

Minutes of a meeting of the Cabinet held
in Committee Room 1, Kensington Town
Hall, London W8 7NX at 6.30pm on 19
June 2014

PRESENT

Cabinet Members

Councillor Nicholas Paget-Brown (Leader of the Council), Chairman
Councillor Rock Feilding-Mellen (Deputy Leader, Housing, Property and
Regeneration)
Councillor Tim Ahern (Environment, Environmental Services and Leisure)
Councillor Elizabeth Campbell (Family and Children's Services)
Councillor Timothy Coleridge (Planning Policy, Transport and Arts)
Councillor Joanna Gardner (Community Safety, IT and Corporate Services)
Councillor Warwick Lightfoot (Finance and Strategy)
Councillor Mary Weale (Adult Social Care and Public Health)
Councillor Emma Will (Education and Libraries)

Other Members in attendance

Councillor Barbara Campbell (Lead Member)
Councillor Mason (Chairman of Cabinet and Corporate Services Scrutiny
Committee)
Councillor Pascall (Lead Member)

PART A (PUBLIC) MINUTES

FORMER COUNCILLOR FIONA BUXTON

The Chairman reported the very sad news of former Councillor Fiona Buxton's recent death. She had a very distinguished career as a councillor and Cabinet Member, latterly with the Adult Social Care and Health portfolio, and was exceptional in her ability to handle difficult and complex subjects and explain them in an attractive way. She would be a huge loss to her family and the Council. Members paid tribute to her with a minute's silence. Councillor Mason placed on record the condolences of the Minority Group.

The Council would pay a full tribute at the autumn Council meeting.

A1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Hargreaves.

A2. MEMBERS' DECLARATIONS OF INTEREST

Councillor Pascall declared a non-pecuniary interest in item A11 as he was a governor of Marlborough School.

A3. MINUTES OF THE MEETING HELD ON 1 MAY 2014

The minutes of the meeting held on 1 May 2014 were confirmed as a correct record and signed by the Chairman.

A4. CLOSURE OF ACCOUNTS - KD04266

This paper set out the draft outturn for 2013-14. There is an estimated gross underspend of £30.6 million of which £1.6 million will be carried forward from 2013-14 to 2014-15. Allowing for the contingency and health funding, the underspend is 6 per cent of the Council's recurrent gross budget. The paper also set out the options for a Cabinet decision to transfer the underspend to a range of reserves for future release.

Officers undertook to provide Members with an explanation for the change in forecast outturn from that previously reported.

RESOLVED – Cabinet agreed to

- (i) Note the working balance is confirmed at the agreed minimum of £10 million at 31 March 2014 as set out in the Council's minimum term financial strategy and reserves policy;
- (ii) Note the current estimate of the General Fund underspend of £30.6 million. Of this:
 - (a) Note the slippage of spending of £1.6 million on the General Fund carried forward to 2014-15;
 - (b) Agree that the 2013-14 transfer out of Car Parking reserve for revenue funding matches the surplus transferred in as budgeted;
 - (c) Reconfirm the transfer of £7.5 million to reserves to fund the 2014-15 efficiency dividend;
 - (d) Agree to the transfer of £0.4 million to the VAT (Value Added Tax) Liability reserve;
 - (e) Agree to the transfer of £0.5 million to the Property Strategy reserve;
 - (f) Agree to the transfer of £5 million to the Transformation Fund (Cost Reduction) reserve; and
 - (g) Agree to the transfer of any remaining balance to the Capital Expenditure reserve (an estimated £15.6 million).

Reasons for the decision

The Council is, under statute and regulation, required to close the 2013-14 accounts by 30 June 2014 and deliver a balanced outturn in line with the 2013-14 budget as presented to and agreed by full council in March 2013.

Action by: TCEDF

A5. PROPOSAL TO REMODEL FOX PRIMARY SCHOOL AND EXPAND ITS INTAKE FROM 45 TO 60 PUPILS PER ANNUM, AND THE PROVISION OF TEACHER TRAINING, ICT HUB AND OTHER ADDITIONAL FACILITIES - KD04237

This report and the exempt appendix sought agreement to a proposal to extend and remodel the current Fox Primary School building to enable two forms of entry, including provision for the existing teacher training, support hub for ICT and other facilities, in accordance with the preferred scheme described in the report, with a revised project budget as described in the exempt appendix and an anticipated completion to achieve an opening by September 2016.

Officers confirmed that a robust process for controlling costs was in place, and they were confident that once the value engineering had been carried out, there was scope for the budget to come in nearer to £7 million.

Members confirmed their wish to see community use accommodated by the school and reflected in their community use plan. This should extend beyond the school into the playing areas. They noted that the recommendation in the report would be subject to planning permission and consultation, and there may be some constraints around community use and noise.

RESOLVED – Cabinet agreed to approve the progression of the scheme for the preferred design (Option D) as articulated in the report in order, subject to consultation, to expand Fox Primary School from 1.5 forms of entry to 2 forms of entry. This proposal would increase its capacity by 105 places, refurbish and remodel the existing building to bring it up to modern building performance requirements and support the delivery of 21st century education, teacher training and ICT support services more readily.

Reasons for the decision

This decision is required in order to –

- Expand from 1.5FE to 2FE and improve the satisfaction of parental preference for this oversubscribed school;
- As a result, improve access by children to an 'Outstanding' school;
- Develop more appropriate teaching and intervention spaces with better specialist facilities to assist the school in raising standards further;
- Reduce overcrowding in the current building and upgrade tired internal and external fabric;
- Provide, in accordance with the objectives of the current School Organisation Plan, a more appropriate organisational structure, further supporting the school in its drive to improve pupil outcomes;
- Provide community access to improved facilities at the school and support the school's highly effective professional development of

local teachers and raising of standards in schools with performance issues; and

- 'Renew the legacy' – reflecting the Royal Borough's continued investment in its assets.

Action by: EDFCS/DCPCS

A6. RELOCATION OF ST ANNE'S NURSERY SCHOOL - KD04236

This report and the exempt appendix sought approval for the relocation of St. Anne's Nursery School to Avondale Park Primary School, with which it would federate. This relocation is consistent with the Nursery School's strategy, which focuses on the creation of a new hub and spoke model and the bringing together of nursery schools either with other nursery schools or nursery provision.

Members congratulated officers for the work carried out in reducing the budget significantly from earlier estimates, whilst retaining the character of the service. Councillor Feilding-Mellen stated that any budget variation above 15% of the overall capital provision would be brought back to Cabinet for approval.

RESOLVED – Cabinet agreed

- (i) That St. Anne's Nursery School be relocated to Avondale Park Primary School, with which it would federate;
- (ii) That the capital pipeline proposal, with an order of cost as outlined in the exempt appendix, be included within the capital programmes of 2014-15, 2015-16 and 2016-17. It should be noted that the design has not yet been undertaken and so the budget may change accordingly; and
- (iii) That any budget variation up to 15% of the overall capital provision be delegated to the Cabinet Member for Housing, Property and Regeneration to agree.

Reasons for the decision

St. Anne's Nursery School, judged to be 'Outstanding' by Ofsted is no longer financially viable as a stand-alone school, despite being extremely popular and heavily oversubscribed.

Action by: EDFCS/DCPCS

A7. WHISTLER WALK HIDDEN HOMES PROJECT – KD04249

This report sought authority to commission KCTMO to carry out the required work to convert a redundant children's home at Whistler Walk into seven new homes and provide the required funding.

Members were pleased to approve the project, which was a good news story for the HRA and would be a good use of the redundant children's home.

RESOLVED – Cabinet agreed

- (i) that budget provision of £743,000 is included in the HRA's Capital Programme to pay for the KCTMO to convert a redundant children's home at Whistler Walk into seven new homes. This provision will cover the costs of carrying out the building works and the payment of the contributions associated with the planning application; and
- (ii) That the Council as land owner enters into a Unilateral Undertaking to make the payment required as part of planning permission.

Reasons for the decision

The children's home moved out of Whistler Walk in early June 2014 – the facility is now surplus to the department's requirements. The proposed scheme will provide seven new homes all built to Lifetime Homes standards. KCTMO has carried out similar Hidden Homes projects during the last year and has delivered high quality schemes within budget.

Action by: DH

A8. GRENFELL TOWER MAJOR WORKS AND HIDDEN HOMES PROJECT – KD04291

This report updated Cabinet on the progress and the ongoing programme for the major improvements works and Hidden Homes project at Grenfell Tower. It also sought agreement to increase the capital budget for the scheme to £10.3 million.

Members noted the progress on the project and the need for the 6 per cent contingency in the capital budget. They were advised that officers have been working with Grenfell Under 3's nursery who would have a six months' rent free period while they finalise their business model. If the current provider cannot or chooses not to take up the offer, a new provider will be sought. They discussed the Dale Boxing Club and the need for the club to seek funding now, with no hidden subsidy in their rent. Officers confirmed that the club has a successful charging policy in place, with the capacity to earn more than previously.

RESOLVED – Cabinet agreed to increase the capital budget for this scheme to £10.3 million.

Reasons for the decision

Approval of the recommendations will enable a contingency of approximately 6 per cent to be established.

Action by: DH

A9. ELLESMERE HOUSE GROUND FLOR RE-CONFIGURATION – KD04255

This joint report sought approval for the capital funding of £1.1 million in order to undertake works to re-configure the existing ground floor space at Ellesmere House to create a 20-bed unit and the shell and core of a

separate commercial unit for rent, and for this work to be managed by Care UK on behalf of the Council.

RESOLVED – Cabinet agreed –

- (i) to approve the re-configuration of the ground floor of Ellesmere House to create a 20-bed nursing unit and separate commercial unit for rent;
- (ii) that the project be included in the Council's capital programme at a cost of £1.1 million;
- (iii) a waiver to the Council's contract regulations so that Care UK can be appointed to manage the re-configuration project, subject to an appropriate agreement being entered into; and
- (iv) to delegate authority to the Cabinet Member for Adult Social Care, Public Health and Environmental Health to approve any future key decisions necessary to implement the above recommendations.

Reasons for the decision

The proposed re-configuration works will provide an opportunity to develop high quality and fully compliant nursing placements in the borough, in order to meet the needs of local residents in their older age.

Action by: EDASC/DCPCS

A10. REPLACEMENT OF SUPPLY AIR HANDLING UNITS: No. 11, 16 AND 26 BASEMENT PLANT ROOM KENSINGTON TOWN HALL – KD04270

This report and the exempt appendix sought approval for the recommendation of the Project Team, that Amey Community Limited be instructed to appoint Barrier Air Conditioning Limited to carry out works at Kensington Town Hall: Replacement of Basement Supply Air Handling Plant, Serving the Assembly Hall and Support Areas for the contract sum of £114,069.40. This is to ensure that staff and public using the Assembly Hall and support areas are provided with appropriate environmental conditions.

RESOLVED – Cabinet agreed

- (i) To approve the appointment of Barrier Air Conditioning Limited as the works contractor for the replacement of basement supply air handling plant, serving Assembly Hall and Support Areas, for the contract sum of £114, 069.40; and
- (ii) To approve the funding under the terms listed in the exempt appendix.

Reasons for the decision

The existing air handling units require replacement because they are considered to be beyond their economical serviceable life expectancy.

Action by: DCPCS

A11. LAND AT DENYER STREET DEPOT, SW5 – SELECTION OF PREFERRED BIDDER – KD04283

This report and the exempt appendix sought approval for the selection of the preferred bidder for part disposal of the Denyer Street Depot for residential development. This disposal is linked to the wider disposal of the John Lewis Partnership's (JLP) adjoining landownership at the Clearings. Cabinet approval was granted for the disposal of the land in November 2012.

Cabinet agreed the reasons for urgency in taking the report as a late item to enable the challenging timescales of selection of a preferred bidder to be met and completion of legal documents before September 214.

RESOLVED - Cabinet agreed

- (i) To the selection of the preferred bidder for part disposal of the Denyer Street Depot for residential development;
- (ii) That should for any reason negotiations break down between the Council/JLP and the preferred bidder, then approval be given to progress with an under bidder; and
- (iii) That delegated authority be granted to the Cabinet Member for Housing, Property and Regeneration to approve variations to the terms set out in the exempt appendix.

Reasons for the decision

The recommendation was made after an international marketing campaign was undertaken to secure the highest possible bid for the Council's freehold interest and the JLP Clearings site for residential development.

Action by: DCPCS

A12. POSTAL SERVICES CONTRACT WITH ROYAL MAIL – KD04282

This report and the exempt appendix sought approval to enter into a two year contract with Royal Mail to provide mail services relating to the collection and delivery of letters and parcels to the addressee pursuant to Lot 1 of the Government Procurement Services (GPS) RM 782 Postal Services Framework Agreement. This follows a procurement exercise undertaken by London Councils/Capital Ambition with the London Borough of Camden as the lead authority.

RESOLVED – That approval be given to entering into a two year contract with Royal Mail to provide collection and delivery of letters and parcels to the addressee pursuant to Lot 1 of the Government Procurement Services (GPS) RM 782 Postal Services Framework Agreement and the service levels as set out in the report.

Reasons for the decision

Calling off from the Framework Agreement got a period of two years will deliver a 1012% reduction on postal costs per annum. Based on past years volumes this is likely to produce Tri-borough savings in the region of £129,500 per annum or £259,000 over the duration of the contract.

Action by: DCPCS

A13. IMPROVING THE ORGANISATION BY LEARNING FROM COMPLAINTS

This report provided the annual commentary on learning points from complaints received by departments with the period January – December 2013 and the annual report from the Local Government Ombudsman.

Members noted that the level of complaints was progressively reducing, and that the Council scored well when compared with neighbouring boroughs. They noted that future reports from the Ombudsman would be more detailed.

A14. EXCLUSION OF THE PRESS AND PUBLIC

Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985

Cabinet resolved that the press and public be excluded from the meeting for the following specific items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended:

B1. EXEMPT MINUTES OF THE MEETING HELD ON 1 MAY 2014

Public summary of the decision:

The exempt minutes of the meeting held on 1 May 2014 were confirmed as a correct record and signed by the Chairman.

B2. THE SPECIALIST SCHOOLS AND ACADEMIES TRUST

Public summary of the decision:

See minute A6 above.

B3. PROPOSAL TO REMODEL FOX PRIMARY SCHOOL AND EXPAND ITS INTAKE FROM 45 TO 60 PUPILS PER ANNUM, AND THE PROVISION OF TEACHER TRAINING, ICT HUB AND OTHER ADDITIONAL FACILITIES

Public summary of the decision:

See minute A5 above.

B4. RELOCATION OF ST ANNE'S NURSERY SCHOOL

Public summary of the decision:

See minute A6 above.

**B5. REPLACEMENT OF AIR HANDLING UNITS: NOS. 11, 16 AND 26
BASEMENT PLANT ROOM, KENSINGTO TOWN HALL, W8**

Public summary of the decision:

See minute A10 above.

**B6. LAND AT DENYER STREET DEPOT, SW5 – SELECTION OF
PREFERRED BIDDER**

Public summary of the decision:

See minute A11 above.

B7. POSTAL SERVICES CONTRACT WITH ROYAL MAIL

Public summary of the decision:

See minute A12 above.

The meeting ended at 7.56pm

Chairman