

Cabinet

Minutes

Monday 7 December 2015

PRESENT

Councillor Ben Coleman, Cabinet Member for Commercial Revenue and Resident Satisfaction

Councillor Stephen Cowan, Leader of the Council

Councillor Sue Fennimore, Cabinet Member for Social Inclusion

Councillor Wesley Harcourt, Cabinet Member for Environment, Transport & Residents Services

Councillor Lisa Homan, Cabinet Member for Housing

Councillor Andrew Jones, Cabinet Member for Economic Development and Regeneration

Councillor Vivienne Lukey, Cabinet Member for Health and Adult Social Care

Councillor Sue Macmillan, Cabinet Member for Children and Education

Councillor Max Schmid, Cabinet Member for Finance

ALSO PRESENT

Councillor Colin Aherne

Councillor Larry Culhane

Councillor Harry Phibbs

99. MINUTES OF THE CABINET MEETING HELD ON 2 NOVEMBER 2015

RESOLVED:

That the minutes of the meeting of the Cabinet held on 2 November 2015 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

100. APOLOGIES FOR ABSENCE

Apologies for Absence were received from Councillor Michael Cartwright.

101. DECLARATION OF INTERESTS

There were no declarations of interest.

102. RECOMMENDATION OF THE RESIDENTS' COMMISSION ON COUNCIL HOUSING AND OUTCOME OF THE STRATEGIC HOUSING STOCK OPTIONS APPRAISAL

Councillor Cowan welcomed the Chair of the Residents' Commission, RT. Hon Keith Hill and the Commission's members, residents and officers to the meeting. He asked Councillor Lisa Homan, the Cabinet Member for Housing, to introduce the report.

Councillor Homan stated that the Administration's Manifesto commitment was to protect council house residents' homes from demolition and to improving services. The Administration had promised to take immediate measures to protect council homes now and in the future and work with council housing residents to give them ownership of the land their homes are on. The setting up of the Commission was the 1st step on this journey. The 2nd step was to agree the Cabinet report before the committee. The approval will alleviate the fear of home sale by politicians and potentially find a way of resolving the previous administration's policy of selling off houses. Residents will become architects of their own destiny.

Since the Commission had embarked upon its work, the national scene had changed with councils being in a worse position to deliver new homes and maintain its current housing stock. That would not discourage the Administration from progressing this ground-breaking vision. She thanked, on behalf of the Cabinet, the members of the Residents' Commission and the officers who had supported the process. She also noted that another piece of work "Improving Housing Services" which was based on a Blueprint produced by the Commission will be considered later in the meeting.

The Chair, RT. Hon Keith Hill, stated that in line with the administration's commitment to work with council housing residents to give them ownership of the land their homes are on, the commission was set up. He highlighted the following key issues:

- The bold and radical nature of the recommendations to proceed with a stock transfer,
- Setting up a resident owned and run independent housing association,
- Changes in central government policy since the commission commenced its work,
- Changing the ownership structure was the only way of maintaining the level of investment in council housing stock,
- A comprehensive stock appraisal report was produced as part of the work,
- The Commission undertook its deliberations in the full glare of publicity and reported back within a record 6 months.

He thanked the Commissioners for their commitment and dedication to the Commission's work.

Lorna Wynter (Vice Chair) noted that there were robust processes in place which looked thoroughly at all the options affecting both tenants and leaseholders. She acknowledged the support of the housing officers and independent professionals who assisted them to look at the housing options, financial appraisals and the best possible options available. All the members had endorsed the report's recommendations.

On a personal note, John Ghazi Quick (Vice Chair), found the whole process like going through University with the commissioners as tutors who had lived and breathed housing. It was intense but a beneficial journey. It was a rewarding opportunity to sit on the commission. He noted that the interview process was rigorous. The report he said was detailed covering every possible area. The recommendations are forward looking with generational impact. There are no limits restricting a housing association activities but the council was limited in its reach and ideas. He was of the view that council housing residents will be supporting the proposals.

The Leader thanked the speakers for their contributions and opened the floor to a question and answer session. The following issues were raised:-

- Concerns were raised about where sheltered housing would sit due to the specialised nature of services provided to its clients.
- An explanation on how housing services will be improved was requested.
- How will the borrowing requirements be met?
- Had the Hammersmith and Fulham Member of Parliament been engaged in the conversations?
- How would special needs and housing for people with disabilities be provided in the future?

In response, Councillor Homan acknowledged that sheltered housing required specialised services and support. The Council was working with Adult Social Care to improve services. If the transfer goes ahead, sheltered homes would also be transferred but the links with Adults Services will be retained and better services will be provided. Regarding improvements, the commission had produced a blueprint for improving services. A report will be considered later in the evening on this issue. Councillor Schmid noted that conversations with the Department of Communities and Local Government (DCLG) will commence to persuade them to write off the existing debt. This was in line with the Government's devolution policy.

The Leader noted that Mr Andy Slaughter MP was aware of the proposals. He strongly supports the proposal and believes that every tenant deserves the right

to run their own home. The proposals are in line with government policy. Councillor Homan said that special housing needs and disability housing services would operate in the same way. There will be a standard nomination agreement between the council and the housing association. The Council will be able to determine the client groups which are offered accommodation.

Councillor Phibbs also asked some questions. A summary of the issues are:-

- Seeking confirmation if the stock transfer would go ahead where the majority of the leaseholders were opposed to the scheme in a ballot.
- Where will the estate redevelopments take place within the Borough?
- Seeking assurances that under the community gateway nobody would lose out if redevelopment takes place and redevelopment could be blocked by leaseholders.
- Whether motions by individual estates could stop estate redevelopments?

Councillor Homan informed the meeting that the government's guideline require the council to seek approval of the proposal by a ballot of tenants. The legislation required the leaseholders to be consulted upon any proposals. Councillor Cowan stated that the council will:

- take the most democratic approach regarding consultation of tenants and leaseholders.
- go further than the government legislation.
- seek a ballot of all residents living on the estates as a constituent group.
- consider a report at a Policy and Accountability Committee meeting outlining options for a ballot.

Regarding estate development, Councillor Cowan noted that the Council would not repeat the previous administration's error of forcing residents out of their homes and estates. The new organisation will decide estate redevelopment proposals in consultation with the tenants and leaseholders. The governance structure will safeguard the tenants' interest by putting residents in charge of the redevelopment of the communities they live in. There will be checks and balances in place to stop any group of people imposing undemocratic proposals.

Some residents in the audience expressed their anger that a member of the opposition was being divisive. They noted that the report was written and produced with the consensus of the tenants and leaseholders on the commission. Many difficult questions had been asked. The recommendations would not have been supported if all the voices had not been consulted and heard. This was not about tenants vs leaseholder.

The Leaders invited another round of questions. The following questions were asked:-

- Will residents be allowed to monitor the ballot?
- What will happen to the bed sitters in sheltered accommodation?

- Would a ballot of leaseholder take place?

Councillor Homan noted that the residents would be invited to monitor the ballot. The commissioners will be invited to continue to work with the council on setting up the new landlord. She understood the concerns of the residents of Underwood House. The Leader reiterated his previous response that the Council would go further than the government legislation and a report would be considered by a Policy and Accountability Committee outlining options for a ballot.

Councillor Phibbs asked another set of questions:-

- £1.25 million had been spend to date and the Council was earmarking an extra 1.25 million. What was the extra money for?
- Would the Chancellor write off the council's housing debt?
- Are there commercial lender who would be prepared to finance this new arrangement?
- What guarantees would there be to control rent increases?

Councillor Homan was delighted to note that there was an underspend in the previous budget. The next tranche of funds would be released in phases. Both Durham and Gloucester councils had their debts written off. The Council will work with the government to also achieve this. Housing associations must be financially prudent and have the ability to repay money borrowed from the money market. The government had recently imposed a 1% rent decrease on councils.

The Leader thanked the Chair and the Commission members for producing the report and contributing to civic life. He stated that the council will work with the government to ensure that the debt was written off as part of the process. Going forward, the current status quo was not a sustainable option. Residents will be faced with a choice; a democratic ballot. The council will work out how it can work beyond the government's legislation to provide a ballot for all.

RESOLVED:

That Cabinet:

The Stock Options Appraisal and Report of the Residents' Commission

- 1.1 Thank the Residents' Commission on Council Housing ("The Residents' Commission") for its report and the time, effort and expertise that has gone into its production.
- 1.2 Note the outcome of the Stock Options Appraisal and the officer comments on it.
- 1.3 Accept in full the recommendations of the Residents' Commission as to the:

- Future ownership of the council's housing stock;
 - Means of increasing resident control over the ownership and management of council homes;
 - Improvement of services to tenants and leaseholders
- 1.4 In the light of the Stock Options Appraisal and the report of the Residents' Commission, resolve to formally pursue the transfer of the Council's housing stock to a resident-led Registered Provider which is constituted on the Community Gateway model.
- 1.5 Note the benefits to residents and the Council arising from the work of the Residents' Commission and the Strategic Housing Stock Options Appraisal and in particular the new Stock Condition Survey, the updating of the Housing Revenue Account Business Plan, and the significant improvement in the breadth and quality of resident involvement in on the development of services to tenants and leaseholders.
- 1.6 Note that the implementation of a stock transfer would be subject to consultation and a ballot of residents, the availability of funding and the negotiation of a satisfactory financial settlement, including on the overhanging debt, the consent of the Secretary of State, and a further decision by the Council itself to proceed.

Application for Stock Transfer

- 1.7 Authorise the Chief Executive, in consultation with the Cabinet Member for Housing, formally to apply to Communities and Local Government (DCLG) and the Greater London Authority (GLA) for approval to commence the preparation for a Large Scale Voluntary Transfer (LSVT) of the Council's housing stock.
- 1.8 Delegate to the Chief Executive the authority to hold discussions with DCLG and GLA in pursuance of the transfer proposal.

Transforming Services and Increasing Resident Control

- 1.9 Note that the Lead Directors for Housing are initiating a customer service improvement programme based on the Blueprint proposed by the Residents' Commission for the Housing Service and centred on the requirements of customers and increasing resident control over housing services. This programme will be developed in full consultation with residents and is the subject of another report on this Cabinet agenda (Transforming the customer experience of the Housing Service).

New Structures for the Future of Housing

- 1.10 Delegate to the Chief Executive, in consultation with the Cabinet Member for Housing, the authority to create a new organisation constituted as proposed by The Residents' Commission capable, subject

to the agreement of tenants in a ballot, of receiving the transfer of the Council's housing stock.

- 1.11 Invite members of the Residents' Commission who wish to do so to form an Advisory Group to advise on the implementation and planning of Recommendation 2.10 above.

Community Benefits, Corporate and Financial Implications

- 1.12 Note the impact of the Chancellor's announcements in the July 2015 Summer Budget on the HRA Business Plan (and of the Housing Bill and the outcome of the Comprehensive Spending Review.
- 1.13 Note that there will be a corporate impact of a stock transfer; including an impact on the General Fund should it proceed and instruct Officers to report further on this in the report to the Cabinet Member for Housing in March 2016.
- 1.14 Note the potential implications for Council staff should a stock transfer proceed.
- 1.15 Agree an additional budget of £372,000 from the General Fund and £80,000 from the Housing Revenue Account which can be funded from underspends in the Housing Revenue Account and the carry forward of the predicted £245,000 underspend from the Residents' Commission budget for the initial work to develop the business case and the Offer for implementation of the proposals set out in this report for the pursuit of a Large Scale Voluntary Transfer and for a service transformation programme which will fund the programme until March 2016 at which point progress will be reviewed and formally reported to the Cabinet Member for Housing.
- 1.16 Delegate authority to the Cabinet Member for Housing to release a further £778,000 from the General Fund and £125,000 from the Housing Revenue Account to progress beyond the business case to finalise and seek DCLG/HCA consent to a detailed Offer during financial year 2016/17.
- 1.17 Delegate authority to the Cabinet Member for Housing to release up to £500,000 further funding from the General Fund in the event of any significant delays in decision making by the Department for Communities and Local Government.
- 1.18 Delegate authority to the Lead Directors for Housing in consultation with the Cabinet Member for Housing to exercise the option to extend the term of the following five contracts:
 - a) external Independent Tenants' and Leaseholders' Adviser, let to TPAS UK Ltd, to allow for further advice and independent support for tenants and leaseholders in the lead up to a ballot of residents.
 - b) external legal advice, let to Trowers & Hamlins LLP, to allow for further advice in developing the Business Case to be submitted to DCLG and the Offer Document in the lead up to a ballot of residents.

- c) external property and surveying advice, let to Savills (UK) Ltd, to allow for further advice on the stock condition survey and specialist structural surveys, environmental surveys, periodic updates throughout the programme as required, rights to the data and analysis be available/assigned to any new organisation(s) and their advisers in the lead up to a ballot of residents.
- d) external financial advice, let to Capita Property and Infrastructure Ltd, to allow for further advice in developing the Business Case to be submitted to DCLG and the Offer Document in the lead up to a ballot of residents.
- e) external Communications and Consultation Adviser, let to SKV Communications Ltd, to allow for further advice in developing the Business Case to be submitted to DCLG and the Offer Document in the lead up to a ballot of residents.

1.19 Delegate authority to the Lead Directors for Housing in consultation with the Cabinet Member for Housing to procure as appropriate and award contracts for the provision of external advice required to progress the programme up to and including a ballot of residents.

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.

103. TRANSFORMING CUSTOMER EXPERIENCE OF THE HOUSING SERVICE

Councillor Homan noted that the report was a product of the Residents' Commission. She was delighted that it provided a framework to improve services. The report outlined ways in which the administration can strengthen how it works with residents (tenants, leaseholders and stakeholders) and to improve their satisfaction with the quality of housing and housing services they currently receive.

It was noted that a customer service improvement programme across the Housing Service had been initiated which included taking new measures to improve the caretaking service. Councillors are also working with contractors to improve the outsourced housing repairs service which continues to be the subject of a disproportionate amount of complaints to the Council.

Councillor Phibbs welcomed the proposals and had suggested that every tenant who had contact with the council will have a named person who would supply a contact phone number and email address. He was of the opinion that

there was a discrepancy in the reference to satisfaction levels in the report. The Council 59% satisfaction level was not comparable to other organisations.

Councillor Coleman read paragraph 4.5 of the report to rebut the statement made. He noted that the report stated that “There is much further to go. One of the many valuable findings of the Residents’ Commission on Council Housing was that only 59 per cent of tenants and leaseholders are satisfied with the quality of housing services they receive. Although comparable to other housing organisations in London, this level of satisfaction is not acceptable to the administration”. He stated that the council had taken some steps and are improving. But more changes are required to turn the service around after many years of neglect by the previous administration.

The Leader acknowledged that where the council is was not good enough. There are some organisations that are better than us. The Council is unhappy with the current level of service and will make sure that it improves.

RESOLVED:

- 1.1. That the Lead Directors of Housing be authorised to develop and implement, in consultation with the Cabinet Members for Housing and for Commercial Revenue and Resident Satisfaction and with residents themselves, a customer-focused programme to improve satisfaction with the Housing Service based on the principles in the Blueprint produced by the Residents’ Commission on Council Housing.
- 1.2. That a budget of £250,000 from the Housing Revenue Account for the proposals set out in the report with the aim of ensuring a step change in how the council’s housing services are planned and delivered, be approved. Funding will be required for project management expertise to deliver the programme, for related improvement projects such as tailored resident and staff training, and for specific and essential resource gaps identified during the course of the programme.
- 1.3. That the Lead Directors of Housing report progress formally on the programme to the Cabinet Members for Housing and for Commercial Revenue and Resident Satisfaction in March 2016.

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.

104. TESTING AND INSPECTION OF EXISTING FIRE ALARMS & EMERGENCY LIGHTING SYSTEMS WITHIN HOUSING PROPERTIES -BOROUGH WIDE

Councillor Homan stressed the importance of letting the contract to undertake the testing and inspection of fire alarm systems, emergency lighting and general lighting systems in sheltered housing, high rise blocks, hostels and community centres.

RESOLVED:

- 1.1. That approval be given to accept the Most Economically Advantageous Tender (MEAT) submitted by the provider named in the exempt report, as set out in the exempt report.
- 1.2. That the contract is expected to start on 1st March 2016 for a period of 5 years with an option to extend annually for a further 3 years, 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.

105. BRITISH RED CROSS HOSPITAL TO HOME SERVICE EXTENSION REPORT

Councillor Lukey noted that the recommended provider had previously provided a good service. The report was asking for an extension of the contract for the delivery of a Hospital to Home service provided by the British Red Cross across Kensington and Chelsea, Westminster and Hammersmith and Fulham councils.

RESOLVED:

London Borough of Hammersmith and Fulham

- 1.1 That the Cabinet extend the contract for the Hospital to Home Service provided by the British Red Cross for a period of two years from 1st September 2015 to 31st August 2017, in accordance with the terms of agreement. H&F's spend against the contract for the period 1st September 2013 to 31st August 2015 was £109,834 and the contract spend for the extension period will be £109,834.

- 1.2 That the recommendations below for the two other Councils, be noted.

Royal Borough of Kensington and Chelsea

That the Executive Director for Adult Social Care and Health in consultation with the Cabinet Member for Adult Social Care and Public Health approve the extension for the Hospital to Home service provided by the British Red Cross from 1st of September 2015 to 31st of August 2017 for the total of £109,834 (£54,917 per annum).

Westminster City Council

That CAB note the extension from 1st September 2015 and as from 1st October 2015 recommend to the Executive Director for Adult Social Care and Health that the service Hospital to Home provided by the British Red Cross be extended to 31st August 2017. The total cost of the Hospital to Home service during the four year contract period will be £219,668. The additional total value of the contract for two years is £109,834.

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.

106. APPROVAL TO PROCEED TO PROCUREMENT OF ADULT COMMUNITY SEXUAL HEALTH SERVICES

Councillor Lukey noted that this was an ambitious project to reshape the provision of adult community and reproductive sexual health service across the three councils. The proposal will enable the council to target services to meet the residents' needs and achieve the public health outcomes.

RESOLVED:

- 1 That the procurement of the Lot 1 adult community and reproductive sexual health services and Lot 2 sexual health in primary care, as detailed in the report, be agreed.
- 2 That authority be delegated to the Cabinet Member for Health and Adult Social Care for Hammersmith and Fulham at the contract award stage.

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.

107. APPROVAL TO MAKE A DIRECT AWARD OF A CONTRACT FOR THE PROVISION OF DOMESTIC VIOLENCE REFUGE ACCOMMODATION

Councillor Fennimore noted that following a strategic review of local domestic violence services, the Council was seeking to let a refuge contract to provide accommodation for women and children experiencing domestic abuse. The proposal will provided the best service possible in H&F and across London.

RESOLVED:

That approval be given to a direct award of a contract to the provider named in the exempt report for the period 1 April 2016 to 31 March 2018, as set out in the exempt 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.

108. AWARD OF ROAD2010 TERM CONTRACT FOR LONDON ROAD CONDITION SURVEYS

Councillor Harcourt reported that the contract was managed on behalf of Transport for London and recommended approval.

RESOLVED:

- 1.1. That Lots 1 and 2 of the Road2010 Term Contract for London Road Condition Surveys be awarded to "WDM Limited".
- 1.2. That Lots 3 and 6 of the Road2010 Term Contract for London Road Condition Surveys be awarded to "The Highway Surveyors".
- 1.3. That Lots 1, 2, 3 and 6 be awarded for an initial period of two years to 31 March 2018 with the option for two 12 month extensions, be agreed.

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.

109. FORWARD PLAN OF KEY DECISIONS

RESOLVED:

The Key Decision List was noted.

110. 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) and Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings as defined in paragraphs 3 and 5 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.]

111. EXEMPT MINUTES OF THE CABINET MEETING HELD ON 2 NOVEMBER 2015 (E)

RESOLVED:

That the minutes of the meeting of the Cabinet held on 2 November 2015 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

112. TESTING AND INSPECTION OF EXISTING FIRE ALARMS & EMERGENCY LIGHTING SYSTEMS WITHIN HOUSING PROPERTIES -BOROUGH WIDE : 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.

113. BRITISH RED CROSS HOSPITAL TO HOME SERVICE EXTENSION REPORT : EXEMPT ASPECTS (E)

RESOLVED:

That the 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.

114. APPROVAL TO PROCEED TO PROCUREMENT OF ADULT COMMUNITY SEXUAL HEALTH 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.

115. **APPROVAL TO MAKE A DIRECT AWARD OF A CONTRACT FOR THE PROVISION OF DOMESTIC VIOLENCE REFUGE ACCOMMODATION : EXEMPT ASPECTS (E)**

RESOLVED:

That the recommendation 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.

116. **AWARD OF ROAD2010 TERM CONTRACT FOR LONDON ROAD CONDITION SURVEYS : EXEMPT ASPECTS (E)**

RESOLVED:

That the appendices 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: 8.38 pm

Chair