

# Cabinet

## Minutes



Monday 7 November 2016

### **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

### **ALSO PRESENT**

Councillor Sharon Holder

### **70. MINUTES OF THE CABINET MEETING HELD ON 10 OCTOBER 2016**

#### **RESOLVED:**

That the minutes of the meeting of the Cabinet held on 10<sup>th</sup> October 2016 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

### **71. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mike Cartwright, Sue Macmillan and Max Schmid.

The Leader on behalf of the Cabinet extended his congratulations to Councillor Sue Macmillan who had a baby boy a couple of weeks ago and is now on maternity leave. He stated that in her absence, the discharge of the executive functions of the Cabinet Member for Children and Education had been delegated to Councillor Sue Fennimore. Councillor Fennimore had taken on these responsibilities in addition to her current role.

He also congratulated Councillor Max Schmid on his wedding and wished him and his wife a happy married life.

72. **DECLARATION OF INTERESTS**

There were no declarations of interest.

73. **CORPORATE REVENUE MONITOR 2016/17 MONTH 4 - 31 JULY 2016**

**RESOLVED:**

- 1.1. That the General Fund and Housing Revenue Account month 4 forecast revenue outturn variances, be noted.
- 1.2. That the action plans amounting to £1.111m, seeking to address the General Fund overspend forecast variance of £4.585m. All overspending departments to respond with further actions to reduce the net forecast overspend of £3.474m, be noted.
- 1.3. That the Councils' Efficiency Plan was submitted in accordance with the Department of Communities and Local Governments deadline, 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.

74. **COMMUNITY ASSET PROPOSAL**

Councillor Fennimore welcomed the opportunity to build on the support provided to local organisations by the Council. Andy Sharpe, a resident, expressed his delight that the Council could secure the use of the three Council assets for local community use. The Leader stated that the Administration's ambition was to work with residents and empower them to do better and greater things within their local communities. Masbro Centre had produced some outstanding work contributing to the growth and wellbeing of the local community. The Council was happy to support social entrepreneurship which will produce great benefit for the local community.

## **RESOLVED:**

1. That the Masbro Centre be transferred to UPG through freehold transfer with appropriate restrictive covenant and pre-emption rights which stipulates the building must in its entirety be retained for community use, subject to Secretary of State consent under Section 123 of the Local Government Act 1972 and that UPG is required to assume full responsibility for all running costs, repairs and maintenance of the property. The current lease between LBHF and UPG would be surrendered.
2. That Edward Woods Community Centre be transferred to UPG through a freehold transfer with appropriate restrictive covenants and pre-emption rights which stipulates the building must in its entirety be retained for community use, subject to Secretary of State consent under Section 123 of the Local Government Act 1972 and that UPG is responsible for all running costs, repairs, and maintenance of the property under the terms of the freehold transfer.
3. That 49 Brook Green be transferred to UPG via a grant on the under-lease, for a 30 year term which specifies the use of the property. The transfer will be subject to, subject to Secretary of State consent under Section 123 of the Local Government Act 1972. The Council has capped the level of service charge payable to UPG and the details are outlined in the heads of terms. That £115,660 per financial year (or part thereof) be awarded to UPG for the running, staffing and management costs of Edward Woods Community Centre. This funding is recommended for an initial term of 4 years three months (until March 2021), with the option of renewing the funding agreement for two further terms of 12 months each. The funding for this will come from the Council's existing budget for the Edward Woods Community Centre and funding released from the Amey contract for the facilities management costs of the property, which will be reinvested into the council's corporate grants scheme.
4. That £55,566 per year (or part thereof) be awarded to UPG for the running costs of 49 Brook Green. This funding is recommended for an initial term of 4 years three months (until March 2021), with the option of renewing the funding agreement for two further terms of 12 months each. This funding will meet the costs of internal maintenance and repairs, business rates and running costs of the property, but also takes into consideration the income generated from the space. This grant will be funded from the council's existing budgets for the property (held by CSD and CPS), including funds currently held through the Amey contract, which will be re-routed into the council's corporate grants budget.
5. That delegated authority be given to the Director of Delivery and Value to undertake the TUPE transfer of staff from Edward Woods Community Centre to UPG following consultation with the staff affected during October 2016 with effect from 1<sup>st</sup> December 2016.
6. That the Cabinet Member for Social Inclusion and the Cabinet Member for Finance are given joint delegated authority to make further minor decisions related to the Community Asset Transfer in order to drive forward the programme and realise the administration's ambitions.

**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. APPROVAL TO DIRECTLY AWARD THE ELM GROVE EXTRA CARE CONTRACT**

**RESOLVED:**

That a prior waiver of the Contract Standing Orders of the requirement to seek competitive tenders to enable the Council to directly award a contract to the company named on the exempt report for the period 1 December 2016 to 31 May 2018, 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.

**76. CREATION OF H&F SOCIAL LETTINGS AGENCY**

Councillor Homan expressed support for creation of the H&F Social Lettings Agency which was one of the Administration's manifesto commitments. She noted that social lettings covered one third of the lettings in the borough. She commended officers for drafting the right model which will benefit residents.

**RESOLVED:**

1.1. That the Council establishes a social lettings agency that will co-locate with the existing Housing Property Procurement service.

1.2. To approve expenditure of £200,290 to initiate phase two of the project that will include setting up, recruiting to, marketing and launching the social lettings agency funded from an invest to save bid.

1.3. To delegate to the Cabinet Member for Housing, in consultation with Director of Housing Growth & Strategy and Commercial Director, consideration of the options and the decision to establish the social lettings agency from the Council's Local Authority Trading Company.

1.4. To delegate to the Cabinet Member for Housing, in consultation with Director of Housing Growth & Strategy and Commercial Director, to agree the project plan for phase two and to progress setting up the agency.

**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.

**77. CREATION OF AN EDUCATION HUB AND NEW YOUTH PROVISION**

In commending the report, Councillor Fennimore stated that this was an exciting opportunity to provide a suite of excellent services from the site. Councillor Jones also noted that the projects will tie well into the Council's wider economic growth strategy.

**RESOLVED:**

- 1.1. Subject to positive community engagement and a successful planning application, to delegate approval of the Heads of Terms, for all property agreements and commercial property negotiations of all aspects of this project, and suitable safeguards to protect the council's financial and commercial interests to the Cabinet Member for Finance in consultation with the Director of Building and Property Management and the Strategic Finance Director.
- 1.2. To delegate the decision on how the provision of Adult Learning is to be addressed in this project to the Cabinet Member for Social Inclusion and the Cabinet Member for Economic Development and Regeneration, in conjunction with the Director of Growth and Strategy.
- 1.3. To delegate the approval of an operational agreement and for the appointment of Youth Onside as the provider of youth facilities, subject to a separate commissioning agreement to the Cabinet Member for Children and Education, in conjunction with the Director for Children's Commissioning.

- 1.4. To approve the rehousing of the site manager's family to facilitate the redevelopment and delegate this to Director of Finance and Resources, Children 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.

**78. TRANSFORMING SERVICES FOR CHILDREN AND YOUNG PEOPLE WITH SPECIAL EDUCATIONAL NEEDS AND DISABILITIES BUSINESS CASE**

**RESOLVED:**

- 1.1. To approve Outcome Two Business Case 4: Transforming Services for Children and Young People with Special Educational Needs and Disabilities.
- 1.2. To approve the Smarter Budgeting investment. The investment requirement of £687,500 will be funded from the Efficiency Projects Reserve.

The investments required are outlined below:

- i) Investment to fund a Transfer Review Team to improve the delivery of Education, Health and Care Plans to meet statutory timescales including the transfer of existing SEN statements.
- ii) Resources to fund programme and project management costs for the Children and Families Act Implementation Programme and to support the delivery of the proposed savings from the SEN Service and the Disabled Children's Team for 2017/18.

**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. MAXIMISING CHILDREN'S SOCIAL CARE EFFECTIVENESS' BUSINESS CASE**

**RESOLVED:**

- 1.1. To approve the business case for Maximising Social Care Effectiveness BC2 (appendix 1) as part of Outcome 2, Best Start in Life, Smarter Budgeting Programme.
- 1.2. To approve the resources required to deliver this invest to save programme. The investment requirement will need to be funded from the Efficiency Projects Reserve.

**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. TRAVEL CARE AND SUPPORT SERVICES**

Councillor Fennimore endorsed the report which will ensure that some of our most vulnerable residents are supported with their travel care arrangements. In supporting the recommendations, the Leader recalled that the previous contract was not fit for purpose. It lacked the specialist care and support for the users. He noted that children were previously transported around the borough on the cheapest possible basis without due regard for their special needs. He was happy to put a contract in place which was significantly better and met the needs of this vulnerable group of residents.

**RESOLVED:**

- 1.1. To extend current contracts with existing providers on the Westminster Framework for up to 5 months in order to align the start of a new service with the start of a new academic year in 2017.
- 1.2. To directly award contracts to existing providers on the West London Alliance Framework for up to 5 months in order to align the start of a new service with the start of the new academic year in 2017 and to also allow ASC services to adjust transport provision in the light of concurrent reviews of day care for Older People and People with Learning Disabilities.

- 1.3. To waive the Contract Standing Orders requirement for undertaking competitive bidding for these direct awards
- 1.4. To commence an open procedure re-procurement of a framework agreement for contracts, for a period of up to 7 years (5 + 2) beginning in summer 2017, on a sovereign basis for minibuses and taxis for home to school transport which can be accessed by both Children's and Adult Services.
- 1.5. To seek Cabinet approval in April 2017 for the award of the framework agreement and contracts to enable a full term for mobilisation of the new transport service contracts in time for a September 2017 start.

**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. H&F AIR QUALITY COMMISSION REPORT**

The Leader welcomed Rosemary Pettit (Chair) and other members of the Commission - David Chamberlain and Natalie Lindsay to the meeting. The Chair noted that the Commission was launched in December 2015 to review research and gather evidence on air quality in the borough with a view to reporting back on its findings to the Community Safety, Environment and Residents Services Policy and Accountability Committee (CSERS PAC) in autumn 2016. The Commission considered both oral and written evidence submitted by residents. CSERS PAC considered the report at its meeting of 21 September where Members of the PAC and other attendees praised the report and the work of the Commission. The report recommends actions which should be taken forward by the Council, Government, GLA and residents.

The other members of the Commission also noted that the report was a moving body of work. Therefore, should be regarded as a progress report. The Council should be proactive in introducing measures to reduce pollution in the borough.

Councillor Harcourt welcomed the timely report in light of the recent announcement that 203 premature deaths were air pollution related. He thanked the Commission for their work. Councillor Jones implored the committee members to feedback to their local community that the Council's ambition is to put some of the recommendations into action. Particularly to look



at this as part of the local plan. The Council will be engaging with residents on this key issue.

The Leader thanked the Commission for all their hard work and contributions. He noted that their work was a very important mark on the debate about the environment. A formal launch of the Commission's report will take place soon.

**RESOLVED:**

- 1.1. That the Council welcomes the Air Quality Commission's report findings.
- 1.2. That the Council promotes the report's findings and recommendations to central government, the Mayor of London and other parties to whom the recommendations are directed for action.
- 1.3. That officers are tasked with producing an action plan and costings for the implementation of the recommendations directed at the Council.

**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.

**82. H&F RESPONSE TO THE DRAFT SUSTAINABILITY AND TRANSFORMATION PLAN FOR NORTH WEST LONDON**

Councillor Lukey noted that the Secretary for Health had imposed Sustainability and Transformation Plans (STP) across all 44 regions of the country. The Council is supportive of the expansion of out-of-hospital services but is strongly opposed to the reduction in bed spaces and the downgrading of A&E services at Charing Cross hospital. Both Ealing and Hammersmith and Fulham Councils cannot sign up to the plan. She stated that there had been no public consultation on the proposals which was against our principle to work with residents. Our response explains why we cannot support or sign up to the plan. She reported that the "Shaping a Healthier Future and the North West London" report which is a follow up to "The Independent Mansfield report" was published in October supporting our stand point.

The Leader stated that the protection of our health service was a key policy issue for the Administration. As a Council, we cannot support the Secretary of Health's approach to managing our health service. The Council is strongly opposed to downgrading Charing Cross hospital to a GP led Urgent Care clinic without specialist support. The STP had not considered the population growth

in the region. The Council will continue to intelligently challenge the government's approach and policy.

**RESOLVED:**

- 1.1. That the Council agrees the draft response to the STP.
- 1.2. That the Council agrees to append the Review of the STP, researched and written by Roger Steer, John Lister and Sean Boyle, to the H&F response.

**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.

**83. FORWARD PLAN OF KEY DECISIONS**

The Key Decision List was noted.

**84. 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.]

**85. EXEMPT MINUTES OF THE CABINET MEETING HELD ON 10 OCTOBER 2016 (E)**

**RESOLVED:**

That the minutes of the meeting of the Cabinet held on 10<sup>th</sup> October 2016 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

**86. COMMUNITY ASSET PROPOSAL : 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.

**87. APPROVAL TO DIRECTLY AWARD THE ELM GROVE EXTRA CARE CONTRACT : EXEMPT ASPECTS (E)**

**RESOLVED:**

That the recommendations in the exempt report, 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.

**88. CREATION OF H&F SOCIAL LETTINGS AGENCY : 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.

**89. TRAVEL CARE AND SUPPORT SERVICES : EXEMPT ASPECTS (E)**

**RESOLVED:**

To 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: 7.40 pm

Chair .....