounts for 2014/15 it has netted this £388,000 liability off its unrestricted funds, suggesting it is provided for.
 - Council officers advise that in light of the Fulham Palace Trust financial expertise and management available, Fulham Palace Trust should be able to understand its liabilities and plot its income generation projections through the development of a robust business plan and fundraising strategy.
2. That the Council should not pay Fulham Palace Trust the £388,000 demanded.

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.

64. LEASING OF FORMER PETERBOROUGH SCHOOL BUILDING, CLANCARTY ROAD

RESOLVED:

- 1.1. That approval be given to delegate authority to the Director of Children's Services in conjunction with the Director for Building & Property and the Head of Legal Services to complete the grant of a supplemental lease on the terms outlined in this report or on such other terms as officers deem necessary. This will reflect the changed and additional uses of the available accommodation given the growth and development of the bilingual provision ,now known as "Fulham Bilingual".

- 1.2. That officers negotiate a variation to the existing lease to reflect the mutually-agreed changes in allocation of the accommodation currently and imminently to be used by the Ecole.

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.

65. CORPORATE REVENUE MONITOR 2015/16 MONTH 4 - JULY

RESOLVED:

- 1.1. That the General Fund and HRA month 4 revenue outturn forecast, be noted.
- 1.2. That the proposed virements of £1,170,000 as detailed in appendix 11 of the report, be agreed.
- 1.3. That all overspending departments to agree proposals/action plans for bringing spend in line with budget.

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.

66. CAPITAL PROGRAMME MONITOR & BUDGET VARIATIONS, 2015/16 (FIRST QUARTER)

RESOLVED:

That the proposed technical budget variations to the capital programme totalling £9.5 million (summarised in Table 1 and detailed in Appendix 2 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.

67. CARERS' HUB SERVICE - EXTENSION AND VARIATION OF CONTRACT

RESOLVED:

- 1.1. That approval be given to extend the Carers Hub contract with Carers Network from 1 December 2015 to 30 April 2017 on existing terms and conditions with a three month termination clause for the value of £325,261. The total value of the contract, including the recommended contract extension, will be £784,453.
- 1.2. That approval be given that the Cabinet Member for Health and Adult Social Care may vary the contract from the 1 December 2015 and during the extension period in the event that the Council requires additional carers assessment work to be carried out by the service in relation to the Care Act 2014 up to and not exceeding £80,000 per annum, subject to the necessary budget approvals. The pricing schedule will be based on national models for the costing of carers' assessments.
- 1.3. That approval be given to delegate the authority to the Cabinet Member for Health and Adult Social Care to extend the contract by a further one month (i.e. up to the maximum 18 months extension period allowed for in the terms of the contract) should an additional period be required to meet the timetable of a future re-procurement of the service.

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.

**68. PUBLIC HEALTH, SEXUAL HEALTH & COMMUNITY BASED SERVICES
DIRECT AWARD**

RESOLVED:

1. Cabinet to approve the following recommendations:

- 1.1. That Option 3, detailed in section 6 of the report, to make direct award to a reduced number of contracts to align with GUM transformation programme, and allow a full procurement exercise to be completed for community and reproductive health services, be agreed.
- 1.2. That approval be given by the Cabinet and the Cabinet Member for Adult Social Care and Public Health, for each of sovereign authority that the Executive Director of Adult Social Care and Health may approve the recommendation made by the Contract Approval Board to direct award contracts.
- 1.3. That the total spend for the community and reproductive sexual health services, including young people across the three boroughs, for the 12 month period from 1st April 2016 to 31st March 2017 totalling £5,403,975, be agreed.
- 1.4. That approval be given to waiver in accordance with paragraph 3 of the Contract Standing Orders 11 (officer responsibilities) for the requirement to complete a competitive tendering exercise and (a) advertise the opportunity and (b) seek public quotations using the e-tendering system.
- 1.5. That approval be given to waive the requirement to carry out a competitive exercise as set out in table 12.3 of the of the Contract Standing Orders in order to allow the local authority to directly award the contracts to the providers listed in Appendix B (in the exempt report on the exempt Cabinet agenda).
- 1.6. That the direct award of the contracts, as defined in our contract standing orders (waivers and exemption) sovereign contracts as listed in Appendix B (in the exempt report on the exempt Cabinet agenda) effective from 1st April 2016 to expire on 31st March 2017, be approved.

2. To note the recommendations for Royal Borough of Kensington and Chelsea's Cabinet Member:

- 2.1. To approve a waiver in accordance with paragraph 2.09 of the RBKC Contract Regulations to waive the requirement to seek tenders in accordance with paragraph 2.28 in order to allow the local authority to directly award the contracts to the providers listed in Appendix B (in the exempt report on the exempt Cabinet agenda) in accordance with Contract Regulation 2.36.
- 2.2. To approve the direct award of the contracts to the providers listed in Appendix B (in the exempt report on the exempt Cabinet agenda) and for the values set out in the same appendix, effective from 1st April 2016 to expire on 31st March 2017.

3. To note the recommendations for Westminster City Council's Cabinet Member:-

- 3.1. The Chief Procurement Officer approve a waiver in accordance with section 2.2 of the Westminster Procurement Code to allow the local authority to directly award the contracts to the providers listed in Appendix B (in the exempt report on the exempt Cabinet agenda).
- 3.2. To approve the direct award of the contracts to the providers listed in Appendix B (in the exempt report on the exempt Cabinet agenda) and for the values set out in the same Appendix, effective from 1st April 2016 to expire on 31st March 2017.

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.

69. CAPITAL DEVELOPMENT VOIDS

RESOLVED:

- 1.1. That the proposed development voids programme as set out below, be approved:

Address	Recommended Proposed Option for Development
Property A	Rebuild rear elevation and resolve structural issues & refurb and create 1 x additional bedroom making a 5 Bedroom property
Property B	Convert to 1x 3 bedroom 1 x 2 Bedroom
Property C	Convert to 3 bedroom house
Property D	Convert to 2 x 1/2 bedroom flats

- 1.2. That the use of the Council's term contractor Mitie Property Services (UK) Limited to carry out the works, be noted.
- 1.3. That the proposed programme for delivery of this project is estimated to be 6 months from the date of this approval, 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.

70. PROCUREMENT OF A FRAMEWORK AGREEMENT FOR LIFT MODERNISATION PROGRAMME WITHIN HOUSING PROPERTIES - BOROUGH-WIDE

RESOLVED:

- 1.1. That approval be given for officers to procure a 3 year Framework Agreement, with an option to extend for an additional 1 year, for up to 5 contractors, in accordance with the Public Contract Regulations 2015 via an OJEU restricted procedure with an anticipated total contract value of £7.5 million.
- 1.2. That funding for the proposed works is contained within the Housing capital programme, be noted.
- 1.3. That approval be given to waive the requirement in Contract Standing Orders to develop a business case because each individual mini-competition off the proposed framework agreement will be less than £1 million.

- 1.4. That delegated authority be given to the Cabinet Member for Housing in consultation Lead Directors for Housing to invite tenders for the proposed framework agreement and to appoint the successful contractors onto the framework.

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.

71. PHONE PAYMENT PARKING REPORT

RESOLVED:

- 1.1. That approval be given for the introduction of phone payment parking across the borough with the installation taking a phased approach, based on a zone by zone introduction.
- 1.2. That approval be given to place an order with Bouygues Ltd, the Council's existing Measured Term Highways Contractor in the sum of £964,676 for replacement signage (example is shown in the Appendix 1) and associated sign posts.
- 1.3. That approval be delegate to the Cabinet Member for Environment, Transport & Residential Services and the Leader of the Council, the authority to award a framework agreement for a telephone payment service provider, and to award a contract for telephone payment service.

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.

72. TICKET MACHINE PARKING REPORT

RESOLVED:

- 1.1. That approval be given to the mixed mode 1 option as the direction for Pay & Display equipment in Hammersmith and Fulham resulting in the purchase of about 400 new ticket machines and removing the existing 1100 ticket machines, as well as offering phone payment across the entire borough.
- 1.2. To consult with Businesses in the borough as to whether ticket machines in more commercial areas should offer cash as well as card payments.
- 1.3. That authorisation for the tender process for new Pay & Display ticket machines to be conducted, as well as the maintenance contract for the new machines, be approved.
- 1.4. That authority be delegated to the Cabinet Member for Environment, Transport & Residential Services and the Leader of the Council to award a framework agreement for a ticket machine purchase and maintenance 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.

73. **RENEWAL OF CONTRACT FOR THE PROVISION OF COLLECTION, COUNTING AND BANKING OF MONIES FROM PAY AND DISPLAY MACHINES**

RESOLVED:

That the contract for the collection, counting and banking of monies from pay and display machines with the Royal Borough of Kensington and Chelsea be continued on the existing terms and conditions until the 31 August 2016 at cost of £973,059 met from existing budgets.

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.

74. LONDON BOROUGH OF HAMMERSMITH & FULHAM CYCLING STRATEGY 2015

Councillor Harcourt noted that a copy of the report will be sent to the London Cycling campaign. To encourage cycling amongst residents, an easy to read popular version of the strategy would be produced. This should be the standard set for all key documents.

RESOLVED:

That the publication of the Hammersmith & Fulham Cycling Strategy 2015, 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.

75. FORWARD PLAN OF KEY DECISIONS

RESOLVED:

The Key Decision List was noted.

76. 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 1A 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.

77. **EXEMPT MINUTES OF THE CABINET MEETING HELD ON 7 SEPTEMBER 2015 (E)**

RESOLVED:

That the minutes of the meeting of the Cabinet held on 7th September 2015 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

78. **COMPLETION OF MANAGED SERVICES IMPLEMENTATION (LOT 1 FINANCE & HUMAN RESOURCES SERVICES) (E)**

RESOLVED:

That the recommendations contained 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.

79. **LEASING OF FORMER PETERBOROUGH SCHOOL BUILDING, CLANCARTY ROAD : EXEMPT ASPECTS (E)**

RESOLVED:

That the report and appendix 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.

**80. PUBLIC HEALTH, SEXUAL HEALTH & COMMUNITY BASED SERVICES
DIRECT AWARD : EXEMPT ASPECTS (E)**

RESOLVED:

That Appendices A, B and C 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.

81. CAPITAL DEVELOPMENT VOIDS : EXEMPT ASPECTS (E)

RESOLVED:

That the recommendations contained 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.

Meeting started: 7.00 pm
Meeting ended: 7.10 pm

Chair