



COUNCIL

- AGENDA -

31 JANUARY 2007

ITEM

PAGE

1. **MINUTES – 20 SEPTEMBER & 29 NOVEMBER 2006**

[To approve and sign as an accurate record the Minutes of the Ordinary Council Meeting held on 20 September 2006.](#)

[To approve and sign as an accurate record the Minutes of the Extraordinary Council Meeting held on 29 November 2006.](#)

2. **APOLOGIES FOR ABSENCE**

3. **MAYOR'S / CHIEF EXECUTIVE'S ANNOUNCEMENTS (IF ANY)**

Circulated separately
(Green Sheet)

4. **DECLARATIONS OF INTEREST**

If a Councillor has any personal or prejudicial interest in a particular report they should declare an interest.

A Councillor should not take part in the discussion or vote on a matter in which they have a prejudicial interest. They should withdraw from the meeting whilst the matter is under consideration unless the disability to participate has been removed by the Standards Committee, or unless a relevant exemption applies under the Council's Code of Conduct.

5. **PUBLIC QUESTIONS (20 MINUTES)**

The Leader / relevant Cabinet Member to reply to questions submitted by members of the public:

[PQ1](#). Ms. Caroline Yates, Mayhew Animal Home,
Trenmar Gardens, Kensal Green NW10

[PQ2](#). Mr. John Matthews, Mayhew Animal Home,
Trenmar Gardens, Kensal Green NW10

[PQ3](#). Ms.Catherine Reifen, 23 Radipole Road SW6 5DN

[PQ4](#). Mr Sean Kneale, 78a Larden Road W12

6. ITEMS FOR DECISION / COMMITTEE REPORTS (IF ANY)

[Council Tax Base and Collection Rate 2007/8](#)

[Updated Schedule of Byelaws for Pleasure Grounds, Public Walks & Open Spaces](#)

[Crossrail Petition](#)

7. SPECIAL MOTIONS

To consider and determine any Special Motions:

[Special Motion No.1 – Prestolite Development](#)

[Special Motion No.2 – Neighbourhood Beat Policing](#)

[Special Motion No.3 – Secondary School Strategy](#)

[Special Motion No.4 – Congestion Charge Zone](#)

[Special Motion No.5 – Safer Neighbourhoods Teams](#)

[Special Motion No.6 – Primary School Strategy](#)

[Special Motion No.7 – Home Care Provision](#)

[Special Motion No.8 – The Mayhew Animal Home](#)

[Special Motion No.9 – Hurlingham & Chelsea School](#)

8. INFORMATION REPORTS – TO NOTE (IF ANY)

jpc/23/01/07

COUNCIL MINUTES

(ORDINARY COUNCIL MEETING)

WEDNESDAY 20 SEPTEMBER 2006



PRESENT:

The Mayor (Councillor Minnie Scott Russell)
Deputy Mayor (Councillor Andrew Johnson)

Councillors:

Michael Adam
Colin Aherne
Mrs Adronie Alford
Jeanette Bentley
Will Bethell
Helen Binmore
Nicholas Botterill
Paul Bristow
Victoria Brocklebank-
Fowler
Aidan Burley
Jean Campbell
Michael Cartwright
Alex Chalk
Stephen Cowan
Gill Dickenson

Belinda Donovan
Gavin Donovan
Caroline Ffiske
Rachel Ford
Sarah Gore
Stephen Greenhalgh
Lucy Gugen
Steve Hamilton
Wesley Harcourt
Lisa Homan
Robert Iggulden
Lucy Ivimy
Donald Johnson
Alex Karmel
Jane Law
Antony Lillis

Mark Loveday
Reg McLaughlin
Lisa Nandy
Ed Owen
Harry Phibbs
Dame Sally Powell
Alexandra Robson
Greg Smith
Frances Stainton
Peter Tobias
Mercy Umeh
Rory Vaughan
Eugenie White

21. MINUTES – 28 JUNE 2006

7.00pm - The minutes of the Council Meeting held on 28 June 2006 were confirmed and signed as an accurate record.

22. APOLOGIES FOR ABSENCE

No apologies for absence were received from Councillors.

23. MAYOR'S ANNOUNCEMENTS

The Mayor's Announcements were circulated and tabled at the meeting. (Copy attached as **Appendix 1** to these minutes).

The Mayor reported the recent death and funeral in London of former Alderman, Mayor and Deputy Mayor, Mr. Leonard Fenton, and called on the Council to stand for one minute's silence in his memory.

The Mayor drew members' attention to the fact that there was an urgent late report not on the agenda for the meeting which she had decided ought to be considered as report item 6.7 by the council by reason of its urgency and special circumstances, which would be recorded in the minutes at the appropriate point.

24. DECLARATIONS OF INTEREST

No declarations of interest were made at this meeting of the council.

25. PUBLIC QUESTION TIME (20 MINUTES)

7.05pm - The Mayor then called on those members of the public who had submitted questions to the Leader or Cabinet Members to ask their questions:

Question No.1 – Ms.Henrietta Bewley, 4 Ravenscourt Place W6 to the Leader of the Council (Councillor Stephen Greenhalgh).

[Copies of the question asked and the reply given are attached at **Appendix 2** to these minutes.]

26. ITEMS FOR DECISION / COMMITTEE REPORTS

7.07pm – **Treasury Management Outturn Report**

Noted the comments of the Value For Money Scrutiny Committee held on 13th September 2006 tabled at the meeting.

The report and recommendation was moved for adoption by the Leader of the Council, Councillor Stephen Greenhalgh, seconded by the Deputy Leader, Councillor Nicholas Botterill.

The report and recommendation was put to the vote:

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

The report and recommendation was declared **CARRIED.**

7.08pm - **RESOLVED:**

That the borrowing and investment activity for the period 1 April 2005 to 31 March 2006 be noted.

7.09pm – **Local Development Framework: Statement of Community Involvement**

The report and recommendation was moved for adoption by the Deputy Leader, Councillor Nicholas Botterill, seconded by the Cabinet Member for Regeneration, Councillor Frances Stainton.

A speech on the report were made by Councillor Wesley Harcourt (for the Opposition) before being put to the vote:

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

The report and recommendation was declared **CARRIED.**

7.10pm - **RESOLVED:**

That the Council adopt the Statement of Community Involvement in planning as amended by the Inspector and include the document in the Council's Local Development Framework.

7.11pm – **Introduction of a Borough-Wide Controlled Drinking Zone**

Noted the comments of the Local Neighbourhoods Scrutiny Committee held on 19th September 2006 tabled at the meeting.

The report and recommendations were moved for adoption by the Cabinet Member for Crime & Anti-Social Behaviour, Councillor Greg Smith, seconded by Councillor Belinda Donovan.

Speeches on the report were made by Councillors Smith, Homan, Bethell , Vaughan (maiden speech), Belinda Donovan (maiden speech) and Alexandra Robson (maiden speech) before being put to the vote:

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

The report and recommendations were declared **CARRIED.**

7.34pm - **RESOLVED:**

1. That the proposals to implement a Borough- wide controlled drinking area be approved.
2. That the Council hereby makes an Order designating all public places within the Borough (as defined by S.16 of the Criminal Justice and Police Act 2001) as places to which S.13 of that Act applies, with effect from 1st November 2006.
3. That the Assistant Director (Safer Communities) be authorised to take all necessary steps to ensure the implementation of the Order by 1st November 2006.

7.35pm – **Pensions Fund Investment Panel – Revised Constitution & Terms of Reference**

The report and recommendation was moved for adoption by the Leader, Councillor Stephen Greenhalgh, seconded by the Chief Whip, Councillor Frances Stainton.

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

The report and recommendation was declared **CARRIED.**

7.36pm - **RESOLVED:**

That the Council approve the Pensions Fund Investment Panel Terms of Reference

7.37pm – **Personnel Appeals Panel / JHSW – replacement of member-level bodies**

The report and recommendation was moved for adoption by the Leader, Councillor Stephen Greenhalgh, seconded by the Chief Whip, Councillor Frances Stainton.

On a request for names to be recorded, a roll-call vote was taken:

FOR - 32

(Councillors Adam, Alford, Bentley, Bethell, Binmore, Botterill, Bristow, Brocklebank-Fowler, Burley, Chalk, B. Donovan, G. Donovan, Ffiske, Ford, Gore, Greenhalgh, Gugen, Hamilton, Iggulden, Ivimy, A. Johnson, D. Johnson, Karmel, Law, Lillis, Loveday, Phibbs, Robson, Smith, Stainton, Tobias, White)

AGAINST - 13

(Councillors Aherne, Campbell, Cartwright, Cowan, Dickenson, Harcourt, Homan, McLaughlin, Nandy, Owen, Powell, Umeh, Vaughan)

ABSTENTIONS - 1

(The Mayor)

The report and recommendations were declared **CARRIED.**

7.38pm - **RESOLVED:**

(1) That, having undertaken consultation, the Joint Health Safety & Welfare Committee be abolished.

(2) That the Council appoints Councillor Mrs. Adronie Alford (Chairman) and Councillor Victoria Brocklebank-Fowler as Administration members to the Personnel Appeals Panel, (which will continue in existence *pro tem*) and notes the earlier appointment of Councillor Colin Aherne as the Opposition member on the panel.

(3) That the Assistant Chief Executive (Organisational Development) be authorised and instructed to take all necessary steps to finalise proposals for the abolition of the Personnel Appeals Panel for consideration by Council as soon as practicable.

(4) That the Council's Constitution be amended to reflect the abolition of the Council and Staff Joint Committee, the Job Evaluation Appeals Panel and the Joint Health, Safety and Welfare Committee.

7.39pm – **Approval to seek permissions form the Secretary of State to Grant of Leases to Notting Hill Housing Group of 3c and 21a Bridge Avenue**

The report and recommendation was moved for adoption by the Cabinet Member for Housing, Councillor Adronie Alford, seconded by Councillor Harry Phibbs.

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

The report and recommendation was declared **CARRIED.**

7.40pm - **RESOLVED:**

That the Council authorises and approves (pursuant to Article 4.02(b) of the Council's Constitution) application being made to the Secretary of State for any necessary consents under Sections 32 or 43 of the Housing Act 1985 to give effect to the Cabinet Member for Housing's decision to authorise grant of leases to Notting Hill Housing Group to facilitate purchases under the Social HomeBuy scheme (and any similar future decisions relating to any other dwellings and arising from tenants wishing to purchase their homes under the Social HomeBuy scheme or otherwise).

27. URGENT LATE REPORT

The Mayor advised the Council that she had decided to permit consideration of an urgent late report not on the agenda for the meeting which had previously been circulated to all Councillors and was tabled at the meeting for the following reason:

Reason for urgency

In accordance with S.100B (4) (b) of the Access to Information Act 1985, the report needed to be considered by the Council as a matter of urgency as the Cabinet Member for Education (Councillor Alexandra Robson) had recently decided to formally step down from undertaking that role for personal family reasons, and a decision on the appointment of a successor was required as soon as possible in order that the work of the Executive was not impaired. The next ordinary Council meeting at which this matter could be considered and appointment of a new Executive member made was not scheduled to be held until 31st January 2007 if the matter was not considered at this Council meeting.

7.41pm – **Changes to the Executive (Cabinet Members & Portfolios) & other Committee membership Changes**

The report and recommendations were moved for adoption by the Leader, Councillor Stephen Greenhalgh, seconded by the Chief Whip, Councillor Frances Stainton.

Councillor Greenhalgh paid tribute to the work of the Cabinet Member for Education, Councillor Alexandra Robson, who was stepping down from the post for personal family reasons. He welcomed Councillor Victoria Brocklebank-Fowler as the new Cabinet Member for Education, together with Councillor Antony Lillis, who was taking over the new Cabinet Portfolio of Cabinet Member for Community & Children's Services in lieu of his previous Portfolio of Cabinet Member for Health & Adult Social Services.

Councillor Cowan, Leader of the Opposition, also welcomed Councillor Brocklebank-Fowler as new Cabinet Member for Education, and wished her predecessor Councillor Robson well for the future.

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

The report and recommendations were declared **CARRIED.**

7.45pm - **RESOLVED:**

1. That Councillor Victoria Brocklebank-Fowler be appointed Cabinet Member for Education in place of Councillor Alexandra Robson with immediate effect.
2. That the revised Portfolios for the Cabinet Member for Education and the Cabinet Member for Community & Children's Services be approved and adopted.
3. That Councillor Antony Lillis be confirmed as the Cabinet Member for Community & Children's Services, the previous Cabinet post of Health & Social Services being abolished.
4. That Councillor Jeanette Bentley be appointed as Assistant to the Cabinet Member for Community & Children's Services.
5. That Councillor Alexandra Robson be appointed to the Health & Adult Social Care Scrutiny Committee in place of Councillor Jeanette Bentley.

6. That Councillor Stephen Hamilton be appointed to the Local Neighbourhoods Scrutiny Committee in place of Councillor Victoria Brocklebank-Fowler with immediate effect.

28. SPECIAL MOTIONS

Special Motion No. 1 – Affordable Homes

7.46pm – Councillor Lisa Nandy moved, seconded by Councillor Stephen Cowan, the special motion standing in their names:

“This Council seeks guarantees from the new Conservative Administration that it will not cut the numbers of affordable homes, previously planned to be built by the Labour Administration - which had the best record in London for building affordable homes. It calls on the Conservative Administration to base the affordable homes building programme on the evidence provided by the Housing Needs Survey and hence provide the maximum number of homes to alleviate the suffering of many of the 9300 people on the housing waiting list and the 1700 people living in temporary accommodation.”

Speeches on the motion were made by Councillor Lisa Nandy (maiden speech) and Councillor Stephen Cowan

Under Council Procedure Rule 15(e)(vi), Councillor Adronie Alford moved, seconded by Councillor Stephen Hamilton, an amendment to the motion, to delete all words after “This Council” and to insert:

“...congratulates the Conservative Administration’s commitment to maximise the development of affordable housing for a range of incomes and household types. This Council also welcomes the Administration’s drive to promote home ownership and condemns the previous Administration’s failure to build affordable homes of decent quality and for not promoting shared or low-cost home ownership schemes.”

Speeches on the amendment were made by Councillors Alford, Campbell (maiden speech), Hamilton, Greenhalgh, and Cowan before being put to the vote.

On a request for names to be recorded, a roll-call vote was taken:

FOR - 32

(Councillors Adam, Alford, Bentley, Bethell, Binmore, Botterill, Bristow, Brocklebank-Fowler, Burley, Chalk, B. Donovan, G. Donovan, Ffiske, Ford, Gore, Greenhalgh, Gugen, Hamilton, Iggulden, Ivimy, A. Johnson, D. Johnson, Karmel, Law, Lillis, Loveday, Phibbs, Robson, Smith, Stainton, Tobias, White)

AGAINST - 13

(Councillors Aherne, Campbell, Cartwright, Cowan, Dickenson, Harcourt, Homan, McLaughlin, Nandy, Owen, Powell, Umeh, Vaughan)

ABSTENTIONS - 1 (The Mayor)

The amendment to the motion was declared **CARRIED**

Council Lisa Nandy made a speech winding up the debate before the motion (as amended) was put to the vote.

On a request for names to be recorded, a roll-call vote was taken:

FOR - 32

(Councillors Adam, Alford, Bentley, Bethell, Binmore, Botterill, Bristow, Brocklebank-Fowler, Burley, Chalk, B. Donovan, G. Donovan, Ffiske, Ford, Gore, Greenhalgh, Gugen, Hamilton, Iggulden, Ivimy, A. Johnson, D. Johnson, Karmel, Law, Lillis, Loveday, Phibbs, Robson, Smith, Stainton, Tobias, White)

AGAINST - 13

(Councillors Aherne, Campbell, Cartwright, Cowan, Dickenson, Harcourt, Homan, McLaughlin, Nandy, Owen, Powell, Umeh, Vaughan)

ABSTENTIONS - 1 (The Mayor)

The motion as amended was declared **CARRIED**

8.27pm – **RESOLVED:**

This Council congratulates the Conservative Administration's commitment to maximise the development of affordable housing for a range of incomes and household types. This Council also welcomes the Administration's drive to promote home ownership and condemns the previous Administration's failure to build affordable homes of decent quality and for not promoting shared or low-cost home ownership schemes.

29. MOTION THAT AN ITEM OF BUSINESS HAVE PRECEDENCE

Under Council Procedure Rule 15 (e) (iii), Councillor Aherne moved, seconded by Councillor Cowan, that Special Motion No.3 – School Governor Criminal Bureau Checks – take precedence. Under the same procedure rule, Councillor Stainton moved, seconded by Councillor D. Johnson, that Special Motions 5 & 6 – Closure of Hammersmith Broadway Post Office and Vans parked off North End Road respectively, also take precedence. The two procedural motions varying the order of business were unanimously agreed with the consent of the Council.

Special Motion No. 3 – School Governor Criminal Records Bureau Checks

8.28pm – Councillor Reg McLaughlin moved, seconded by Councillor Gill Dickenson, the special motion standing in their names:

“This Council welcomes the introduction of Criminal Record Bureau checks for school governors. However, it disagrees with the decision of the Cabinet Member for Education to pass the £36 charge, associated with this, onto individual governors as this is detrimental to governors on low incomes and state pensions. School governors are committed volunteers; giving their time freely and providing a valuable service to our community and it is an insult to seek to charge them for this activity. This Council, therefore, agrees to overturn that decision and will guarantee that this charge is met from public funds.”

Speeches on the motion were made by Councillors McLaughlin, Dickenson (maiden speech), Robson, and Lillis.

Under Council Procedure Rule 15 (e) (vi), Councillor Alexandra Robson moved, seconded by Councillor Victoria Brocklebank-Fowler, an amendment to the motion to delete all words after “This Council” and to insert:

“This Council welcomes the introduction of Criminal Records Bureau checks for school governors.”

A speech on the amendment was made by Councillor Greenhalgh (for the Administration) before it was put to the vote:

FOR -	32
AGAINST	0
ABSTENTIONS	13

The amendment was declared **CARRIED**

Councillor Cowan made a speech winding up the debate before the motion (as amended) was put to the vote:

On a request for names to be recorded, a roll-call vote was taken:

FOR	- 45
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(Councillors Adam, Aherne, Alford, Bentley, Bethell, Binmore, Botterill, Bristow, Brocklebank-Fowler, Burley, Campbell, Cartwright, Chalk, Cowan, Dickenson, B.Donovan, G.Donovan, Ffiske, Ford, Gore, Greenhalgh, Gugen, Harcourt, Hamilton, Homan, Iggulden, Ivimy, A.Johnson, D.Johnson, Karmel, Law, Lillis, Loveday, McLaughlin, Nandy, Owen, Phibbs, Powell, Robson, Smith, Stainton, Tobias, Umeh, Vaughan, White)

AGAINST - 0

ABSTENTIONS - 1 (The Mayor)

The motion as amended was declared **CARRIED.**

8.55 pm - **RESOLVED:**

This Council welcomes the introduction of Criminal Records Bureau checks for school governors.

Special Motion No. 5 – Closure of Hammersmith Broadway Post office

8.56pm - Councillor Paul Bristow moved, seconded by Councillor Caroline Ffiske, the special motion standing in their names:

“This Council vigorously opposes the decision of the Post Office to close the Hammersmith Broadway post office;

Condemns the poor democratic consultation that took place and the plans to move vital services from this busy branch to the W.H.Smith store in King’s Mall;

Notes that this is the latest in a relentless strategy of closing branches in the Borough by the Post Office and the Labour Government;

Further notes that the impact of this decision will be felt most acutely by local residents with disabilities, the elderly and vulnerable members of the community;

And resolves to campaign to press the Post Office and the Labour Government to reverse this decision in partnership with local residents, Greg Hands MP, and community interest groups.”

Speeches on the motion were made by Councillors Bristow and Ffiske (maiden speech)

Under Council Procedure Rule 15(e)(vi), Councillor Stephen Cowan moved, seconded by Councillor Michael Cartwright, an amendment to the motion to:

delete paragraph 3 and to insert:

“Notes that the Post Office is making substantial profits and no economic case exists for moving this well-used facility from the centre of Hammersmith Broadway Ward.”

and in paragraph 5 first line – delete the words “...and the Labour Government” and in the second line – after “residents”, insert “ward councillors”.

Speeches on the amendment were made by Councillors Cowan, Cartwright and Tobias (maiden speech) before the amendment was put to the vote:

FOR	- Unanimous
AGAINST	- 0
ABSTENTIONS	- 0

The amendment to the motion was declared **CARRIED**.

Councillor Bristow made a closing speech winding up the debate before the motion (as amended) was put to the vote:

FOR	- Unanimous
AGAINST	- 0
ABSTENTIONS	- 0

The substantive motion was declared **CARRIED**

9.23 pm - **RESOLVED**:

This Council vigorously opposes the decision of the Post Office to close the Hammersmith Broadway post office;

Condemns the poor democratic consultation that took place and the plans to move vital services from this busy branch to the W.H.Smith store in King’s Mall;

Notes that this is the latest in a relentless strategy of closing branches in the Borough by the Post Office;

Further notes that the impact of this decision will be felt most acutely by local residents with disabilities, the elderly and vulnerable members of the community;

And resolves to campaign to press the Post Office to reverse this decision in partnership with local residents, ward councillors, Greg Hands MP, and community interest groups.

Special Motion No.6 – Vans parked off North End Road

9.24pm – Councillor Aiden Burley moved, seconded by Councillor Rachel Ford, the special motion standing in their names:

“This Council notes that for a long time there has been a problem with vans being permanently parked on the side roads leading off the North End Road.

These have been allowed to fester, and in many cases, become grafitted, vandalised, rendered un-roadworthy and in some cases even untaxed! This Council supports the recently amended parking regulations, supported by a petition of over 120 local residents, which ensures that this abuse of the highway can no longer continue. This Council welcomes the fact that already over half the vans have been removed, and that this major issue of concern to local residents of Fulham Broadway has been so quickly and effectively dealt with under the new administration.”

Speeches on the motion were made by Councillors Burley (maiden speech), Ford (maiden speech), Cartwright, and Botterill before the motion was put to the vote:

FOR	- 31
AGAINST	- 0
ABSTENTIONS	- 14.

The motion was declared **CARRIED**

9.39pm – **RESOLVED:**

This Council notes that for a long time there has been a problem with vans being permanently parked on the side roads leading off the North End Road. These have been allowed to fester, and in many cases, become grafitted, vandalised, rendered un-roadworthy and in some cases even untaxed! This Council supports the recently amended parking regulations, supported by a petition of over 120 local residents, which ensures that this abuse of the highway can no longer continue. This Council welcomes the fact that already over half the vans have been removed, and that this major issue of concern to local residents of Fulham Broadway has been so quickly and effectively dealt with under the new administration.”

Special Motion No. 2 – Borough-Wide Controlled Drinking Area

9.40pm - Councillor Lisa Homan moved, seconded by Councillor Rory Vaughan, the special motion standing in their names:

“This Council fully supports the introduction of a borough-wide controlled drinking area in Hammersmith and Fulham and calls on the Council to ensure the effective co-ordination between the police, the Council’s Homelessness Unit, Broadway, and health care services to ensure that this policy is part of a long term successful solution to the problem of street drinking and anti-social behaviour.”

Under Council Procedure Rule 15(e)(vi), Councillor Greg Smith moved, seconded by Councillor Belinda Donovan, an amendment to the motion to delete all words after “Hammersmith and Fulham” in the motion.

Speeches on the amendment were made by Councillors Homan, Smith, Vaughan and Cowan before the amendment was put to the vote:

FOR	- 31
AGAINST	- 0
ABSTENTIONS	- 14.

The amendment to the motion was declared **CARRIED**.

The motion (as amended) was then put to the vote:

FOR	- Unanimous
AGAINST	- 0
ABSTENTIONS	- 0.

The substantive motion was declared **CARRIED**

9.53 pm - **RESOLVED**:

This Council fully supports the introduction of a borough-wide controlled drinking area in Hammersmith and Fulham.

Special Motion No. 4 – Polish Community in the Borough

9.54pm – Councillor Stephen Cowan moved, seconded by Councillor Michael Cartwright, the special motion standing in their names:

“This Council welcomes the positive contribution that Poles and other minority ethnic communities have made to the economic and social wellbeing of Hammersmith and Fulham. The Polish community is a long-established part of the Borough and like other recent incomers, who have taken advantage of the enlargement of the European Union, have helped start new businesses, create jobs and add to our vibrant local culture. This Council therefore urges the Conservative Administration to recognise its responsibilities to promote harmonious community relations when seeking to find reasons to explain their difficulties in carrying out their manifesto promise both to cut taxes and improve council services.”

Under Council Procedure Rule 15(e)(vi), Councillor Mark Loveday moved, seconded by Councillor Stephen Greenhalgh, an amendment to the motion to delete all words after “This Council” and insert:

“...welcomes the positive contribution that Poles and other minority ethnic communities have made to the economic and social well-being of Hammersmith & Fulham. The Polish community is a long-established part of the Borough and like other recent incomers who have taken advantage of the

enlargement of the European Union, have helped start new businesses, create jobs and added to our vibrant local culture.

The Council regrets the Government's systematic under-estimation of the Borough's population statistics, including the under-reporting of migration from EU accession states.

This Council welcomes:

(a) The Administration's "fair deal" campaign for a full reconsideration of population statistics and fair funding of services to help support the new residents from EU accession states.

(b) The support for the "fair deal" campaign received from the Polish Cultural Centre and Local Government Association.

This Council resolves to call on all Councillors and both local MP's to back its "fair deal" campaign on a cross-party basis and to lobby Central Government in support."

A speech on the amendment was made by Councillor Cowan (for the Opposition) before the amendment was put to the vote:

FOR	- 31
AGAINST	- 0
ABSTENTIONS	- 14.

The amendment to the motion was declared **CARRIED**

The motion (as amended) was then put to the vote.

FOR	-31
AGAINST	- 0
ABSTENTIONS	- 14

The motion as amended was declared **CARRIED**

9.59pm – **RESOLVED:**

This Council welcomes the positive contribution that Poles and other minority ethnic communities have made to the economic and social well-being of Hammersmith & Fulham. The Polish community is a long-established part of the Borough and like other recent incomers who have taken advantage of the enlargement of the European Union, have helped start new businesses, create jobs and added to our vibrant local culture.

The Council regrets the Government's systematic under-estimation of the Borough's population statistics, including the under-reporting of migration from EU accession states.

This Council welcomes:

(a) The Administration's "fair deal" campaign for a full reconsideration of population statistics and fair funding of services to help support the new residents from EU accession states.

(b) The support for the "fair deal" campaign received from the Polish Cultural Centre and Local Government Association.

This Council resolves to call on all Councillors and both local MP's to back its "fair deal" campaign on a cross-party basis and to lobby Central Government in support.

Special Motion No. 7 – Tackling Teenage Pregnancies in the Borough

With the consent of the Council, this motion was withdrawn

Special Motion No. 8 – Ravenscourt Park Hospital

With the consent of the Council, this motion was withdrawn

30. INFORMATION REPORTS TO COUNCIL (IF ANY)

There were no information reports to this meeting of the Council.

* * * * * CONCLUSION OF BUSINESS * * * * *

Meeting ended: 10.00p.m. - Wednesday, 20 September 2006.

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MAYOR

APPENDIX 1

ANNOUNCEMENTS BY THE MAYOR

1. I am sure everyone shares my sadness to hear of the death in London of former Mayor, Mr Leonard George Fenton. Leonard Fenton was elected to serve as alderman of the Metropolitan Borough of Fulham in 1953. In June 1954 he was appointed Vice-Chairman of the Law and Parliamentary Committee, and in June 1955 he was appointed Chairman of the Civic Recreation Committee. He served as Deputy Mayor in 1957-58 and Mayor in 1958-59

I invite members to stand for a minute's silence in his memory.

2. On 29th June, I attended the Chamber of Commerce Business Breakfast, Ibis Hotel, Lillie Road SW6
3. On 29th June, I was delighted to attend the opening ceremony of Cambridge School Sensory Garden, Cambridge Grove, W6
4. On 29th June, Lord Mayor of Westminster annual reception for all London Borough Mayors', Westminster City Hall, SW1
5. On 30th June, I attended the Metropolitan Gardens Association AGM, Beckenham Park Mansion, SE6
6. On 1st July, I was delighted to attend the opening of the Parsons Green Fair, Parsons Green, SW6
7. On 2nd July, I was delighted to attend Lilla Huset 'Focus on Fulham' event, The Lilla Huset centre, Talgarth Road, W6
8. On 2nd July, I attended a photo-call at the Mini World Cup, which was part of the Hammersmith & Fulham Festival, Hurlingham Park, SW6
9. On 2nd July, I attended the Mayor of Brent annual service of Remembrance and Thanksgiving for the Sickle Cell Society, St Marks Church - All Souls Ave NW10
10. On 5th July, I was delighted to attend The High Sheriff of Greater London, Dr Khalid Hameed CBE, Multi Faith Observance Service, St Margaret's Church Westminster Abbey, SW1
11. On 6th July, I was delighted to attend the Greatest Egg and Spoon Stilt Race on Earth attempted by Albert and Friends, Melcombe Primary School and

Fulham Primary School for a Guinness World Record, Furnival Gardens, W6

12. On 6th July, I attended the anniversary celebration since winning the Olympics 2012 bid, Trafalgar Square
13. On 6th July, I attended the Bush Theatre's Annual Gymkhana Regatta Jamboree Garden Party, Fulham Palace Garden Centre, SW6
14. On 7th July, accompanied by my consort, I was honoured to attend H&F annual schools' sports day ceremony and present medals to the winners, Assembly Hall, HTH
15. On 7th July, I attended the NDC Community Chest Awards, Queens Club, W14
16. On 8th July, I was delighted to attend the London Youth Games, Crystal Palace National Stadium
17. On 11th July, Albert & Friends International Youth Circus 'Opening Gala', Riverside Studios, W6
18. On 12th July, accompanied by my consort, I attended the retirement service for Rev Dr John Moses Dean of St. Paul's Cathedral, St. Paul's Cathedral, EC4
19. On 14th July, I attended Bridge Academy Celebration Day, Finley St, SW6
20. On 14th July, I attended Lamda, Diploma Presentations, Logan Place, W8
21. On 15th July, I attended the Sports Relief fun day, Fulham Broadway Shopping Centre, SW6
22. On 17th July, accompanied by my consort, I was delighted to present a plaque to Fulham's longest serving hairdressers Dino's, Jerdan Place, SW6
23. On 18th July, I was delighted to attend Bridge Academy Art Exhibition, Bridge Academy, SW6
24. On 20th July, I attended the 80th celebration of the Hammersmith Rotary Club, Polish Centre, W6
25. On 21st July, I was delighted to attend a retirement party, Jack Tizard School, South Africa Road, W12
26. On 22nd July, I attended the Central Association of Nigerians in the UK cultural event, Linford Christine Stadium, W12
27. On 25th July, I attended the Fulham Good Neighbour Service AGM, 70 Rosaline Road SW6

28. On 26th July, I attended Bishop Creighton House Settlement Summer Party, Bishop Creighton House, SW6
29. On 28th July, I was delighted to attend Diamond Jubilee Inland Waterways Association canal trip on board the Paddington Arm, Mitre Bridge, Scrubbs Lane, W12
30. On 28th July, I attended and presented certificates at the Metropolitan Police Community Football Scheme competition, Hurlingham Park, SW6
31. On 1st August, I was delighted to attend and participate in HAFAD reading evening and the production of the talking newspaper, HAFAD, Greswell Street, SW6
32. on 1st August, I was delighted to attend Sir Bobby Moore Charity Fund Raiser, held at IL Pacciano Italian restaurant, Wandsworth Bridge Road, SW6
33. On 2nd August, I attended and launched the balloons at the H&F Play Day, Ravenscourt Park, W6
34. On 5th August, I attended the H&F Day Care Clients & Carers Summer Garden Party, Stevenage Road Day Centre, SW6
35. On 12th August, I was honoured to attend the service and lay a wreath on behalf of the Borough at the Metropolitan Police Commemoration Ceremony, to mark the 40th Anniversary of the three Policemen who gave their lives in the line of duty, Braybrook Street, W12
36. On 6th September, I attended Cllr Stephen Greenhalgh, Council Leader 's reception for various businesses in the borough, Queen's Club, President's room, Palliser Road, W14
37. On 7th September, I was honoured to attend and lay a wreath on behalf of the Borough at the Metropolitan Police Ceremony of Remembrance, Hendon
38. On 7th September, I attended the Thames Strategy 'End of Summer' evening river cruise, Dove Pier, Furnivall Gardens, W6
39. On 8th September, I attended the London In Bloom Awards 2006. H&F received only a bronze award, the 2006 Discretionary Award. Awards in our borough:- the BBC Plaza, White City, won the London in Bloom Cleary Award and St Georges, Fulham, won Best London Commercial Premises Award. The Awards were held at the England Room, The Brit Oval, Surrey County Cricket Club, Kennington Oval
40. On 14th September, accompanied by Cllr Anthony Lillis, we were delighted to attend and launch B&GOP booklet 'Guide for Services' for our borough pensioners, Mayor's Parlour, HTH

41. On 16th September, I was delighted to attend 34 Flanchford Road, which formed part of the Open House week, W12
42. On 16th September, I was delighted to attend the home of Emery Walker, printer antiquary and mentor of William Morris, 7 Hammersmith Terrace, which formed part of the Open House week, W6
43. On 16th September, I attended a tour of BBC TV Centre, which formed part of the Open House week, W12
44. On 16th September, I attended a tour of BBC White City, Media Centre, which formed part of the Open House week, W12
45. On 16th September, I attended the launch of Westfield White City Retail Development, Natural History Museum, SW7
46. On 19th September, I attended LB Bromley event held at Down House.
47. Since 5th July, accompanied by my consort, I have attended 9 Citizenship Ceremonies during which, I presented each citizen with their official certificate, Fulham Town Hall, SW6

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 20 SEPTEMBER 2006

QUESTION BY: Henrietta Bewley, 4 Ravenscourt Place, W6 0UN

to the: Leader of the Council

QUESTION

Has the new administration brought in a recruitment freeze, or are they planning to do so;
how many unfilled vacancies are there, and in which Departments; and which Departments have reductions in staff relative to last year, and how much are those reductions?

REPLY

Part One

- The administration has set up a panel to actively manage the filling of vacant posts. It is not a freeze, it is an opportunity to challenge structures and assumptions, ensuring that delivery is maximised by making best use of existing resources.
- The existence of the panel has had an immediate impact on managers' reactions to filling posts: a rigorous assessment is now made at departmental level and alternatives to recruitment are identified, thus further limiting the filling of posts and increasing the productivity of council staff.
- This process also ensures the jobs that are recruited to are focused on delivering targeted, efficient services to the residents of Hammersmith & Fulham.

Part Two

- The Council is re-examining existing information to ensure that vacancies are accurately reflected on the Council's HR database.
- All unfilled vacancies that cannot be justified will be deleted.

Part Three

- Staff reductions: Departmental reorganisation in April 2006 means we cannot compare with the position 12 months ago.
- However, the size of the Council's workforce overall has reduced slightly (by 25 full time equivalents between March and June 2006).

ipc/18/09/06

20 SEPTEMBER 2006

CHIEF EXECUTIVE

**CHANGES TO THE EXECUTIVE (CABINET
MEMBERS & PORTFOLIOS) & OTHER
COMMITTEE MEMBERSHIP CHANGES**

**WARDS
All**

Reason for Urgency

In accordance with S.100B (4) (b) of the Access to Information Act 1985, this report needs to be considered by the Council as a matter of urgency as the Cabinet Member for Education (Councillor Alexandra Robson) has recently decided to formally step down from undertaking that role for personal family reasons, and a decision on the appointment of a successor is required as soon as possible in order that the work of the Executive is not to be impaired. The next ordinary Council meeting at which this matter could be considered and appointment of a new Executive member made is not scheduled to be held until 31st January 2007 if the matter is not considered at this Council meeting.

Summary

This report details changes which need to be made to the membership of the Executive (Cabinet), and revisions to the Cabinet Member Portfolios brought about in anticipation of legislative changes. The report also details other minor changes to Committee memberships required as a corollary.

CONTRIBUTORS

ACE (PP)

RECOMMENDATIONS:

- 1. That Councillor Victoria Brocklebank-Fowler be appointed Cabinet Member for Education in place of Councillor Alexandra Robson with immediate effect.**
- 2. That the revised Portfolios for the Cabinet Member for Education and the Cabinet**

Member for Community & Children's Services be approved and adopted.

3. That Councillor Antony Lillis be confirmed as the Cabinet Member for Community & Children's Services, the previous Cabinet post of Health & Social Services being abolished.

4. That Councillor Jeanette Bentley be appointed as Assistant to the Cabinet Member for Community & Children's Services.

5. That Councillor Alexandra Robson be appointed to the Health & Adult Social Care Scrutiny Committee in place of Councillor Jeanette Bentley.

6. That Councillor Stephen Hamilton be appointed to the Local Neighbourhoods Scrutiny Committee in place of Councillor Victoria Brocklebank-Fowler with immediate effect.

Background

1. As a result of legislative changes to be brought about by the Children Act 2004, it is necessary to amend and redraft the Portfolios of the Cabinet Member for Education and Cabinet Member for Health & Social Services.
2. S.19(1) of the Children Act prescribes the role of "Lead Member for Children's Services", which in statutory terms, includes :
 - "a) education services - the authority's functions in its capacity as education authority, except those excluded under Section 18(3) of the Act (namely certain functions relating to education, higher education and adult education);
 - b) social services - the authority's social services functions within the meaning of the Local Authorities Social Services Act 1970 insofar as they relate to children, and the authority's functions in relation to children and young people leaving care;
 - c) health services - any health-related functions exercised on behalf of a National Health Service body under Section 31 of the Health Act 1999 insofar as they relate to children; and
 - d) inter-agency co-operation - the new functions of the Child Support Agency set out in the Act, in particular leading and building and leading the arrangements for inter-agency co-operation."
3. Whilst S.19 has not yet been brought into force the statutory guidance issued under the 2004 Act suggests that most local authorities should have appointed a lead member by the end of 2006 and all by 2008. The Council already has the discretion to appoint a member to fulfil this role and by taking the decision now the Council will meet the expectations of the guidance.
4. The new statutory duty is a complex role cutting across both of the previous Cabinet Member Portfolios. The span of responsibility is very large, and coupled with adult health and social care responsibilities, it is felt better to retain a separate Cabinet Member for Education post with a shared responsibility for undertaking work on this area, although the primary responsibility for this work would lie with the new Cabinet Member for Community & Children's Services. The Cabinet Member for Education would, in effect, take decisions in conjunction with the Cabinet Member for Community & Children's Services, although he would retain a reserve power to act, in relation to the duties set out in the Cabinet Member for Education's Portfolio, in his own right at his absolute discretion.
4. The two Cabinet Member Portfolios have accordingly been revised and updated to accommodate the above changes, and copies of the revised Portfolios for the two Cabinet members affected are **attached** to this report. The previous Cabinet member post of "Cabinet Member for Health

& Social Services” has effectively been abolished and replaced by a new Cabinet post of “Cabinet Member for Community & Children’s Services”.

Other matters

5. Independently of this development, the current Cabinet member for Education, Councillor Alexandra Robson, has recently indicated that she wishes to step down from undertaking the duties of her Cabinet post for personal family reasons which will take her out of the country in future. Accordingly, it has been decided to appoint Councillor Victoria Brocklebank-Fowler as her replacement as Cabinet Member for Education.
6. It is intended that Councillor Antony Lillis take up the portfolio of Cabinet Member for Community & Children’s Services in lieu of his previous portfolio of Health & Social Services, and in this regard, it has been decided to appoint Councillor Jeanette Bentley as Assistant to the Cabinet Member.
7. As a consequence of this, Councillor Alexandra Robson will replace Councillor Bentley on the Health & Adult Social Care Scrutiny Committee with immediate effect.

Comments of the Head of Legal Services

8. Cabinet appointments and changes to portfolios can under the Council’s constitution only be dealt with by Full Council.
9. The Council may consider an urgent report which is not on the published agenda provided that the Mayor is of the opinion that by reason of special circumstances, which shall be specified in the minutes, she is of the opinion that the matter should be considered at the meeting as a matter of urgency. The special circumstances and reasons for urgency are set out above.
10. The provisions of S.19 of the Children Act 2004 and the statutory guidance are outlined above.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	Council Constitution	John Cheong Ext. 2062	Room 203 2 nd Floor Town Hall

EXECUTIVE MEMBERS: RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR COMMUNITY AND CHILDREN'S SERVICES

Executive councillors at LB Hammersmith & Fulham are appointed by the full council to provide clear and visible leadership and political accountability for the services and activities covered by their portfolios.

These roles include:

- leading the community planning process and the search for best value, with input and advice from overview and scrutiny committees and other interested parties;
- leading the preparation of the council's policies and budget;
- taking in-year decisions on resources and priorities to deliver and implement the budget and policies decided by full council;
- working closely with residents, amenity societies and resident and tenant associations, along with the local strategic partnership (Borough Partnership), to deliver the highest quality services at the lowest cost to the council taxpayer.

Executive councillors work to the same national code of conduct as all members of the council. The manner in which they carry out these roles, in relation to the council's directors and senior management, is governed by a code set out in Part 5 of this constitution.

Functions

The generic functions that are common to the Leader, Deputy Leader and all Cabinet Members, who collectively make up the executive, are defined as follows:

1. To be responsible for ensuring that the objectives set by the council and by the executive in respect of their portfolio are met, and that adequate systems are in place to monitor performance against those objectives.
2. To make recommendations to the Cabinet on key decisions relating to their portfolio ('key decisions' being defined by Article 13 of this constitution).

3. To make recommendations to the Cabinet on proposals in relation to the council's Budget and Policy Framework, on matters relating to their portfolio. (Such proposals may be initial or final, before or after consideration by relevant scrutiny panels in accordance with the Budget and Policy Framework rules set out in this constitution).
4. To arrange for appropriate consultation on proposed key decisions as published in the council's forward plan, with relevant scrutiny committees, and with partner bodies and parties outside the council.
5. To take decisions on matters within their portfolio other than those defined as 'key decisions', ensuring that these are properly considered, reported, and recorded in accordance with paragraph 20 of the Access to Information Procedure Rules set out in Part 4 of this constitution.
6. To receive budgetary control reports for services and activities within their portfolio, and to take action necessary to control the budget of those services within the council's approved Budget and Policy Framework.
7. Where an Executive Member is absent or has a prejudicial interest in a matter or is otherwise unable to act decisions in respect of matters within his or her portfolio may be taken by the Leader (or the Deputy Leader in the case of the Leader) or by the Cabinet.

Executive councillors do **not** have powers to take decisions on:

- functions defined by LGA 2000 as the responsibility of the full council (see Article 4);
- functions delegated to regulatory or quasi-judicial bodies (see Part 3 – Responsibility for Functions) or any other functions defined by regulations as non-executive functions;
- functions delegated by the council exclusively to officers (see Part 3 –General Scheme of Delegation).

Scope of portfolio – Cabinet Member for Community and Children's Services

The portfolio covers the following areas:

- 1.1 The Authority's Social Services policies and strategic plans.
- 1.2 Meeting the Authority's statutory functions under the Children Act (1989), NHS and Community Care Act (1990), Immigration and Asylum Act 1999 and other appropriate legislation.
- 1.3 Ensuring that the needs of vulnerable adults and children are met.
- 1.4 The development, monitoring and implementation of Authority's strategic policies in respect of social inclusion. The development, monitoring and

implementation of the Authority's Voluntary Sector strategy, including any council-wide conditions applied to grant aid or funding by the Authority.

- 1.5 Determining applications for financial assistance from voluntary sector and community organisations within the Borough that fall within this portfolio.
- 1.6 The promotion of health education and public awareness of health issues within the Borough and implementation and monitoring of projects and services in relation to public health provision.
- 1.7 Consultation with the agencies and voluntary organisations concerned with public health matters in the Borough, and to encourage and support the development of such organisations.
- 1.8 The establishment of partnerships and other forms of collaborative working with the Health authorities to develop and monitor joint programmes and other projects and services relating to public health provision and education within the Borough.
- 1.9 The development and implementation of community development projects in pursuance of social services objectives.
- 1.10 Developing and monitoring service provision in respect of residential facilities, provided for the care of children, older people chronically sick, disabled people, people with learning disabilities, people affected/effected by HIV/Aids and people with mental health needs.
- 1.11 The administration of the AIDS Support Grant, Mental Health Grant, Promoting Independence and Carers' Grant and other specific Department of Health Grants for the provision of social services.
- 1.12 The development of joint working, including joint commissioning of services with the Health authorities and trusts for the provision of social and health care.
- 1.13 Representing the council's views on matters of corporate or strategic policy and any other matters which are within these terms of reference.
- 1.14 The development, monitoring and implementation of the Authority's strategy in respect of better government for older people and people with disabilities.
- 1.15 Responsibility for policy and practice for the voluntary and community sector including grants.
- 1.16 Appointing or nominating and where appropriate removing the Authority's representatives on appropriate organisations that fall within this portfolio.
- 1.17 Appointing councillors to the authority's Adoption Panel in accordance with the Adoption Legislation and Regulations.

2 The Cabinet Member has power in the following areas but is shared with the Cabinet Member for Education where indicated with an asterisk(*). However the Cabinet Member for Community and Children's Services takes the leading role and gives overall direction and the powers and authority are formally vested within this portfolio (see also the portfolio of the Cabinet Member for Education).

2.1 The role of 'Lead Member for Children's Services' as designated under Section 19(1) of the Children Act 2004 and described as follows in statutory guidance:

"a) education services - the authority's functions in its capacity as education authority, except those excluded under Section 18(3) of the Act (namely certain functions relating to education, higher education and adult education);*

b) social services - the authority's social services functions within the meaning of the Local Authorities Social Services Act 1970 insofar as they relate to children, and the authority's functions in relation to children and young people leaving care;

c) health services - any health-related functions exercised on behalf of a National Health Service body under Section 31 of the Health Act 1999 insofar as they relate to children; and

d) inter-agency co-operation - the new functions of the Child Support Agency set out in the Act, in particular leading and building and leading the arrangements for inter-agency co-operation."

The above functions incorporate:

- the Council's role as 'corporate parent', including assistance to young people who have been looked after beyond their 16th birthday, where circumstances justify;*
- fostering and adoption services;
- social services to children and young people with HIV/AIDS and/or those with drug or alcohol problems;
- the Council's responsibilities towards unaccompanied asylum seeking children;
- the Council's regulatory duties in relation to children's social services;
- ensuring that families with social care needs experience a 'joined-up' service;
- the development of Children's Centres;*

- setting the overall direction in relation to the Council's funding of, and support to, schools;*
- the Council's interest in nursery and 'early years' education, learning out of school hours, play and subsidised and unsubsidised childcare;*
- partnership working with the National Health Service to promote the interests of children and their families, including decision-making on such matters at the Joint Health Partnership Board;
- the Youth Offending Team and the youth justice matters;
- the Council's youth services and its encouragement of other services to young people;*
- as 'Young People's Champion' furthering the Council's commitment to the involvement of young people in decision-making processes where appropriate;*
- sports activities for children and young people;*and
- the Council's relationship with the 'Connexions' service for young people offering support and career guidance (or any successor service)*.

2.2 The Cabinet Member for Community and Children's Services may also exercise all the functions of the Cabinet Member for Education set out in paragraphs 1.1 to 1.10 of the Education Portfolio either in his own right or in conjunction or in consultation with the Cabinet Member for Education in his absolute discretion.

Note: for the purposes of estimate preparation, monitoring and control and staffing/ industrial relations issues, this Cabinet Member is responsible for the following:

In consultation with the Cabinet Member for Housing

Director of Community Services

In conjunction with all Cabinet Members

Chief Executive

In conjunction with Cabinet member for Education

Director of Children's Services

(Revised 20 Sept.2006)

EXECUTIVE MEMBERS: RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR EDUCATION

Executive councillors at LB Hammersmith & Fulham are appointed by the full council to provide clear and visible leadership and political accountability for the services and activities covered by their portfolios.

These roles include:

- leading the community planning process and the search for best value, with input and advice from overview and scrutiny committees and other interested parties;
- leading the preparation of the council's policies and budget;
- taking in-year decisions on resources and priorities to deliver and implement the budget and policies decided by full council;
- working closely with residents, amenity societies and resident and tenant associations, along with the local strategic partnership (Borough Partnership), to deliver the highest quality services at the lowest cost to the council taxpayer.

Executive councillors work to the same national code of conduct as all members of the council. The manner in which they carry out these roles, in relation to the council's directors and senior management, is governed by a code set out in Part 5 of this constitution.

Functions

The generic functions that are common to the Leader, Deputy Leader and all Cabinet Members, who collectively make up the executive, are defined as follows.

1. To be responsible for ensuring that the objectives set by the council and by the executive in respect of their portfolio are met, and that adequate systems are in place to monitor performance against those objectives.
2. To make recommendations to the Cabinet on key decisions relating to their portfolio ('key decisions' being defined by Article 13 of this constitution).
3. To make recommendations to the Cabinet on proposals in relation to the council's Budget and Policy Framework, on matters relating to their portfolio. (Such proposals may be initial or final, before or after consideration by relevant scrutiny committees in accordance with the Budget and Policy Framework rules set out in this constitution).
4. To arrange for appropriate consultation on proposed key decisions as published in the council's forward plan, with relevant scrutiny committees, and with partner bodies and parties outside the council.

5. To take decisions on matters within their portfolio other than those defined as 'key decisions', ensuring that these are properly considered, reported, and recorded in accordance with paragraph 20 of the Access to Information Procedure Rules set out in Part 4 of this constitution.
6. To receive budgetary control reports for services and activities within their portfolio, and to take action necessary to control the budget of those services within the council's approved Budget and Policy Framework.
7. Where an executive councillor is absent or has a prejudicial interest in a matter or is otherwise unable to act decisions in respect of matters within his or her portfolio may be taken by the Leader (or the Deputy Leader in the case of the Leader) or by the Cabinet.

Executive councillors do **not** have powers to take decisions on:

- functions defined by LGA 2000 as the responsibility of the full council (see Article 4);
- functions delegated to regulatory or quasi-judicial bodies (see Part 3 – Responsibility for Functions) or any other functions defined by regulations as non-executive functions;
- functions delegated by the council exclusively to officers (see Part 3 –General Scheme of Delegation).

Scope of portfolio – Cabinet Member for Education

This portfolio covers the following areas, although the lead shall be taken by the Cabinet Member for Community and Children's Services, within whose portfolio the powers and authority are formally vested, and to whom the Cabinet Member for Education shall be accountable:

- 1.1 Strategic policy in respect of the Education, school extended services, youth and Connexions, adult education (incorporating local learning and skills), and libraries services.
- 1.2 Strategic policy in respect of raising school standards.
- 1.3 Consultation and liaison on educational matters with staff, parents, governors, pupils/students and other users, Government departments and other interested parties.
- 1.4 The budget allocation to schools and other establishments within the Education service with reference to rules laid down in the Scheme for Fair Funding of Schools as appropriate.
- 1.5 Developing and maintaining positive links, relationships and partnerships with local agencies and businesses to deliver all aspects of the service.

- 1.6 Appointing or nominating and where appropriate removing the Authority's representatives on appropriate organisations (including school governing bodies) that fall within this portfolio.
- 1.7 The Authority's arts strategy
- 1.8 The Authority's sports strategy .
- 1.9 Determining applications for financial assistance from voluntary sector and community organisations within the Borough that fall within this portfolio.
- 1.10 The development, implementation and monitoring of the Authority's early years strategy.
- 1.11 All the above functions shall be exercised in conjunction with the Cabinet Member for Community and Children's services

2. Area in which power is shared with the Chief Whip and Cabinet Member for Regeneration

2.1 Developing the Authority's capacity to offer training (incorporating Local Learning and Skills), work experience and employment opportunities to unemployed Borough residents.

Note: for the purposes of estimate preparation, monitoring and control and staffing/industrial relations issues, this Cabinet Member is responsible for the following:

In conjunction with Cabinet Member for Community & Children's Services
Director of Director of Children's Services & Department

In conjunction with all Cabinet Members
Chief Executive

(Revised 20 Sept.2006)

COUNCIL MINUTES

(EXTRAORDINARY COUNCIL MEETING)

WEDNESDAY 29 NOVEMBER 2006



PRESENT:

The Mayor (Councillor Minnie Scott Russell)

Councillors:

Colin Aherne
Mrs Adronie Alford
Jeanette Bentley
Helen Binmore
Nicholas Botterill
Paul Bristow
Victoria Brocklebank -
Fowler
Aidan Burley
Jean Campbell
Michael Cartwright

Stephen Cowan
Gill Dickenson
Belinda Donovan
Gavin Donovan
Caroline Ffiske
Stephen Greenhalgh
Steve Hamilton
Robert Iggulden
Donald Johnson
Alex Karmel
Antony Lillis

Mark Loveday
Reg McLaughlin
Lisa Nandy
Greg Smith
Frances Stainton
Peter Tobias
Rory Vaughan

31. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Adam, Bethell, Chalk, Ford, Gore, Gugen, Harcourt, Homan, Ivimy, Johnson (A), Law, Owen, Phibbs, Powell, Robson Umeh and White.

32. DECLARATIONS OF INTEREST

There were no declarations of interest at this meeting of the Council

33. MAYOR’S ANNOUNCEMENTS

The Mayor thanked Councillors and officers for all their kindness and condolences following the recent loss of her dear son Hector, and although the light of her life had gone out, vowed to carry on.

34. REPORTS & MOTIONS

The Mayor announced that the Extraordinary Meeting had been called in accordance with Schedule 12 Part I paragraph (3) (1) of the Local Government Act 1972 and Council Procedure Rule 3 (c) to discuss the Gambling Act 2005 – Council’s Statement of Gambling Principles.

7.02pm – **Gambling Act 2005 – The Council’s Statement of Gambling Principles**

The report and recommendations were moved for adoption by the Deputy Leader & Cabinet Member for Environment, Councillor Nicholas Botterill, seconded by the Cabinet Member for Crime & Anti-Social Behaviour, Councillor Greg Smith.

There being no dissent, the report and recommendations were put to the vote:

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

The report and recommendations were declared **CARRIED.**

7.03pm - **RESOLVED:**

1. That Council approves and adopts the Statement of Gambling Principles set out in Appendix 1 to the report, that it be published, and that the Director of Environment be authorised to make minor amendments or any changes arising from the publication of secondary legislation and guidance.
2. That Council approves and adopts a ‘no casino’ resolution.

* * * * * CONCLUSION OF BUSINESS * * * * *

Meeting ended: 7.04p.m. - Wednesday, 29 November 2006.

.....
MAYOR

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 31 JANUARY 2007

Question by: Caroline Yates, Mayhew Animal Home, Trenmar Gardens NW10

to the: Deputy Leader & Cabinet Member for Environment

QUESTION

Why is The Mayhew Animal Home charged the full business rates for parking permits when for other local government charges we are given 80% mandatory relief for being a registered charity as well as being given concessions on our utility bills for the same reason?

ipc/04/12/06

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 31 JANUARY 2007

Question by: Mr. John Matthews, Mayhew Animal Home, Trenmar Gardens, NW10
to the :Deputy Leader & Cabinet member for Environment

QUESTION

As The Mayhew is forced to reduce its community animal welfare services in LBHF by refusal of LBHF Council to grant permits for two of its ambulances and the increased charges for parking its remaining two ambulances, how does the LBHF Council propose to deal with the increasing number of stray, unwanted, neglected and unruly animals within the Borough when the LBHF Council does a) not have any dog wardens/animal welfare officers dealing with these issues and b) be responsible for such matters following the changes in the laws affecting the handling and care of such animals moving from the police to the local Councils?

ipc/11/12/06

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 31 JANUARY 2007

Question by: Ms.Catherine Reifen, 23 Radipole Road SW6 5DN

to the: Cabinet Member for Community & Children's Services

QUESTION

What action is being taken by the Council to find alternative local school places for the pupils of Hurlingham & Chelsea school after its proposed closure in 2008?

ipc/10/01/07

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 31 JANUARY 2007

Question by: Mr.Sean Kneale, 78a Larden Road, W12

to the: Leader of the Council

QUESTION

“What is the Council’s response to the Mayor’s direction to refuse planning approval for the Prestolite development unless more affordable rented units are provided given that most residents in the area support Council approval of 92 such units or even fewer of them”.

ipc/18/01/07

31 JANUARY 2007

LEADER

Councillor Stephen Greenhalgh

COUNCIL TAX BASE AND COLLECTION RATE 2007/2008 **WARDS**

All

This report contains an estimate of the Council Tax collection rate and calculates the Council Tax base for 2007/08.

The Council Tax base will be used in the calculation of the Band D Council Tax undertaken in the Revenue Budget Report for 2007/08.

CONTRIBUTORS

FD

RECOMMENDATIONS:

1. That the estimated numbers of properties for each Valuation Band, as set out in the report, be approved.
2. That an estimated Collection rate of 97.5% be approved.
3. That the Council Tax Base of 77,145 Band "D" equivalent properties be approved.

1. BACKGROUND

- 1.1 Under Section 33(1) of the Local Government Finance Act 1992 and the Local Authorities (Calculations of Council Tax Base) Regulations 1992, the Council (as billing authority) is required to calculate its Council Tax Base. This comprises both the estimated numbers of properties within each Valuation band plus the Council's estimate of its collection rate for the coming financial year.
- 1.2 For the current financial year the Council approved a Council tax base of 77,650 Band D equivalent dwellings, and an estimated Collection Rate of 97.5%, which resulted in a tax base of 75,709.
- 1.3 Under Section 11A of the Local Government Finance Act 1992 and the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 the Council reduced discounts for Second Homes and Long Term Empty properties.
- 1.4 For 2006/07 and subsequent years until revoked, the Council approved discount reductions on Second Homes from 50% to 10% and on Long Term Empty properties from 50% to 0%.

2. PURPOSE

- 2.1 The purpose of the report is for the Cabinet to make recommendations to Council on the estimated Collection Rate and Council Tax Base for 2007/08.

3. DISCOUNTS

3.1 Second Homes

3.1.1 There are some 1,923 second homes in the borough. The reduction in discount from 50% to 10%, first implemented in 2004/05, will add an additional 916 Band "D" equivalents to the tax base for 2007/08.

3.1.2 Based upon 2006/07 Council Tax levels this reduction in the discount will generate income to the Council of £0.84m. Such additional income will directly benefit the Council and is allowed for within our Medium Term Financial Strategy. Our preceptor, the GLA, will also benefit from the reduction in the discount.

3.2 Long Term Empty Properties

3.2.1 There are some 854 long-term empty properties and these have been reflected in the CTB1 return, which the Council provided to the DCLG on 27 October 2006. The net impact of the reduction in the discount on long term empty properties from 50% to nil, first implemented in

2004/05, is to add an additional 489 Band D equivalents to the tax base.

3.2.2 Based upon 2006/07 Council Tax levels this will generate additional income of £0.45m. Unlike the income generated from the reduction in the second homes discount such additional council tax will not directly benefit the Council. The Government decided not to allow local retention of additional income from changing the long term empty property discount as it believes local authorities should make the decision on housing grounds rather than for financial reasons. The extra revenue generated through the reduction in the discount will, through adjustments to the Formula Grant process, be passed to the Government. The Government stated that such additional revenue will be taken account of within grant calculations. So although an individual authority will not benefit from the change in the discount such money will be recycled back to local government as a whole.

4. VALUATION BAND PROPERTIES

- 4.1 The latest information on the number of properties within each valuation band is contained within a return (CTB1), which the Council provided to the DCLG on 27 October 2006.
- 4.2 This return reflected the actual number of properties shown in the Valuation List as at 18 September 2006 and the Council's records as at 9 October 2006.
- 4.3 A detailed analysis of the properties in each valuation band can be summarised as follows. There are a total of 79,000 dwellings on the list with some 32,368 properties estimated to receive a sole occupier discount. The total Band "D" equivalent is approximately 77,764 properties.

Band	Band Size	Total Dwellings	Total after Discounts, Exemptions and Disabled Relief	Ratio	Band "D" Equivalents
	Band A disabled relief	0	0.00	5/9	0.0
A	Values not exceeding £40,000	2,957	2,230.75	6/9	1,487.2
B	Values exceeding £40,000 but not exceeding £52,000	5,365	4,253.75	7/9	3,308.5
C	Values exceeding £52,000 but not exceeding £68,000	13,274	10,520.50	8/9	9,351.6
D	Values exceeding	22,179	18,403.50	9/9	18,403.5

Band	Band Size	Total Dwellings	Total after Discounts, Exemptions and Disabled Relief	Ratio	Band "D" Equivalents
E	£68,000 but not exceeding £88,000 Values exceeding £88,000 but not exceeding £120,000	14,105	12,152.00	11/9	14,852.4
F	Values exceeding £120,000 but not exceeding £160,000	8,784	7,708.00	13/9	11,133.8
G	Values exceeding £160,000 but not exceeding £320,000	10,403	9,402.75	15/9	15,671.3
H	Values exceeding £320,000	1,933	1,778.00	18/9	3,556.0
		79,000	66,449.25		77,764.3

5. ADJUSTMENTS TO THE VALUATION LIST

5.1 The above table shows the valuation band position at 18 September 2006 but the Council is also required to take into account likely changes during the financial year 2007-2008. The following potential adjustments need to be considered:

(i) New Properties

There are likely to be a number of new properties, conversions etc. added to the valuation list at some point during the year. There are approximately 789 units currently under construction on various sites in the Borough that will be added to the tax base sometime during 2007/08. It is estimated after allowing for different completion dates that this will equate to an additional 443 Band 'D' equivalents.

(ii) Banding Appeals

There have been over 8,000 appeals lodged with the valuation office in respect of initial Council Tax bandings. There are now, however, only 49 appeals unsettled. In view of this small number, it is not proposed to make any further adjustments for these.

(iii) Second Homes

The effect of reducing the discount for second homes from 50% to 10% from 1 April 2007, would add a further 916 Band “D” equivalents as outlined in section 3.1.

- 5.2 The Council is required to set its Tax Base on the total of the relevant amounts for the year for each of the valuation bands shown or is likely to be shown for any day in the year in the authority’s valuation list.
- 5.3 Taking into account the latest information from the CTB1 return to the DCLG and the proposed adjustments, the Cabinet is requested to approve the estimated numbers of properties for each valuation band as set out in the following table:

Band	Band “D” Equivalent	Adjustments for New Properties	Adjustments for second homes discount reduction	Revised Band “D” Equivalents
A	1,487.2	+22	+19	1,528.2
B	3,308.5	+62	+26	3,396.5
C	9,351.6	+119	+91	9,561.6
D	18,403.5	+164	+228	18,795.5
E	14,852.4	+40	+187	15,079.4
F	11,133.8	+24	+121	11,278.8
G	15,671.3	+11	+185	15,867.3
H	3,556.0	+2	+58	3,616.0
	77,764.3	+443	+916	79,123.3

6. COLLECTION RATE

- 6.1 The Council is also required to estimate its Collection Rate for 2007/08 the same time-scale as arriving at the estimated number of properties within the Tax Base. In arriving at a percentage Collection Rate for 2007/08, the Council should take into account the likely sum to be collected, previous collection experience and any other relevant factors.
- 6.2 The actual sum to be collected from local Council tax payers cannot be finally determined until, the preceptor’s requirements are known and the Council has approved its budget. The Council therefore has to make an estimate of the sums to be collected locally making estimated allowance for sums from Council Tax Benefits and write-offs/non-collection.
- 6.3 The actual collection rate for 2006/07 achieved to mid November 2006 is 68.9% comprising cash collection of £53.5m and Council Tax benefit of £17.2m. It is estimated that a further £20.7m (26.5%) will be collected by 31 March 2007 and £1.6m (2.1%) thereafter.

6.4 Collection performance has been calculated in order to comply with Best Value performance indicator calculations. Latest calculations for 2005/06 and 2006/07 show that the current collection rate can be continued for 2007/08. It is therefore suggested that the collection rate for 2007/08 is maintained at 97.5%

7. THE TAX BASE

- 7.1 Under Section 33(1) of the Local Government Finance Act 1992 and the Regulations, the Council's tax base is calculated by multiplying the estimated number of Band "D" equivalents by the estimated collection rate.
- 7.2 Based on the number of Band "D" equivalents in the table in paragraph 5.3 above and the estimated collection rate in paragraph 6.4 above, the calculation is as follows:-

<u>(Band D equivalents) x (Collection Rate) = (Tax Base)</u>			
<u>79,123</u>	x	<u>97.5%</u>	= <u>77,145</u>

8. COMMENTS OF THE DIRECTOR OF FINANCE

- 8.1 The tax base is set by 31 January each year, as outlined in the Local Government Finance Act 1992. It is used within the overall Council Tax and budget setting process, due to be reported to Budget Council on 28 February 2007.

9. COMMENTS OF THE HEAD OF LEGAL SERVICES

- 9.1 The Council is under a statutory duty to set the Council Tax for the forthcoming financial year and to make a budget. This report forms part of that process. The Council is obliged, when making its budget, to act reasonably and in accordance with its statutory duties, the rules of public law and its general duty to Council Tax payers.
- 9.2 The basic amount of Council Tax must be calculated in accordance with Section 31(1) of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) Regulations 1992.
- 9.3 The Council Tax base has been calculated in accordance with the Act and the Regulations. Maintaining the estimated collection rate at 97.5% is a reasonable and realistic estimate.
- 9.4 Regulations under the Local Government Act 2003 allow the Council to reduce Council Tax discount for dwellings that are not the sole or main residence of an individual and which are furnished (second homes) to a minimum of 10%. The regulations also allow the Council to reduce Council Tax discount for dwellings that are unoccupied and substantially unfurnished for more than six months (long term empty properties) to zero.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	Local Government Finance Act 1992	A. Lord Ext. 2531	2 nd Floor Town Hall Extension
2.	DCLG Return CTB1 (October 2006)	S. Barrett Ext. 1053	2 nd Floor Town Hall Extension
3.	Tax base Adjustment Calculations	S. Barrett Ext. 1053	2 nd Floor Town Hall Extension
4.	Collection Rate Statistics	S. Barrett Ext. 1053	2 nd Floor Town Hall Extension

31 JANUARY 2007

**DEPUTY LEADER
(+ ENVIRONMENT)**

*Councillor Nicholas
Botterill*

**NEW BYELAWS FOR PLEASURE GROUNDS,
PUBLIC WALKS AND OPEN SPACES**

The Council has been seeking to update its open space byelaws. The Office of the Deputy Prime Minister (now Department of Communities and Local Government) has recommended that the Council should do so in line with that Department's set of Model Byelaws. Approval is therefore sought to a new set of byelaws based on this 'Model Set 2' by full Council, taking into account comments made at the Cleaner & Greener Scrutiny Committee meeting of 4th September, before seeking confirmation from the Department of Communities and Local Government (DCLG).

WARDS

All

CONTRIBUTORS

DENV
CSD
HLS

RECOMMENDATION:

That the report and proposed new model Byelaws (as set out in Appendices 1 and 2) be approved, subject to confirmation by the Secretary of State at the Department for Communities & Local Government.

1. BACKGROUND

- 1.1 The current set of general byelaws for the borough's parks and open spaces were approved and adopted by the Council in 2000.
- 1.2 A report went to full Council on 30 June 2004 recommending a number of recreation areas to be added to the 2000 byelaw schedules, and the Council resolved, subject to approval from the Secretary of State to adopt those proposals. In 2005 the Office of the Deputy Prime Minister (ODPM) (now the Department of Communities and Local Government (DCLG)) responded with their comments on the proposed changes, and noted that a number of the current byelaws are not valid, as they have been succeeded by recent general legislation. They further commented that a number of the byelaws were unlikely to be enforceable. The ODPM also strongly recommended that we use the Model byelaws, prepared by the ODPM, and "adapted as necessary to meet local needs". Currently, ODPM (now the DCLG) have not given consent for the Council to adopt the proposed byelaws, although officers have been in dialogue with the Department for over two years.
- 1.3 The Parks Constabulary currently find that the existing set of byelaws are not always entirely fit for purpose and sometimes fail to provide the support that they require in carrying out their duties. In addition there are a number of recreation areas in the borough not covered by the existing byelaws.
- 1.4 More recently, the Clean Neighbourhoods and Environment Act 2005 has allowed the Council to introduce Dog Control Orders which give the Council powers in relation to control of dogs and deposition of dog faeces. These Orders replace the current dog byelaws.
- 1.5 There is a general principle that byelaws shall not replicate powers existing in general legislation. The existing byelaws are therefore becoming increasingly more out of date and unenforceable, as many have been superseded by new legislation.
- 1.6 Following the ODPM's recommendation that we adopt the Model byelaws, officers from community safety, legal and environment services met to consider the appropriateness of the ODPM's model set 2 (relating to Parks & Open Spaces) to the local needs and issues in the borough. The officers concluded that most of the model byelaws could be usefully adopted by this authority to meet local needs with a few minor exceptions. The proposed new byelaws and those minor changes are detailed later in this report.
- 1.7 The ODPM has indicated that by adopting the Model byelaws, approval could be 'fast-tracked' through their procedures in approximately three months, rather than the more lengthy procedure required to consider byelaws which deviate from or fall totally outside the model byelaws.
- 1.8 Due to the difficulties encountered in trying to gain approval for the currently proposed byelaws, the recent new legislation, and the difficulties that Parks Constabulary officers have been encountering "on the ground" in relation to

enforcing the existing byelaws, officers recommend that Council approves the attached byelaws for adoption subject to receiving approval from DCLG, in order to provide the Parks Constabulary with effective enforcement powers.

- 1.9 Following approval from DCLG, full Council would need to formally adopt the new byelaws and concurrently revoke the existing byelaws. This would be set out in a future report once approval has been received from DCLG and Public Notices placed in local papers allowing for challenges from the public.
- 1.10 The Local Government White Paper “Strong and Prosperous Communities” (October 2006), states that it is the Government’s intention to end the Secretary of State’s role in confirming byelaws. In the meantime, however progress on amending the byelaws remains with the Secretary of State.

2. PROPOSED CHANGES AND ADDITIONS

- 2.1 Appendix I of this report lists the byelaws that are proposed for adoption as the byelaws for parks and open spaces in the borough. This has been compiled in accordance with DCLG Model byelaws Set 2, September 2005 edition and associated Guidance notes.
- 2.2 In a Discussion Paper on Byelaws released by the DCLG in April 2006, the government stated that certain issues were to be considered as “*relatively trivial nuisances* issues not normally warranting criminal sanction”. These included:
 - Filming, video-recording, taking of photographs
 - Glue sniffing
 - Loitering
 - Persistent canvassing and leaflet distributing
 - Pigeon feeding
 - Spitting
- 2.3 The proposed new byelaws therefore reflect this advice, as officers feel that DCLG will not approve byelaws that seek to enforce these matters.
- 2.4 There are currently 33 general byelaws. There will be 47 in the new set, which includes 18 new byelaws, the remainder being updated or amalgamated versions of existing ones. The only current byelaw that is not reflected in the DCLG Model Set 2 is that relating to Filming & Photography (byelaw 26 in the current set), which is excluded for the reason given in paragraph 4.3 above. The only Model Set 2 byelaws not proposed for inclusion are those relating to Horses, Field Sports (javelin & discus), boats and blocking of watercourses, as they are not relevant to, or do not relate to problems experienced within our parks and open spaces.

The Schedules to the Byelaws

- 2.5 These are set out in full as **Appendix 2** of this report but in summary:

- **New Schedule 1:** As per the existing byelaws, plus additional open spaces: Bayonne Road, Godolphin Road, Little Brook Green, Loris Gardens, Mitre Bridge public open space, Norland North Park, Old Oak Sidings Birch woodland and White city play area.
- **New Schedule 2 Part 1. Opening Times for Parks: This refers to Byelaw 3,** as per the existing byelaws, plus additional open spaces: All Saint's Church gardens, Brook Green children's play area, Fulham Cemetery, Margravine Cemetery, Maxwell Road play area, Norland North Park, Ravenscourt Park, St Paul's Church (Hammersmith Road) and White City play area. The specific opening times for any specific location are to be posted on conspicuous notices at the entrances to that location.
- **New Schedule 2 Part 2. No Ball Games: This refers to Byelaws 22 (1),** as per existing byelaws, plus additional open spaces: Fulham Cemetery and Margravine Cemetery.
- **New Schedule 2 Part 3. Model aircraft: This refers to Byelaws 35 – 37,** a more restrictive and uniform regime of flying hours is now proposed with now no flying permitted on Sundays to reduce noise pollution at that sensitive time for local residents and to reduce the risks to the adjacent football pitches.
- **New Schedule 3: This refers to Byelaw 35,** introduces rules for Ball games in designated areas.

3. COMMENTS OF THE CLEANER GREEN SCRUTINY COMMITTEE

- 3.1 CGSC at their meeting on 4 September 2006 resolved that Council be recommended to approve the proposed byelaws subject to:
- Standardising the times that model aircraft may be flown on a small part of Wormwood Scrubs;
 - The specified times for flying model aircraft being strongly enforced;
 - Due consideration being given to the noise pollution impact on the areas for flying relative to local housing;
 - Consideration being given to encouraging club involvement in flying model aircraft on Wormwood Scrubs to help improve management;
 - Officers ensuring that Brook Green listed in Schedule 1 ('Grounds to which byelaws apply generally') covers Little Brook Green as well.
- 3.2 The current byelaws have a complicated schedule of permitted hours for flying model aircraft on part of Wormwood Scrubs. The proposed revisions simplify the arrangements and reduce the permitted hours to reduce the potential

conflict with other uses on the Scrubs (especially football and training by the Kings Troop). In addition, in accordance with the recommendations of ROSPA who conducted a risk assessment, it is proposed that only members of flying clubs authorised by the Council and with adequate public liability insurance should be permitted to fly planes. The detailed requirements related to public safety should be agreed with the Council.

3.3 Little Brook Green has been added to the Schedule 1

4. THE NEXT STEPS - TIMETABLE.

Approval for adoption by Full Council	31 January 2007
Authorisation by DCLG (if fast tracked)	April 2007
Public notices in Local Press	May 2007
Adoption by Full Council	Summer 2007
Sign installation	2007/08

5. FINANCIAL IMPLICATIONS

5.1 There are no specific financial implications arising from the content of this report. Sundry associated costs could be met from existing departmental budgets. This would include placing statutory notices in local papers and the provision of 200 adhesive A2 labels bearing the bye-laws at a cost of £850 plus a one off charge of up to £200 for art work.

6. THE DIRECTOR OF FINANCE COMMENTS

6.1 There are no significant financial implications relating to the recommendations of this report. All expenditure will be contained within existing budgets.

7. COMMENTS OF THE HEAD OF LEGAL SERVICES

7.1 The Head of Legal Services confirms that only full Council has the authority to amend or revoke byelaws, under Rule 4.02 of the Constitution of the Council.

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS**

No.	Brief Description of Background Papers	Name/Ext of Holder of File/Copy	Department/Location
1	Byelaws Review Documents 2000-2006.	Stephen McAndrews Ext 3329	Environment Dept 5 th Floor HTHX
2.	RoSPA report. 18 August 2006.	Stephen McAndrews Ext 3329	Environment Dept 5 th Floor HTHX

APPENDIX 1: TABLE OF PROPOSED NEW GENERAL BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES AND COMPARISON WITH EXISTING BYELAWS

Proposed new LBH&F Byelaw (ODPM Model Set 2 Byelaw number)	Replacing Existing LBH&F Byelaw(s) with observations on need for addition/change.
<p>Byelaws 1 & 2. General Interpretation and Application <i>(N.B. the various sections Interpretations have been amalgamated here – hence slight numbering changes to Byelaws from Model Set)</i></p> <p>1. In these byelaws:</p> <p>“the Council” means the London Borough of Hammersmith & Fulham;</p> <p>“the ground” means any of the grounds listed in Schedule 1;</p> <p>“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;</p> <p>“invalid carriage” means a vehicle, whether mechanically propelled or not,</p> <ul style="list-style-type: none"> (a) the unladen weight of which does not exceed 150 kilograms, (b) the width of which does not exceed 0.85 metres, and (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person. <p>“designated route” means a route in or through the ground which is set aside for a specified purpose, its</p>	<p>Replaces and updates existing byelaw 1</p>

route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

“waterway” means any river, lake, pool or other body of water and includes any fountain.

“model aircraft” means an aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

<p>(a) the combustion of petrol vapour or other combustible substances;</p> <p>(b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or</p> <p>(c) one or more electric motors or by compressed gas.</p> <p>“radio control” means control by a radio signal from a wireless transmitter or similar device.</p> <p>2. These byelaws apply to all of the grounds listed in Schedule 1, unless otherwise stated.</p>	
<p>Byelaw 3 Opening Times.</p> <p>3. (1) No person shall enter or remain in the ground except during opening hours.</p> <p>(2) “Opening hours” means the days and times during which the ground is open to the public and which are indicated by a notice placed in a conspicuous position at the entrance to the ground.</p> <p>(3) Byelaw 3(1) applies only to the grounds listed in Part 1 of Schedule 2.</p>	<p>Direct replacement for byelaw 2</p>
<p>Byelaw 4. Protection of structures and plants.</p> <p>(1) No person shall without reasonable excuse remove from or displace within the ground:</p> <p>(a) any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the</p>	<p>Replaces byelaws 4, 8, 9 and 10 with updated wording. The main purpose is to provide protection for plant beds and ground under repair.</p>

<p>ground; or</p> <p>(b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.</p> <p>(2) No person shall walk on or ride, drive or station a horse or any vehicle over:</p> <p>(a) any flower bed, shrub or plant;</p> <p>(b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or</p> <p>(c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.</p>	
<p>Byelaw 5. Unauthorised erection of structures. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.</p>	<p>Updates wording of previous byelaw number 5.</p>
<p>Byelaw 6. Climbing. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.</p>	<p>Updates the wording of previous byelaw 3. This byelaw is necessary in a number of parks to prevent damage to branches of trees. It is also necessary for use during events, i.e. The Boat Race, where people seek to gain a better view. This not only risks damage to the tree or structure, but also places the crowd below at risk</p>
<p>Byelaw 7. Grazing. No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.</p>	<p>This is identical to byelaw 6 of the current set.</p>
<p>Byelaw 8. Protection of Wildlife. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of</p>	<p>This would be a new byelaw. There have been a number of occasions where wildlife within the parks has been killed, either by poison baits, dogs attacking wildfowl or youths throwing</p>

snares.	stones.
<p>Byelaw 9. Gates.</p> <p>(1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.</p> <p>(2) Byelaw 9(1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.</p>	<p>This would be a new byelaw. There are a number of access gates to play areas that should be closed to prevent young children running out on to the roadway etc. The current signs have no method of enforcement.</p>
<p>Byelaw 10. Camping.</p> <p>No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping.</p>	<p>This would be a new byelaw. There has been a dramatic increase of people camping and sleeping overnight in parks and open spaces in the last 2 years. Their removal from unsecured parks/open spaces has proved difficult without any enforcement power.</p>
<p>Byelaw 11. Fires</p> <p>(1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.</p> <p>(2) Byelaw 11(1) shall not apply to the lighting of a fire at any event for which the Council has given permission that fires may be lit.</p>	<p>This would be a new byelaw. The Council has a policy of no barbeques in parks/open spaces, to prevent fires and damage to the grass. There are no designated barbeque areas. There is however no power to enforce this in the current byelaws. This byelaw prevents the use of barbeques (there is an option for allowing barbeques in designated areas – there are no barbeque areas.)</p>
<p>Byelaw 12. Missiles</p> <p>No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.</p>	<p>A would be a new byelaw to give officers power to intervene in acts of anti-social behaviour i.e. throwing stones or fireworks.</p>
<p>Byelaw 13. Interference with life-saving equipment.</p> <p>No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.</p>	<p>This would be a new byelaw. The Council spends a considerable amount of money in replacing the life buoys provided along the River Thames. This byelaw would again give officers enforcement powers against people misusing the equipment.</p>
<p>Byelaw 15 – Horses.</p> <p><i>Where Horse riding permitted then</i></p>	<p>This would be a new byelaw. There are riding stables on Wormwood Scrubs and near Little Wormwood Scrubs. The</p>

<p>No person shall ride a horse in the ground in such a manner as to cause danger to any other person</p>	<p>byelaw does not seek to restrict the use of land by horses, but provides an enforcement power if the use of horses is dangerous.</p>
<p>Byelaw 16. Cycling. No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles or on a designated route for cycling.</p>	<p>Updated wording of current byelaw 7 (2).</p>
<p>Byelaw 17. Motor vehicles. No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way for that class of vehicle.</p>	<p>Updated wording of current byelaw 7 (1). This byelaw is necessary to provide enforcement powers in parks where there are access roads to car parks and premises i.e. Hurlingham Park, Ravenscourt Park and Wormwood Scrubs.</p>
<p>Byelaw 18. Overnight parking. No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle in the ground between the hours of 10 p.m. and 6 a.m.</p>	<p>This would be a new byelaw to provide powers to prevent people leaving cars in car parks after the closing time for the park.</p>
<p>Byelaws 19. Children’s Play Areas. No person aged 14 years or over shall enter or remain in a designated area which is a children’s play area unless in charge of a child under the age of 14 years.</p>	<p>Updates wording of current byelaw 14.</p>
<p>BYELAW 20. CHILDREN’S PLAY APPARATUS No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.</p>	<p>Updates wording of current byelaw 15.</p>
<p>Byelaw 21. Skateboarding. (1) No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles except in a designated area for such activities. (2) Where there is a designated area for skating, sliding or</p>	<p>Updates current byelaw 11. There are designated skate areas in Bishop’s and Ravenscourt Parks.</p>

<p>riding on rollers, skateboards or other self-propelled vehicles, no person shall engage in those activities in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.</p>	
<p>Byelaws 22 to 24. Ball Games.</p> <p>22. (1) No person shall play ball games in the grounds.</p> <p>(2) Byelaw 22(1) applies only to the grounds listed in Part 2 of Schedule 2.</p> <p>23. No person shall play ball games outside a designated area for playing ball games in such a manner:</p> <p>(a) as to exclude persons not playing ball games from use of that part;</p> <p>(b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or</p> <p>(c) which is likely to cause damage to any tree, shrub or plant in the ground.</p> <p>24. It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Schedule 3 and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.</p>	<p>These provide updated wording for the current byelaws 16 to 19 inclusive. Byelaw 24 will be particularly helpful in providing rules and enforcement powers for people using the sports pitches, which are not provided by the current byelaws</p>
<p>Byelaw 25 Cricket.</p> <p>No person shall throw or strike a cricket ball with a bat except in</p> <p>a designated area for playing cricket.</p>	<p>This would be a new byelaw to provide enforcement powers to prevent the dangers of hard cricket balls in smaller parks. There are designated cricket areas in a number of parks, included as cricket is excluded from the definition of 'ball games'.</p>
<p>Byelaw 26. Archery.</p>	<p>This would be a new byelaw to prevent this sport taking</p>

<p>No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.</p>	<p>place. There have been problems with archery in Ravenscourt Park and Wormwood Scrubs. There is no suitable safe location set aside for this sport.</p>
<p>Byelaw 27 Golf. No person shall drive, chip or pitch a hard golf ball.</p>	<p>This would be a new byelaw. There are no golf courses within the borough. This power seeks to give a direct power to prevent people being injured by hard golf balls. It is not a suitable sport for confined, busy urban parks.</p>
<p>Byelaw 29. Bathing. No person shall without reasonable excuse bathe or swim in any waterway except in a designated area for bathing and swimming.</p>	<p>This would be a new byelaw. There are lakes/ponds in parks, but no regulations to prevent people going into them during hot weather. They are not suitable for bathing. The Council does provide paddling pools in Bishop's and Ravenscourt Parks</p>
<p>Byelaw 30. Ice skating. No person shall step onto or otherwise place their weight upon any frozen waterway.</p>	<p>This would be a new byelaw to provide enforcement for when water bodies are frozen in winter.</p>
<p>Byelaw 31. Model boats. No person shall operate a power-driven model boat on any waterway.</p>	<p>This would be a new byelaw to prevent the paddling pools being used by people with powered boats. These can cause injury and pollution</p>
<p>Byelaw 32. Fishing. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals.</p>	<p>This would be a new byelaw proposed to provide protection for the fauna in lakes and the wildlife pond in Ravenscourt Park.</p>
<p>Byelaw 33. Pollution. No person shall foul or pollute any waterway.</p>	<p>Updated wording for byelaw 11.</p>
<p>Byelaw 35 to 37(General prohibition referring to Model</p>	

<p>aircraft) and Schedule 2 Part 3.</p> <p>35. No person shall cause any power-driven model aircraft to:</p> <ul style="list-style-type: none"> (a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or (b) land in the ground without reasonable excuse. <p><i>Model aircraft permitted in certain grounds on specified days at specified times</i></p> <p>36. Byelaw 35 does not apply to the grounds listed in column 1 of the table in Part 3 of Schedule 2 on the days and times indicated for each ground in column 2 of that table.</p> <p><i>Model aircraft permitted in designated areas</i></p> <p>37. No person shall cause any power-driven model aircraft to:</p> <ul style="list-style-type: none"> (a) take off or otherwise be released for flight or control the flight of such an aircraft; or (b) land in the ground without reasonable excuse; <p>other than in a designated area for flying model aircraft.</p>	<p>No change to byelaw 35.</p> <p>The Council does have a designated area on Wormwood Scrubs.</p> <p>NEW wording for Byelaw 36 to read: For grounds listed in column 1 of that table in Part 3 of Schedule 2, all model aircraft flyers must be members of authorised club(s) recognised by the local authority and then may only fly on the days and at the times detailed in Column 2, of that table.</p>
<p>Byelaw 38 Provision of services.</p> <p>No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.</p>	<p>Updated wording of current byelaw 27. Gives enforcement powers to prevent trading, particularly at events and on football match days.</p>
<p>Byelaws 39.Excessive noise.</p>	<p>Updates byelaw 28.</p>

<p>(1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:</p> <ul style="list-style-type: none"> (a) shouting or singing; (b) playing on a musical instrument; or (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device. <p>(2) Byelaw 39(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.</p>	
<p>Byelaw 40. Public shows and Performances. No person shall without the consent of the Council hold or take part in any public show or performance.</p>	<p>This would be a new byelaw to control people who attempt to provide unauthorised entertainments.</p>
<p>Byelaw 41. Kites. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.</p>	<p>This would be a new byelaw. This will provide power to control the use of large kites as their means of propulsion in 'kite-boarding' particularly on Wormwood Scrubs. This area is laid out as sports pitches. The 'kite-boarders' can travel at high speed and have difficulty stopping in strong winds. This byelaw will allow their usage to be controlled during times the pitches are in use.</p>
<p>Byelaw 42. Metal Detectors. No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.</p>	<p>This would be a new byelaw to provide powers to protect special interest sites i.e. Fulham Palace, parks laid out with flower beds or lawns, wildlife areas and sports pitches. The guidance notes indicate that careful consideration should be given to prohibiting their use. As this is an urban borough, open space is at a premium. There are no suitable areas to permit the use of metal detectors. The parks/open spaces are all</p>

	either laid out with mown grass and flower beds, or are wild life areas.
<p>Miscellaneous byelaws 43 to 46.</p> <p>43. Obstruction No person shall obstruct:</p> <ul style="list-style-type: none"> (a) any officer of the Council in the proper execution of his duties; (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or (c) any other person in the proper use of the ground. <p>44. Savings</p> <p>(1) It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of his duty.</p> <p>(2) Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.</p> <p>45. Removal of offenders</p>	<p>Same as byelaws 29 to 32 of current set. Provides protection and enforcement powers for Council staff and contractors within the parks</p>

<p>Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.</p> <p>46. Penalty Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.</p>	
<p>Byelaw 47 Revocation. The byelaws made by the London Borough of Hammersmith and Fulham on 20 April 2000 and confirmed by the Secretary of State for the Home Office on 29 June 2000 relating to the ground are hereby revoked.</p>	<p>This replaces existing byelaw 33 and assumes that the Dog byelaws are to be amended by the introduction of Dog Control Orders under the Clean Neighbourhoods and Environment Act 2005.</p>

APPENDIX 2: A FULL LIST OF PROPOSED SCHEDULES FOR NEW BYELAWS

SCHEDULE 1

GROUNDS TO WHICH BYELAWS APPLY GENERALLY

The grounds referred to in byelaw 2 are:

All Saints Church Gardens.

Bayonne Road Public Open space

Bentworth Open space.

Berestede Open space.

Bishops Park (including the detached area known as the Moat Gardens, The Wilderness and Vicarage Gardens)

Brook Green

Cathnor Park

Dalling Road Open space.

Eel Brook Common

Frank Banfield Park

Fulham Cemetery

Fulham Palace Grounds

Furnival Gardens

Gwendwr Gardens

Gwendwr Gardens Open space

Godolphin Road Community Garden & Open Space

Hammersmith Cemetery

Hammersmith Park

Hurlingham Park

Lillie Road Recreation Ground

Little Brook Green

Little Wormwood Scrubs

Loris Road Community Garden & Open space

Marcus Garvey Park

Margravine Gardens

Maxwell Road Open space

Mitre Bridge public open space

Norland North Park

Normand Park

North Pole Road Open space
North Verbena Gardens
Old Oak Sidings Birch Woodland
Parsons Green
Purcell Crescent Recreation area
Ravenscourt Park
Rowberry Mead
Sands Wharf Open space
St Andrews Church Gardens
St John's Churchyard
St Mary's Churchyard
St Matthew's Church Gardens
St Paul's Gardens (Hammersmith Road)
St Paul's Church (the grounds of St Paul's Church, Hammersmith Broadway)
St Paul's Green
St Peter's Churchyard
St Peter's Square
Shepherds Bush Green
South Park
Starch Green
Stevenage Park
Upper Mall Open space
Wendell Park
Westcroft Square
White City Public Open space
William Parnell Gardens (including Langford Gardens)
Wormholt Park
Wormwood Scrubs.

GROUNDS REFERRED TO IN CERTAIN BYELAWS

PART 1

OPENING TIMES (BYELAW 3(1))

All Saints Church Gardens
Bishop's Park
Brook Green children's play area
Eel Brook Common children's play area
Fulham Cemetery
Fulham Palace Grounds
Gwendwr Gardens
Hammersmith Park
Hurlingham Park
Lillie Road Recreation Ground
Margravine Cemetery
Margravine Gardens
Maxwell Road play area
Norland North Park.
Normand Park – lockable areas.
Purcell Crescent recreation area
South Park
St. Paul's Gardens (Hammersmith Road)
St. Peter's Square
Ravenscourt Park
Rowberry Mead
Wendall Park
Westcroft Square
White City play area.
William Parnell Park
Wormholt Park

PART 2

NO BALL GAMES. (BYELAW 22(1))

Fulham Cemetery
Park

The Peace Garden, Bishop's

Fulham Palace Grounds

Gwendwr Gardens

The Disused Burial site at Furnival Gardens

Margravine Cemetery

PART 3

USE OF MODEL AIRCRAFT PERMITTED ON SPECIFIED DAYS AT SPECIFIED TIMES

(BYELAW 36)

<i>Name or description of ground</i>	<i>Days and times at which use of model aircraft is permitted</i>
Wormwood Scrubs – designated area	<u>On Mondays, Wednesdays, Fridays and Saturdays</u> , between: 8.00am - 10.00am & 17.00pm -19.30pm or sunset if earlier. <u>On Tuesdays, Thursdays and Sundays:</u> No flying permitted. <i>or at other times with the agreement of the Council.</i>

SCHEDULE 3

RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW 25).

Any person using a designated area for playing ball games is required by byelaw 25 to comply with the following rules:

- (1) No person shall play any game other than those ball games for which the designated area has been set aside.
- (2) No person shall obstruct any other person who is playing in accordance with these rules.
- (3) Where exclusive use of the designated area has been granted to a person or group of persons by the Council for a specified period, no other person shall play in that area during that period.
- (4) Subject to paragraph (5), where the designated area is already in use by any person, any other person wishing to play in that area must seek their permission to do so.
- (5) Except where they have been granted exclusive use of the designated area for more than two hours by the Council, any person using that area shall vacate it if they have played continuously for two hours or more and any other person wishes to use that area.
- (6) No person shall play in the designated area when a notice has been placed in a conspicuous position by the Council prohibiting play in that area.

31 JANUARY 2007

**DEPUTY LEADER
(+ ENVIRONMENT)**

CROSSRAIL PETITION

WARD

**College Park and
Old Oak**

Synopsis

This report seeks endorsement of a petition on revisions to the Crossrail Bill which would allow development on top of the Old Oak Common depot and the provision of a station in the vicinity, and changes to the car parking provision at the depot and arrangements for replacement of nature reserve land

CONTRIBUTORS

DENV
DF
HLS

RECOMMENDATION:

That the petition attached (as Appendix 1), described in the report and appended, be approved.

1. BACKGROUND

- 1.1 Crossrail is a proposed new railway which will run between Maidenhead and Heathrow Airport in the west and Shenfield and Abbey Wood in the East, via a new tunnel across central London between Paddington and Stratford/Isle of Dogs. In Hammersmith and Fulham, the line will use existing Great Western main line tracks to the north of Wormwood Scrubs. The Crossrail Bill was submitted to parliament in February 2005. The main depot was planned to be at Romford, with a subsidiary depot at Old Oak Common, in the borough of Hammersmith & Fulham, on existing railway land. Small portions of two nature reserves, adjacent to the Old Oak Common depot and to the east of Scrubs Lane, between the railway and the canal, would be taken, with replacement land offered nearby in Kensington and Chelsea.
- 1.2 In June 2006, Crossrail informed the Council that, following local environmental concerns about the Romford Depot, they were proposing to transfer the main Crossrail Depot to the Old Oak Common site. The existing depot used by the English, Welsh and Scottish railway company would move to the North Pole Eurostar depot to the south of the Great Western line. This depot will no longer be used by Eurostar trains when the new depot at Stratford opens in November 2007.
- 1.3 Council and GLA officers had previously identified some of the underused railway land in the Old Oak Common area as suitable for redevelopment. The Council's Unitary Development Plan and Local Implementation Plan for transport support the provision of an interchange station in the area to serve the West London Line and Willesden Junction, and the Park Royal area. There is currently no station proposed between Paddington and Acton Main Line.
- 1.4 Some 300 car parking spaces are proposed for the depot, which is much higher than the Unitary Development Plan's parking standards for similar uses.
- 1.5 The Director of Environment wrote to Crossrail on 1 September expressing the Council's concerns, and suggesting that the depot be designed in such a way that a future development could be provided above it. Such a development could also help fund a station in the area.
- 1.6 On 7 November, the revised Crossrail proposal was published. The public and local authorities were given six weeks to petition against the proposals, until 13 December. The Council's concerns had not been addressed, so a petition was submitted, making the points described above, and suggesting that the existing nature reserve next to the Old Oak Common depot be enhanced rather than a remote site being provided. The petition is appended (appendix 1)
- 1.7 Petitions will be considered by the Parliamentary Select Committee in the spring of 2007.

2. COMMENTS OF DIRECTOR OF FINANCE

- 2.1 The Director of Finance comments that the costs of lodging this petition are estimated at £1-2000. These will be contained within the Planning Division's expenditure budget. These costs could increase to some £5,000 if we keep parliamentary agents engaged to present the petition or instruct counsel ourselves.

3. COMMENTS OF HEAD OF LEGAL SERVICES

- 3.1 Section 239 of the Local Government Act 1972 requires that the decision to oppose a hybrid bill in parliament must be taken by full council. It must be approved by a 2/3 majority of the Council to be passed.
- 3.2 Prior to the Council meeting to consider the issue, it must be advertised in the local press at least 10 clear days before the date of the meeting.
- 3.3 The petition has been lodged at parliament in order to meet parliamentary deadlines. It is within the Council's powers to ratify a petition to parliament after it has been submitted.
- 3.4 In the event that a 2/3 majority vote is not reached, the petition would be withdrawn from parliament.

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS**

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	Crossrail Bill, Amendment of Provisions, Winkworth Sherwood, Parliamentary Agents, November 2006.	Chris Bainbridge, Ext. 3354	Environment, Hammersmith Town Hall Extension

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2006-07

CROSSRAIL BILL

P E T I T I O N

Against the Additional Provision (No. 3) – On Merits – Praying to be heard by Counsel, &c.

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED

THE HUMBLE PETITION of:

THE COUNCIL OF THE LONDON BOROUGH OF HAMMERSMITH AND FULHAM

SHEWETH as follows:—

A Bill (hereinafter referred to as “the Bill”) has been introduced into and is now pending in your Honourable House intituled “A Bill to make provision for a railway transport system running from Maidenhead, in the County of Berkshire, and Heathrow Airport, in the London Borough of Hillingdon, through central London to Shenfield, in the County of Essex, and Abbey Wood, in the London Borough of Greenwich; and for connected purposes.”

The Bill is promoted by the Secretary of State for Transport (hereinafter called “the Promoter”).

On 7 November 2006 the Promoter deposited certain amendments to the Bill, together with an additional Environmental Statement, revised plans and sections and a supplementary Book of Reference, collectively entitled “Amendment of Provisions November 2006” (hereinafter referred to as “the Additional Provision (No. 3)”).

It is respectfully submitted that the rights, interests and property of your Petitioners, and those who live and work in the London Borough of Hammersmith and Fulham (hereinafter referred to as “the Borough”), are injuriously affected by the Additional Provisions, to which your Petitioners object for reasons, amongst others, hereinafter appearing.

Your Petitioners’ concerns

Development around the Depot

Your Petitioners support the development and implementation of the Bill which will provide for a major improvement in London’s public transport networks, however your Petitioners are concerned about the proposals in Additional Provision (No. 3) relating to the relocation of the Romford Crossrail depot to Old Oak Common (the “Depot”) and the subsequent realignment of railway track between Old Oak Common and Ladbrooke Grove.

The Depot would be in the Borough and in the Park Royal regeneration area, which is shown in the London Plan as an Opportunity Area and is required to provide employment

in the Borough. The Depot would be located on a large area of land which has considerable potential for development to provide employment and housing opportunities beyond those associated with the proposed Crossrail development.

Your Petitioners believe that provision for the Depot at this location is not incompatible with such development, if the Depot is designed so that future developments can be built above it. Your Petitioners therefore request that the Promoter designs and builds the Depot to allow for and accommodate future development of the airspace above the site.

Enhanced transport links in Park Royal

Your Petitioners are disappointed that the opportunity provided by the proposals outlined in Additional Provision (No.3) to enhance the transport links in the Borough, Park Royal and the surrounding area has not been seized by the Promoter. Crossrail will run through the Borough, Park Royal and very close to Willesden Junction station without serving them. Under the proposals presently before your honourable House, the nearest Crossrail served station to the Borough will be Acton Main line, which is over a mile away from the borough boundary and provides no interchange with any other rail services.

Park Royal is the largest industrial estate in Europe spreading across three local authorities (London Boroughs of Brent, Ealing and Hammersmith and Fulham) in west London, being some 635 hectares in size. As such it provides an important source of employment for residents of the three boroughs, and employs 40,000 people, 16,000 of whom live in one of the three constituent boroughs. Your Petitioners aim to continue to promote Park Royal to protect and develop its position as the leading centre of manufacturing and commerce, providing a first class location of choice for industry and business, with all the associated services. This can only be done if the transport infrastructure supports its continued growth.

Furthermore, Park Royal is important to London as a whole. It is home to a large number of businesses which operate in the "support economy", providing much needed goods and services to those truly global firms which are the trademark of the world city. Your Petitioners submit that Crossrail not serving Park Royal is a major omission which will be

prejudicial to the locality as a centre for commerce and employment and may ultimately mean that it will lose out to business centres located closer to transport networks, in particular Crossrail.

Your Petitioners observe that Willesden Junction is a major underground, surface rail and bus interchange, being served by the West London Line, North London Line, Bakerloo Line, Watford Junction-Euston local services and five bus routes. The proposed route of Crossrail will be some 700 metres from Willesden Junction. Your Petitioners submit that the provision of a station should be considered at the Depot site, with a connection to Willesden Junction. Such a station could be at least partially funded by the development above the Depot referred to in paragraph 0 above.

Proposed car parking spaces at the Depot

Your Petitioners are concerned by the number of car parking spaces to be provided at the Depot. At some 300 spaces, this is greatly in excess of your Petitioners' Unitary Development Plan standards and those in the London Plan. Such excess provision is likely to encourage car use and dependence, creating further pressures on the existing road network within the Borough and increasing congestion.

Further, if the station referred to in paragraph 0 above were provided at the Depot it would reduce the need for car parking provisions.

Environment

Your Petitioners understand that under the Additional Provision (No.3) the Promoter intends to acquire the Canal Gasworks Nature Conservation Area (Parcel 5b) and relocate this nature reserve to adjacent land (as shown in Amendment of Provision (No.3) Environmental Statement Map W2(ii)). Your Petitioners request that rather than replacing Parcel 5b with new habitat nearby, the equivalent resources be used to improve and regenerate an existing habitat within the Borough.

Your Petitioners propose a site adjacent to another part of the proposed Crossrail works at the North Pole depot between Parcel 8a (shown on Amendment of Provision (No.3) Plan – Replacement Sheet No. 130) and the Grand Union Canal. This site is known locally as the Old Oak Common Birch Woodland, and forms part of the Grand Union Canal Area of Metropolitan Importance for nature conservation (“the GUC Area”). Allocating resources here would help your Petitioners and their management partner, Groundwork West London (“GWL”) to bring back into productive environmental educational use a neglected and now rather desolate site, which is recognised for its nature conservation value and potential in your Petitioners’ adopted Unitary Development Plan, but has suffered from a lack of available resources in recent years.

The Old Oak Common Birch Woodland currently consists of a stand of mature birch with some associated bramble, other scrub and bare ground often used for camps and fires. The ground flora is currently very poor but did still support numerous fungoid fruiting bodies in autumn 2006.

There are local project management resources available to ensure that this habitat is properly regenerated. An employee of GWL, funded through a Heritage Lottery Grant, is responsible for the development and implementation of a management plan for the site, and there is also the expertise of your Petitioners’ ecology officer to call on.

Although this site is not as close to Parcel 5b as the proposed replacement nature conservation area in Additional Provision (No. 3) your Petitioners believe that regeneration of the Old Oak Common Birch Woodland site will be more beneficial to the GUC Area and the wider area.

Your Petitioners also understand that wildlife and soft landscaping benefits for land close to the Old Oak Common Birch Woodland is currently being sought in respect of another major development in the area (within the Royal Borough of Kensington and Chelsea (“RBKC”)) which would further improve the GUC Area continuum, and minimise duplication of resources and effort. Officers from RBKC have verbally agreed to this approach following preliminary discussions. However, this has not been formally confirmed.

Conclusion

Your Petitioners submit that, in the respects mentioned above and in other respects, the Bill fails adequately to safeguard and protect the rights, interests and property of your Petitioners, and those who live and work in the Borough.

Your Petitioners therefore respectfully submit that insofar as they relate to the matters mentioned above Additional Provision (No.3) should not be inserted in the Bill and the Bill should not be allowed to pass into law in its proposed form.

YOUR PETITIONERS THEREFORE HUMBLY PRAY your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by themselves, their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of Additional Provision (No.3) as affect the rights, interests and property of your Petitioners, and those who live and work in the Borough, and in support of other such clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioners in the premises as your Honourable House shall deem meet.

AND YOUR PETITIONERS WILL EVER PRAY, &c.

BIRCHAM DYSON BELL LLP
Parliamentary Agents for:
THE COUNCIL OF THE LONDON BOROUGH OF HAMMERSMITH AND
FULHAM

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2006–07

CROSSRAIL BILL

P E T I T I O N

of

THE COUNCIL OF THE LONDON
BOROUGH OF HAMMERSMITH AND
FULHAM

Against, the Additional Provisions – On Merits
– Praying to be heard by Counsel, &c.

BIRCHAM DYSON BELL LLP

50 Broadway

Westminster

London SW1H 0BL

Parliamentary Agents

13 December 2006

SPECIAL MOTION NO. 1 – PRESTOLITE DEVELOPMENT

Standing in the names of:

- (i) Councillor Nicholas Botterill
- (ii) Councillor Lucy Ivimy

“This Council notes:

1. The Mayor of London's deplorable decision to veto the Prestolite affordable housing development on Larden Road which will deny hundreds of hard working families on modest incomes the chance to own their own homes.
2. The Mayor's shameful abuse of his powers to interfere in local planning decisions for purely political purposes, against the advice of his own officers.

This Council looks forward to the launch of the new Home Ownership Unit next month and resolves to promote low cost home ownership and shared ownership housing schemes so that more people can own a stake in their own homes.”

jpc/28/12/06

SPECIAL MOTION NO. 2 – NEIGHBOURHOOD BEAT POLICING

Standing in the names of:

- (i) Councillor Greg Smith
- (ii) Councillor Alex Chalk

“This Council welcomes the trialling of 24/7 neighbourhood beat policing in two 'test market' wards; further welcomes the introduction of accountable ward Inspectors; and anticipates decreases in crime in those wards, comparable to US cities such as New York and Chicago, of greater than ten per cent per year.”

jpc/28/12/06

SPECIAL MOTION NO. 3 – SECONDARY SCHOOL STRATEGY

Standing in the names of:

- (i) Councillor Antony Lillis
- (ii) Councillor Victoria Brocklebank-Fowler

“This Council notes:

- (1) Publication of the borough Secondary School Strategy.
- (2) The consultation on closure of Hurlingham & Chelsea Secondary School.

This Council welcomes publication of the Secondary Schools Strategy and the Administration's commitment to seek up to £116 million of Building Schools for the Future funding to transform the borough's secondary schools.”

jpc/28/12/06

SPECIAL MOTION NO. 4 – CONGESTION CHARGE ZONE

Standing in the names of:

- (i) Councillor Mark Loveday
- (ii) Councillor Belinda Donovan

“This Council notes:

1. The Mayor for London's continuing intention to expand the Congestion Charge zone westwards;
2. The massive disruption this will cause to borough residents;
3. The overwhelming opposition of the people of this borough to the westwards extension.

This Council regrets the ambivalent attitude of the previous Labour Administration towards the congestion charge zone and resolves firmly to oppose this misguided scheme.”

jpc/28/12/06

SPECIAL MOTION NO. 5 – SAFER NEIGHBOURHOODS TEAM

Standing in the names of:

- (i) Councillor Lisa Homan
- (ii) Councillor Ed Owen

“This Council welcomes the 3.4% increase in Government settlement for the London Borough of Hammersmith & Fulham, and calls for a substantial amount of the Council’s budget to be used to provide 24-hour ward police team cover, 7 days a week, in the five wards with the highest crime.”

jpc/12/01/07

SPECIAL MOTION NO. 6 – PRIMARY SCHOOL STRATEGY

Standing in the names of:

- (i) Councillor Reg McLaughlin
- (ii) Councillor Colin Aherne

“This Council notes that at the meeting held on 8 January 2007, the Cabinet decided that the consultation period for the primary school strategy should only last for three weeks.

A proposal by Labour Councillors at this meeting to extend the consultation period to 28th February 2007 was rejected.

This consultation is not urgent as any proposals arising out of it will not be implemented until 2010.

Best practice for non-urgent consultation is a minimum of three months. This enables all partners to be involved in developing a good strategy for the future of our primary schools.

This Council calls upon the Cabinet to ensure that all future consultations confirm to good practice.”

jpc/12/01/07

SPECIAL MOTION NO. 7 – HOME CARE PROVISION

Standing in the names of:

- (i) Councillor Rory Vaughan
- (ii) Councillor Michael Cartwright

“This Council regrets the decision of the Cabinet to outsource the in-house home care service, which will affect 636 elderly, vulnerable residents across the Borough and up to 166 dedicated staff. It also regrets the fact that this decision was taken without consultation with users and that it was not subject to public scrutiny. The Council therefore calls upon the Cabinet to put its outsourcing plans on hold until a full consultation with service users has taken place. Any subsequent decision should be subject to full public scrutiny.”

jpc/12/01/07

SPECIAL MOTION NO. 8 – THE MAYHEW ANIMAL HOME

Standing in the names of:

- (i) Councillor Wesley Harcourt
- (ii) Councillor Reg McLaughlin

“This Council recognises the valuable work of the Mayhew Animal Home’s community animal welfare service in LBHF and rejects suggestions that it should apply for a grant from the Council to pay the parking fees / permits for its animal ambulances. This Council agrees to follow the example of Westminster Council and calls upon the Cabinet to grant the Mayhew Animal Home parking bays for its animal ambulances.”

jpc/12/01/07

SPECIAL MOTION NO. 9 – HURLINGHAM & CHELSEA SCHOOL

Standing in the names of:

- (i) Councillor Reg McLaughlin
- (ii) Councillor Michael Cartwright

“This Council is concerned with the high number of parents choosing to have their children educated out of Borough. To reverse this, the Council will pledge to provide real choice for parents in choosing a good quality state mixed secondary school close to where they live.

To achieve this, the Council will support the parents’ and children’s request, and calls upon the Cabinet to withdraw its proposal to close Hurlingham & Chelsea School, the only mixed state secondary school in the south of the Borough, review the capacity of the school and provide the appropriate funds to enable the school to continue its excellent progress in providing good quality education for its students.”

jpc/12/01/07