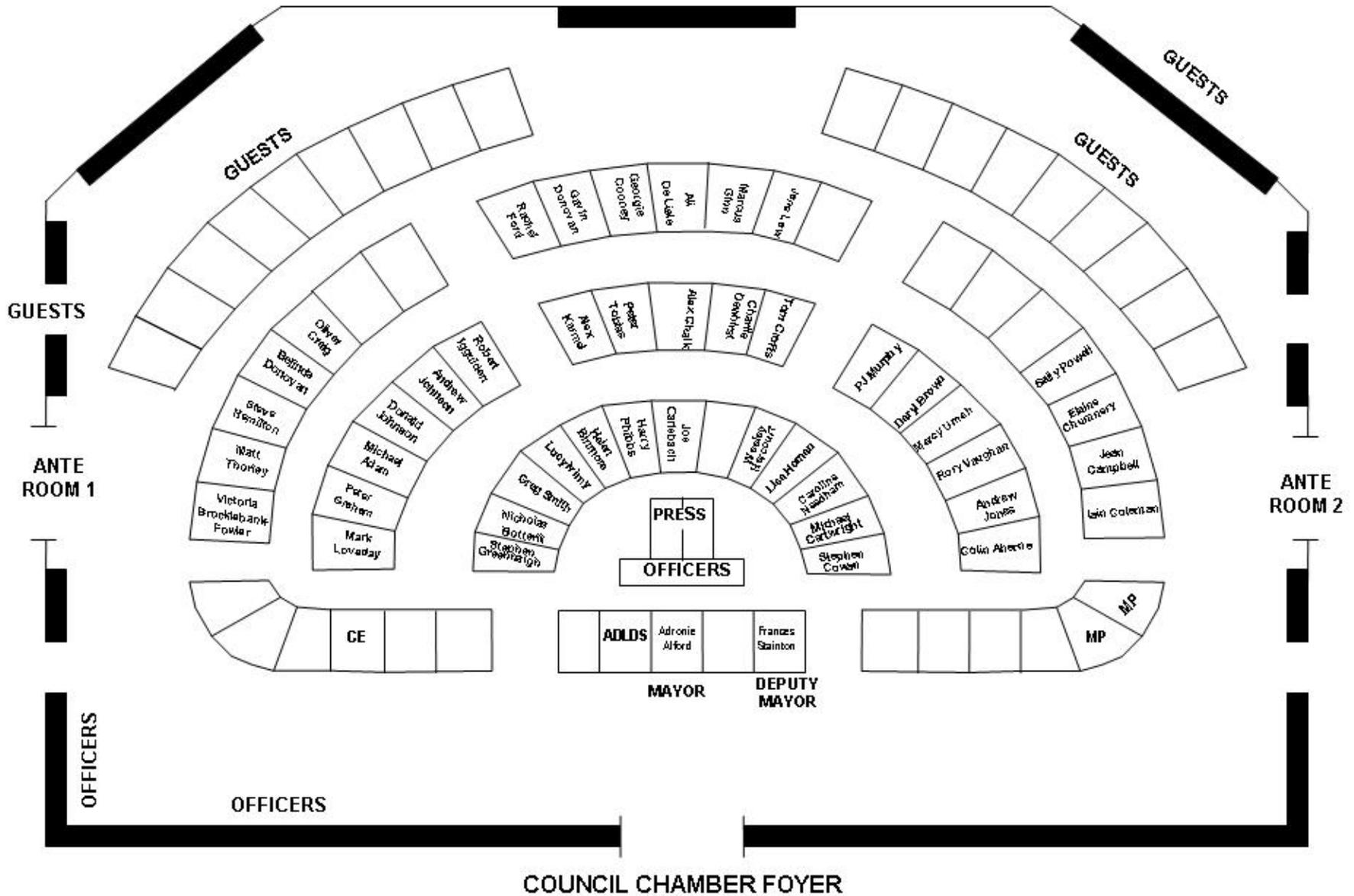


COUNCIL AGENDA

(Ordinary Council Meeting)

Wednesday 26 January 2011

COUNCIL CHAMBER SEATING 2010/11





The Mayor (Councillor Adronie Alford)
Deputy Mayor (Councillor Frances Stainton)

ADDISON

Alex Chalk (C)
Belinda Donovan (C)
Peter Tobias (C)

HAMMERSMITH
BROADWAY

Michael Cartwright (L)
Stephen Cowan (L)
PJ Murphy (L)

RAVENSCOURT PARK

Charlie Dewhirst (C)
Lucy Ivimy (C)
Harry Phibbs (C)

ASKEW

Lisa Homan (L)
Caroline Needham (L)
Rory Vaughan (L)

MUNSTER

Michael Adam (C)
Adronie Alford (C)
Alex Karmel (C)

SANDS END

Steve Hamilton (C)
Ali de Lisle (C)
Jane Law (C)

AVONMORE &
BROOK GREEN

Helen Binmore (C)
Joe Carlebach (C)
Robert Iggulden (C)

NORTH END

Daryl Brown (L)
Georgie Cooney (C)
Tom Crofts (C)

SHEPHERDS BUSH
GREEN

Iain Coleman (L)
Andrew Jones (L)
Mercy Umeh (L)

COLLEGE PARK &
OLD OAK

Elaine Chumnerly (L)
Wesley Harcourt (L)

PALACE RIVERSIDE

Marcus Ginn (C)
Donald Johnson (C)

TOWN

Oliver Craig (C)
Stephen Greenhalgh (C)
Greg Smith (C)

FULHAM BROADWAY

Victoria Brocklebank-
Fowler (C)
Rachel Ford (C)
Matt Thorley (C)

PARSONS GREEN AND
WALHAM

Nicholas Botterill (C)
Mark Loveday (C)
Frances Stainton (C)

WORMHOLT AND
WHITE CITY

Colin Aherne (L)
Jean Campbell (L)
Dame Sally Powell (L)

FULHAM REACH

Gavin Donovan (C)
Peter Graham (C)
Andrew Johnson (C)



SUMMONS

Councillors of the London Borough of
Hammersmith & Fulham
are requested to attend the
Meeting of the Council on
Wednesday 26 January 2011
at Hammersmith Town Hall, W6

The Council will meet at 7.15pm, or on the
rising of the Special Council meeting that
same evening, whichever is the later.

17 January 2011
Town Hall
Hammersmith W6

Geoff Alltimes
Chief Executive

Full Council Agenda

26 January 2011

<u>Item</u>		<u>Pages</u>
1.	MINUTES	648 - 673
	To approve and sign as an accurate record the Minutes of the Council Meeting held on 27 October 2010.	
2.	APOLOGIES FOR ABSENCE	
3.	MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS (IF ANY)	
4.	DECLARATIONS OF INTERESTS	
	If a Councillor has any prejudicial or personal interest in a particular report he/she should declare the existence and nature of the interest at the commencement of the consideration of the item or as soon as it becomes apparent.	
	At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a prejudicial interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken, unless a dispensation has been obtained from the Standards Committee.	
	Where members of the public are not allowed to be in attendance, then the Councillor with a prejudicial interest should withdraw from the meeting whilst the matter is under consideration, unless the disability has been removed by the Standards Committee.	
5.	PETITIONS	
5.1	IRISH CULTURAL CENTRE	674 - 677
	The Council has received a petition opposing the Council's proposal to consider disposing of the Irish Cultural Centre and requests it to reconsider the future of this building and its people.	
6.	PUBLIC QUESTIONS	
	The Leader/relevant Cabinet Member to reply to questions submitted by members of the public.	
	There are none.	

7. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

7.1 COUNCIL TAX BASE AND COLLECTION RATE 2011/12 678 - 684

This report contains an estimate of the Council Tax collection rate and calculates the Council Tax base for 2011/12. The Council Tax base will be used in the calculation of the Band D Council Tax undertaken in the Revenue Budget Report for 2011/12.

7.2 TREASURY MANAGEMENT MID YEAR REVIEW 685 - 693

This report provides information on the Council's debt, borrowing and investment activity up to 30 September 2010.

7.3 NEW BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES 694 - 720

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 for Parks and Open Spaces.

The report seeks a resolution by Full Council to approve a new set of byelaws based on the 'Model Set 2' before seeking provisional approval from the Department of Communities and Local Government (DCLG).

8. SPECIAL MOTIONS

To consider and determine any Special Motions:

8.1 SPECIAL MOTION 1 - COMMUNITY BASED BUDGETING 721

8.2 SPECIAL MOTION 2 - H&F HOMES 722

8.3 SPECIAL MOTION 3 - OLD OAK HS2/CROSSRAIL STATION 723

8.4 SPECIAL MOTION 4 - LOCAL HOUSING ALLOWANCE 724

8.5 SPECIAL MOTION 5 - BLOMFORTEIN ROAD ALL WEATHER FOOTBALL PITCH 725

9. INFORMATION REPORTS - TO NOTE (IF ANY)

COUNCIL MINUTES

(ORDINARY COUNCIL MEETING)

(HELD AT FULHAM TOWN HALL

WEDNESDAY 27 OCTOBER 2010



PRESENT

The Mayor Councillor Adronie Alford
Deputy Mayor Councillor Frances Stainton

Councillors:

Michael Adam	Charlie Dewhirst	Alex Karmel
Colin Aherne	Belinda Donovan	Jane Law
Helen Binmore	Gavin Donovan	Ali de Lisle
Nicholas Botterill	Rachel Ford	Mark Loveday
Victoria Brocklebank-Fowler	Marcus Ginn	PJ Murphy
Daryl Brown	Peter Graham	Caroline Needham
Joe Carlebach	Stephen Greenhalgh	Harry Phibbs
Michael Cartwright	Steve Hamilton	Greg Smith
Alex Chalk	Wesley Harcourt	Matt Thorley
Elaine Chumnerly	Lisa Homan	Mercy Umeh
Stephen Cowan	Robert Iggulden	Rory Vaughan
Oliver Craig	Lucy Ivimy	
Tom Crofts	Andrew Jones	

23. MINUTES

The minutes of the Extraordinary Council Meeting held on 16 September 2010 were confirmed and signed as an accurate record.

24. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jean Campbell, Iain Coleman, Georgie Cooney, Andrew Johnson, Donald Johnson, Dame Sally Powell and Peter Tobias. Apologies for lateness were received from Councillor Elaine Chumnerly.

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

The Mayor announced with much sadness the deaths of former Mayor and Councillor, Mr Frederick (Fred) Charles Inniss and Honorary Freeman of the borough, Mr Andrew Holmes MBE.

Councillor Wesley Harcourt paid tribute to Mr Fred Inniss.

The Council observed a minute of silence in their memory.

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

26. DECLARATIONS OF INTERESTS

The following declarations of interest were made:

- Item 5.1 Petitions: Sands End Community Centre - The Mayor declared a personal interest as she was an attendee at the Sands End Community Centre.
- Items 6.4 Question 4 – Mr Coll McDonnell and 7.4 Shepherds Bush Market Area Planning Brief – Market and Theatre Led Regeneration report:
 - The Mayor, Councillors Belinda Donovan, Michael Cartwright, Stephen Greenhalgh, Robert Iggulden, Lucy Ivimy and Alex Karmel declared personal interests as they were members of the Hammersmith and Fulham Historic Buildings Group.
 - The Mayor, Councillors Michael Cartwright, Stephen Greenhalgh, Robert Iggulden, Lucy Ivimy and Harry Phibbs declared personal interests as they were members of Hammersmith Society.
- Item 8.1 Special Motion 1 – Threshold Housing Advice - Councillor Wesley Harcourt declared a personal interest as Threshold Housing Advice was one of the key members of the organisation that he worked for and they were also a partner in a joint bid to the legal services commission with the Citizens Advice Bureau of which he was a trustee.

27. PETITIONS - SANDS END COMMUNITY CENTRE

7.15pm - The Council received a petition requesting it to “abandon its plans to sell the Sands End Community Centre which houses our library and community centre and reinvigorate the management of the centre to generate fuller use of its many facilities and thereby increase its value to the community and reduce its costs to the borough.” The petition organiser, Mr Nicholas Waldemar Brown, addressed the Council on the petition.

Councillor Greg Smith proposed that Option C to undertake research into the matter, as outlined in paragraph 2.1 of the report, be agreed by the Council.

Speeches on the petition were made by Councillors Lisa Homan, Stephen Cowan, Andrew Jones and PJ Murphy (for the Opposition) and Councillor Greg Smith responded to the comments.

Under Standing Order 15(e) (vi), Councillor Michael Cartwright moved an amendment to the report to replace the recommended Option “C” with Option “A” to take the action requested in the petition as outlined in paragraph 2.1 of the report. Councillor Lisa Homan seconded the motion and it was put to the vote:

FOR	12	(Councillors Aherne, Brown, Cartwright, Chumnerly, Cowan, Harcourt, Homan, Jones, Murphy, Needham, Umeh and Vaughan)
AGAINST	24	
ABSTENTIONS	0	

(The members of the Opposition requested that their names be recorded against their vote).

The motion was declared **LOST**.

The substantive motion was put to the vote and a roll-call was requested:

FOR	AGAINST	ABSTENTIONS
Adam	Aherne	Alford
Binmore	Brown	
Botterill	Cartwright	
Brocklebank-Fowler	Chumnerly	
Carlebach	Cowan	
Chalk	Harcourt	
Craig	Homan	
Crofts	Jones	
Dewhirst	Murphy	
B Donovan	Needham	
G Donovan	Umeh	
Ford	Vaughan	
Ginn		
Graham		
Greenhalgh		
Hamilton		
Iggulden		
Ivimy		
Karmel		
Law		
De Lisle		
Loveday		
Phibbs		
Smith		
Stainton		
Thorley		

FOR	26
AGAINST	12
ABSTENTIONS	1

The recommendation was declared **CARRIED**.

RESOLVED:

That the Council agrees to Option C to undertake research into the matter, as outlined in paragraph 2.1 of the report.

28. PUBLIC QUESTIONS (20 MINUTES)

The Mayor called on those members of the public who had submitted questions to the Leader or Cabinet Member to ask their questions. The Leader or the relevant Cabinet Member responded.

[A copy of the public questions submitted and the replies given are attached at **Appendix 2** to these minutes.]

28.1 Question 1 - Mr Jon Rowleron

7.47 pm - The Mayor called on Mr Jon Rowleron who had submitted a question to the Cabinet Member for Residents Services (Councillor Greg Smith) to ask his question. The Cabinet Member for Residents Services responded.

28.2 Question 2 - Mr Nick Bardoni

7.50 pm - The Mayor called on Mr Nick Bardoni who had submitted a question to the Cabinet Member for Children's Services (Councillor Helen Binmore) to ask his question. The Cabinet Member for Residents Services (Councillor Greg Smith) responded.

28.3 Question 3 - Ms Ann Rosenberg

7.57 pm - The Mayor called on Ms Ann Rosenberg who had submitted a question to the Cabinet Member for Community Care (Councillor Joe Carlebach) to ask her question. The Cabinet Member for Residents Services (Councillor Greg Smith) responded.

(Due to the large number of members of the public present, the meeting was adjourned for 10 minutes for those members of the public to vacate their seats in the public gallery after the items on Sands End Community Centre had been discussed. This was to allow those members of the public attending for the Shepherds Bush Market Area Planning Brief – Market and Theatre Led Regeneration report to be able to enter the gallery and listen to the discussion.)

The meeting was adjourned at 8.00pm.

28.4 Question 4 - Mr Coll McDonnell

8.10 pm - The Mayor called on Mr Coll McDonnell who had submitted a question to the Deputy Leader and Cabinet Member for Environment and Asset Management (Councillor Nicholas Botterill) to ask his question. The Deputy Leader and Cabinet Member for Environment and Asset Management responded.

29. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

29.1 Treasury Management Outturn Report 09-10

8.17pm - The report and recommendations were moved for adoption by the Leader, Councillor Stephen Greenhalgh.

The report and recommendations were put to the vote:

FOR	26
AGAINST	0
ABSTENTIONS	12

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

RESOLVED:

That the Council notes the borrowing and investment activity for the period 1 April 2009 to 31 March 2010.

29.2 Review of Statement of Licensing Policy 2010

8.18pm - The report and recommendations were moved for adoption by the Leader, Councillor Stephen Greenhalgh.

The report and recommendations were put to the vote:

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

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

RESOLVED:

That the Council approves the Council's Final Statement of Licensing Policy 2010 as set out in Appendix 1 of the report.

29.3 Sexual Establishment Venues and Sex Establishment Policy

8.19pm - The report and recommendations were moved for adoption by the Leader, Councillor Stephen Greenhalgh.

The report and recommendations were put to the vote:

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

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

RESOLVED:

- (1) That Council resolve that Schedule 3 (as amended) of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to its area and shall come into force on 1 April 2011;
- (2) That Council adopt the levels of the appropriate maximum number of sex establishments within specified areas of the borough as set out at section 6 of the final draft Sex Establishment Policy;
- (3) That Council make regulations prescribing the standard conditions applicable to sex establishments; and
- (4) That Council adopt the final draft Sex Establishment Policy.

29.4 Shepherds Bush Market Area Planning Brief - Market and Theatre Led Regeneration

8.20pm – Under Standing Order 15 (e) (ix) Councillor Cowan proposed a motion to adjourn the meeting so that this item was not considered. Councillor Cartwright seconded the motion. The motion was put to the vote and a roll-call was requested:

FOR

Aherne
Brown
Cartwright
Chumnerly
Cowan
Harcourt
Homan
Jones
Murphy
Needham
Umeh
Vaughan

AGAINST

Adam
Binmore
Botterill
Brocklebank-Fowler
Carlebach
Chalk
Craig
Crofts
Dewhirst
B Donovan
G Donovan
Ford
Ginn
Graham
Greenhalgh
Hamilton
Iggulden
Ivimy
Karmel
Law
De Lisle
Loveday
Phibbs
Smith
Stainton
Thorley

ABSTENTIONS

Alford

FOR	12
AGAINST	26
ABSTENTIONS	1

The motion was declared **LOST**.

8.28pm - The report and recommendations were moved for adoption by the Leader, Councillor Stephen Greenhalgh. An addendum to the report including additional comments resulting from the consultation was circulated at the meeting.

Speeches on the report were made by Councillors Andrew Jones, Mercy Umeh, Michael Cartwright and PJ Murphy (for the Opposition) and Councillor Stephen Greenhalgh (for the Administration).

The report and recommendations were put to the vote and a roll-call was requested:

FOR	AGAINST	ABSTENTIONS
Adam	Aherne	Alford
Binmore	Brown	
Botterill	Cartwright	
Brocklebank-Fowler	Chumnerly	
Carlebach	Cowan	
Chalk	Harcourt	
Craig	Homan	
Crofts	Jones	
Dewhirst	Murphy	
B Donovan	Needham	
G Donovan	Umeh	
Ford	Vaughan	
Ginn		
Graham		
Greenhalgh		
Hamilton		
Iggulden		
Ivimy		
Karmel		
Law		
De Lisle		
Loveday		
Phibbs		
Smith		
Stainton		
Thorley		

FOR	26
AGAINST	12
ABSTENTIONS	1

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

8.56pm - **RESOLVED:**

- (1) That the Council resolve to adopt the Shepherds Bush Market Area Planning Brief – Market and Theatre led Regeneration, October 2010 as a Supplementary Planning Document to the Council’s Unitary Development Plan 2007 (as amended); and
- (2) That the Director of Environment in conjunction with the Cabinet Member for Environment is authorised to approve any technical and other minor amendments to the submission documents before adoption.

29.5 Annual Report of the Audit Committee 2009/10

8.57pm - The report and recommendations were moved for adoption by the Leader, Councillor Stephen Greenhalgh.

The report and recommendations were put to the vote:

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

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

RESOLVED:

That the Annual Report be approved.

30. SPECIAL MOTIONS

Under Standing Order 15(e)(iii), Councillor Loveday proposed a motion that Special Motion 5 be considered before Special Motion 1, which was agreed.

30.1 Special Motion 1 - Threshold Housing Advice

8.58pm – Councillor Stephen Cowan moved, seconded by Councillor Andrew Jones, the special motion standing in their names:

"This Council regrets the likely closure of Threshold Housing Advice following the cancellation of its funding and notes that it has been helping homeless people in this Borough since 1978.

The Council recognizes the public service Threshold accomplished when it challenged the treatment of Ms. K and caused the Ombudsman to find the London Borough of Hammersmith and Fulham to have been in Maladministration. The Council notes that Threshold was also challenging the Council on two further cases while the organizations funding was under review.

This Council believes that it would be detrimental to homeless people for Threshold Housing Advice to disappear from Hammersmith and Fulham and agrees to immediately reinstate Council funding."

Speeches on the motion were made by Councillors Stephen Cowan, Andrew Jones, PJ Murphy and Lisa Homan (for the Opposition) and Councillor Lucy Ivimy (for the Administration).

The motion was put to the vote:

FOR	12
AGAINST	26
ABSTENTIONS	0

The motion was declared **LOST**.

30.2 Special Motion 5 - The Mayor, Hammersmith and Fulham

9.27pm – Due to the subject of the motion, the Mayor vacated the chair and left the meeting. The Deputy Mayor took the chair.

Councillor Colin Aherne moved, seconded by Councillor Michael Cartwright, the special motion standing in their names:

“The Council notes that at the Extraordinary Meeting of the Council on the 16th September 2010 the Mayor allowed Administration members to use their majority to stop public debates on the three Opposition Special Motions. This is the first time ever that this has happened in this borough. These motions had been legitimately placed onto the agenda for that meeting and were representing matters of concern brought to the Opposition by members of the public.

The Council notes that this unprecedented measure was proposed by the Conservative Chief Whip and agreed by all of the majority Conservative Members present. This happened despite the presence of over sixty homeless people, charity workers and other members of the public who had attended to witness these special motions being debated and voted upon.

This Council agrees that it is important that all Mayors must use the powers vested in that office to ensure that the ruling group do not abuse their powers to disregard the legitimate rights of the Opposition.

The failure of the Mayor to use these powers on the 16th September 2010 has had the consequence of Opposition Members being unable to maintain any confidence that the Mayor will act in a non-partisan manner to safeguard the democratic process at council meetings.

Finally, it is with deep regret that the Council is asked to note that the Opposition members of the authority have no confidence in the impartiality of the current Mayor as she has endangered the non-political nature of her office.”

Speeches on the motion were made by Councillors Colin Aherne and Michael Cartwright (for the Opposition) and Councillors Alex Karmel and Matt Thorley (for the Administration).

Under Standing Order 15 (e) (vi), Councillor Lucy Ivimy moved, seconded by Councillor Tom Crofts an amendment to the motion to delete all words and insert:

“This Council has full confidence in the Mayor of the London Borough of Hammersmith and Fulham.”

Speeches on the amendment were made by Councillors Lucy Ivimy, Stephen Greenhalgh, Tom Crofts and Charlie Dewhirst (for the Administration) before it was put to the vote and a roll-call was requested:

FOR

Adam
Binmore
Botterill
Brocklebank-Fowler
Carlebach
Chalk
Craig
Crofts
Dewhirst
B Donovan
G Donovan
Ford
Ginn
Graham
Greenhalgh
Hamilton
Iggulden
Ivimy
Karmel
Law
Loveday
Phibbs
Smith
Stainton
Thorley

AGAINST

Aherne
Brown
Cartwright
Chumnerly
Cowan
Harcourt
Homan
Jones
Murphy
Needham
Umeh
Vaughan

FOR	25
AGAINST	12
ABSTENTIONS	0

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

Under Standing Order 24.3 Councillor Alex Karmel moved to extend the guillotine by 10 minutes.

Councillor Colin Aherne made a speech winding up the debate before the substantive motion was put to the vote and a roll-call was requested:

FOR

Adam
 Binmore
 Botterill
 Brocklebank-Fowler
 Carlebach
 Chalk
 Craig
 Crofts
 Dewhirst
 B Donovan
 G Donovan
 Ford
 Ginn
 Graham
 Greenhalgh
 Hamilton
 Iggulden
 Ivimy
 Karmel
 Law
 Loveday
 Phibbs
 Smith
 Stainton
 Thorley

AGAINST

Aherne
 Brown
 Cartwright
 Chumnerly
 Cowan
 Harcourt
 Homan
 Jones
 Murphy
 Needham
 Umeh
 Vaughan

FOR	25
AGAINST	12
ABSTENTIONS	0

The substantive motion (as amended) was declared **CARRIED**.

10.05pm - **RESOLVED**:

This Council has full confidence in the Mayor of the London Borough of Hammersmith and Fulham.

10.05pm The Mayor re-entered the Council Chamber while the Deputy Mayor vacated the chair.

30.3 Special Motion 2 - Resolution Building Schools for the Future Urgent

10.06pm – Councillor Caroline Needham moved, seconded by Councillor Elaine Chumnerly, the special motion standing in their names:

“Labour Councillors note the devastating impact to Hammersmith and Fulham of the withdrawal of Building Schools for the Future Funding and calls on the Administration to use its influence with Central Government to restore money to implement a comprehensive building programme to enable schools to provide

accommodation fit for purpose to enhance the life chances of all children at school within our Borough.”

The motion was put to the vote:

FOR	12
AGAINST	25
ABSTENTIONS	0

The motion was declared **LOST**.

30.4 Special Motion 3 - White City Health Centre

10.07pm – Councillor Rory Vaughan moved, seconded by Councillor Colin Aherne, the special motion standing in their names:

"This Council calls on the government to confirm funding for the White City Health Centre and agrees to do all it can to speed up the completion of this important service for the people of Shepherds Bush and White City.”

The motion was put to the vote:

FOR	12
AGAINST	25
ABSTENTIONS	0

The motion was declared **LOST**.

30.5 Special Motion 4 - Change of Committee Membership

10.08pm – Councillor Mark Loveday moved, seconded by Councillor Victoria Brocklebank-Fowler, the special motion standing in their names:

"This Council agrees the following appointment under its Constitution for the rest of the Municipal Year 2010/11, effective from the day after the Council meeting:

Councillor Georgie Cooney to be replaced by Councillor Thomas Crofts on the Licensing Committee and Licensing Sub Committee.”

The motion was put to the vote:

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

The motion was declared **CARRIED**.

10.09pm – **RESOLVED:**

This Council agrees the following appointment under its Constitution for the rest of the Municipal Year 2010/11, effective from the day after the Council meeting:

Councillor Georgie Cooney to be replaced by Councillor Thomas Crofts on the Licensing Committee and Licensing Sub Committee.

31. INFORMATION REPORTS - TO NOTE (IF ANY)

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

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

Meeting started: 7.00 pm
Meeting ended: 10.09 pm

Mayor

ANNOUNCEMENTS BY
THE MAYOR

1. I am sure everyone shares my sadness to hear of the deaths of a former Councillor and Mayor. Mr Frederick (Fred) Inniss on 24th October 2010 in London and a former Honorary Freeman of the Borough, Mr Andrew Holmes MBE.

Mr Frederick Inniss, was elected as a Councillor representing College Park and Old Oak Ward from May 1988 until 1994. Mr Inniss was also appointed Mayor in May 1990 until May 1991.

Mr Andrew Holmes MBE, started rowing aged 12 at Latymer Upper School, Hammersmith. Mr. Holmes MBE, went on to become GB Rowing Champion in 1988 at the Seoul Olympics, where he won a Gold Medal. On 25th January 1989, Mr. Holmes MBE, was admitted as an Honorary Freeman of the Borough. Mr. Holmes MBE, was also Director of Furnivall Sculling Club Hammersmith.

I invite you all to stand for one minute silence in their memory.

2. On 17th September, accompanied by my Mayoress, I attended the celebration of India's Independence, Bhavan Centre, W14
3. On 18th September, accompanied by my Mayoress and Consort, I attended the Japan exhibition, Fulham Palace, SW6
4. On 18th September, accompanied by my Mayoress and Consort, I attended a tour of Palace Wharf, Rainville Road W6
5. On 18th September, accompanied by my Mayoress and Consort, I attended a tour of William Morris Society, Kelmscott House, Upper Mall, W6
6. On 18th September, accompanied by my Mayoress and Consort, I attended the St Mary's Church Open Day, Church Hall, Edith Road, W14
7. On 18th September, accompanied by my Mayoress and Consort, I attended Brook Green's Family Fun Day, event, Brook Green, W14
8. On 19th September, I was delighted to attend Fulham Brass Band open air concert on Parsons Green, Parson Green Lane, SW6
9. On 19th September, accompanied by my Mayoress, I attended an Evensong Service, in remembrance of the Battle of Britain, All Saints Church, SW6

10. On 20th September, accompanied by my Consort, I attended the Polish Gala Dinner, Rubens Palace Hotel, Buckingham Palace Road, SW1
11. On 21st September, accompanied by my Mayoress, I attended the Festival Of Architecture Designs event, Mayor's Foyer, HTH
12. On 21st September, accompanied by my Mayoress, I attended the 'Pordenone Montanaire' Italian Exhibition, Belgrave Square, SW1
13. On 22nd September, I attended celebrating diversity, Queensmill School, Clancarty Road, SW6
14. On 22nd September, I attended Reed Harris opening evening, Carnwath Road, SW6
15. On 23rd September, I attended 'Generations Together', Elizabeth Barnes Court,
16. On 23rd September, accompanied by my Mayoress, I attended Latymer Upper School Prize Giving Award ceremony, Kings Street, W6
17. On 24th September, I attended the Macmillan Cancer Support 'World's Biggest Coffee Morning', Charing Cross Hospital, W6
18. On 24th September, I attended the British Safety Council's cake sale for Macmillan Cancer Support, Chancellors Road, W6
19. On 24th September, I attended the Age Concern tea party, Greyhound Road, W6
20. On 24th September, accompanied by my Mayoress, I attended the Mayor of Camden's charity tour and concert at Kenwood House, Hampstead Lane, NW3
21. On 25th September, accompanied by both my Mayoress', I attended the start of the Great River Race in Tower Hamlets E14. I then attended a reception to mark the end of the Great River Race, Ham TW8
22. On 26th September, I attended a special Church Service, St Matthews Church, Masbro Road, W14
23. On 26th September, accompanied by my Mayoress, I attended the Maggies Teddy Bears Picnic Day, Grounds of Fulham Palace, SW6
24. On 27th September, I attended and officially opened the New Steps and Pathway along the Grand Union Canal, Scrubs Lane, W12
25. On 27th September, I attended the funeral service of Rev. Roger Thacker, the boroughs past Mayor's Chaplain, St Paul's Church

Hammersmith, W6

26. On 28th September, I attended Ealing, Hammersmith & West London College 'Celebration of Achievement Awards 2010', Ealing Town Hall, W5
27. On 1st October, I was delighted to attend the unveiling ceremony of the Peter Osgood statue, Chelsea football Club, Stamford Bridge, SW6
28. On 7th October, I attended Phoenix School's Harvest Day celebration, Bloemfontein Road, W12
29. On 7th October accompanied by my Mayoress, I attended the Private View of Fulham Palace Art Exhibition, Fulham Palace, SW6
30. On 8th October, I was delighted to attend and officially Open the White City Adventure Playground, White City Estate, W12
31. On 9th October, I attended Bishop Creighton House 'Autumn Fair, Lillie Road, SW6
32. On 9th October, I attended Britafrique Community Awards event, Assembly Hall, HTH
33. On 11th October, I visited and toured the New Academy School building, Cathnor Road, W12
34. On 13th October, I was delighted to welcome Ms Arwa Saeed of Phoenix High School, winner of 'Mayor for the Day' secondary schools' competition, which included attending a Citizenship Ceremony at FTH and a tour and lunch at Chelsea Football Club, SW6
35. On 14th October, I attended the Pre School Learning Alliance, AGM, Jazz Café, The Polish Centre, King Street, W6
36. On 14th October, I attended the RNLI Charity Comedy Night, George 1V, Chiswick High Road, W4
37. On 15th October, I attended Hestia Housing Time of Your Life event, Assembly Hall, HTH
38. On 15th October, I attended H&F Public Speaking Competition, Burlington Danes School, W12
39. On 16th October, accompanied by my Consort, I attended the opening of the New Science Library Building, Latymer Upper School, King Street, W6
40. On 17th October, accompanied by both my Mayoress' and Consort, I attended London Mayors' Association 'Annual Civic Service',

Westminster Abbey, Westminster, SW1

41. On 18th October, accompanied by my Consort, I was delighted to welcome Mr Jay Pullen of St. Augustine's RC School, winner of 'Mayor for the Day' Primary schools' competition, which included a visit to HTH Council Chamber, Mayor's Parlour, viewing of the Mayoral Insignia and a tour and lunch at Chelsea Football Club, SW6
42. On 19th October, I attended and presented certificates at the Achievement Awards Evening, Macbeth Learning Centre, Macbeth Street, W6
43. On 24th October, I was delighted to attend Ms Lily Davies 100th Birthday Celebration, The Grove Neighbourhood Centre, Bradmore Park Road, W6
44. On 27th October, accompanied by my Mayoress and Consort, I attended the Mayor of Hillingdon's tour and 70th Anniversary celebration of 'Battle of Britain', RAF Uxbridge & RAF Northolt, Ruislip, UB8

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 27 OCTOBER 2010

Question by: Mr Jon Rowleron

To the: Cabinet Member for Residents Services

QUESTION

“Question to Council regarding the proposed closure and sale of the Sands End Community Centre.

Mollie Macartney recently sent the Action Group a letter of support. Mollie Macartney is a widow of 84 and was a WREN in World War II.

Mollie Macartney writes:

"I always get a lovely welcome when I regularly go into the Library to borrow books. The personal contact is so important. I also read the newspapers as being on a limited income I find daily newspapers too expensive. I notice with dismay that the library is run down and there have been no new book purchases for some time.

PLEASE PLEASE reconsider the Council's decision to sell the Sands End Community Centre."

What words of comfort does the Council have for Mollie Macartney?"

RESPONSE

The proposal is still in the consultation stage. The consultation deadline had been extended to end on 10 November, and no decision has been taken on the Sands End Community Centre's future. The proposals have been put forward to the public which is wide known. The Council was looking at alternatives where services could be re-positioned to within the Sands End Ward. It was hoped that Mollie Macartney continued to receive a friendly smile and service wherever the Sands End library will be, whether within the community centre or within another venue in the Ward.

If the Cabinet did decide to close the community centre, it will reposition all of the Council services that are currently within that centre locally and there will still be a library, a public gym and adult learning classes in Sands End.

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 27 OCTOBER 2010

Question by: Mr Nick Bardoni

To the: Cabinet Member for Children's Services

QUESTION

"Question to Council regarding the proposed closure and sale of the Sands End Community Centre.

In the summer, referring to the proposed closure of Sands End Centre, Cllr Greg Smith stated in the Press, "If there is a massive groundswell of opinion, then of course we'll have to look at these proposals again".

Given that such a "massive groundswell" has now occurred, as evidenced by a petition of over 6000 signatures, the hundreds of comments left on iPetitions.com, the dozens and dozens of letters it has received against the proposed closure and the protest by hundreds of residents outside the Centre on 8 October; will the Council please define precisely what further conditions it considers necessary to be met in order for it to abandon this hugely unpopular proposal which, as has been surely demonstrated, runs contrary to the wishes of the overwhelming majority of voters in Sands End?"

RESPONSE

There was an open consultation on the proposals which did not end until 10 November. When the consultation was over it will be considered by Cabinet at a meeting either by the end of this year or in early 2011.

In respect of Agewell, this was a National Health Service programme which ran a table tennis club at the centre. Agewell took the decision that they wished to move that particular service for their own reasons from the Sands End Community Centre to Charing Cross Hospital, this was not a Council decision. The Council could not change situations where people who provide services in the centre or rented space wanted to leave of their own accord.

The Council would continue to engage with campaigners of Sand End, continue to look at their questions and undertake further research not just in where other facilities and services

could be repositioned to but also at the core question of the centre itself. No decision has been taken and can be taken before it has gone before Cabinet.

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 27 OCTOBER 2010

Question by: Ms Ann Rosenberg

To the: Cabinet Member for Community Care

QUESTION

“I am given to understand that in any proposed relocation of services, there must be ‘like for like’ with no diminution of services.

The pottery studio in Sands End Community Centre was custom built after being relocated from Beaufort House eight years ago. Essential equipment includes four kilns, four work benches to accommodate 16 students, two surfaces for wedging clay with storage for tools, cloths etc. 9 wheels, a pug mill, extruder, a spray booth, grinder, and large double sink for cleaning equipment with sufficient drainage to cope with waste material. There is also an area to re-claim waste clay. There is separate storage for stoneware and earthenware glazes, slips, hazardous oxides, bulk ingredients for glaze making, (some hazardous), earthenware, stoneware and other specialist clays; storage for work in progress, bisque firing and separate storage for stoneware and earthenware firing, plus storage for finished work.

The space in which all this is housed is the minimum for the range of work by the students who range from the beginner to those at professional level. There is good disabled access, and health and safety issues can be easily addressed.

This is the best equipped pottery studio in London and would certainly equal any in a university which runs a ceramics degree course.

Where do you propose to relocate the studio?”

RESPONSE

This was open to a continuing consultation. Funding for the Hammersmith and Fulham Adult Learning and Skills Service (ALSS), which organises the pottery courses at Sands End, is provided by the national funding agency, the Skills Funding Agency (SfA), this funding has been significantly reduced this year by nearly 15% and it is expected that further reductions which could be the order of 40%, will be made this coming year. If the closure of Sands End Community Centre does go ahead, the ALSS will continue to seek to provide a range of pottery courses in the borough, including those for personal interest, from

either Hurlingham and Chelsea School, another venue in Sands End or the Macbeth centre. The intention is that all the existing equipment, that can be safely be re-located, will be moved to one of those venues. However the reduction in the public subsidy for much of the present type of provision is likely to mean that the course fees will have to be significantly increased in coming years.

Officers have been working for a couple of months at looking at what could be potentially different venues for the pottery equipment and there are at least two if not three in Sands End and the potential of the Macbeth Centre.

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 27 OCTOBER 2010

Question by: Mr Coll McDonnell

To the: Deputy Leader and Cabinet Member for Environment and Asset Management

QUESTION

“Given the very strong local distress over the proposed demolition of 30-52 Goldhawk Road – expressed in the many emails to the council, our Facebook page with over 300 members, petitions and letters; the concern expressed by local groups such as the Hammersmith Society and Hammersmith and Fulham Historic Buildings Group; the fact that these shops are of historic significance being very probably the earliest shops to be built on the road; that all the shop keepers are keen to stay; and that these shops provide significant social and economic benefits from the well loved Pie and Mash shop to the important fabric shops; and finally the real danger that if we move these shops from their current context we could crush the life and community that presently thrives along the Goldhawk Road; would the council consider – in the light of all this – the possibility of the restoration rather than the demolition of this terrace as part of the regeneration of Shepherds Bush market?”

RESPONSE

Shepherds Bush Market is in urgent need of investment if it is to fulfil its undoubted potential. It is clear that the vast majority of traders and local people want to see investment in Shepherds Bush Market so it can remain the pride of Shepherds Bush. Given the constrained layout of the existing market and the opportunity to include new cultural facilities (such as a theatre use in the former library), we believe the most realistic way of achieving regeneration and securing the necessary investment is through the inclusion of the surrounding land and buildings. This will allow for the creation of a vibrant mixed use development of retail, residential and cultural activities. The regeneration area therefore includes the terrace of shops on 30 -52 Goldhawk Road as it is considered essential to deliver a number of key regeneration objectives, specifically:

- to replace the frontage buildings and market entrances with a high quality distinctive design of buildings and public realm that will enhance the town centre including a new gateway to draw visitors into the market;

- The opportunity to provide a servicing route from Goldhawk Road to service the market stalls and commercial floor space.
- The opportunity to provide an access to a new parking area to serve the market, this is a high priority for market traders. (The entrance to the site through the terrace in Pennard Road is too restricted in width to meet this objective.)

We acknowledge the strength of feeling regarding the shops on 30 – 52 Goldhawk Road and the service they provide to the local community. The draft brief already included guidance that these businesses should be re-provided within the regenerated market scheme. In response to the public consultation exercise we have strengthened the guidance advising that these businesses should be offered opportunities to relocate back to new retail premises along the Goldhawk Road frontage. The brief now states: “...*re-provision of businesses in the Goldhawk Road frontage within high quality new retail accommodation along the frontage...*(page 4, second objective)...*it is recognised that some of these businesses have an important historical place in the heart of the local community*”. (page 7, para.2.5)

While we understand the historic context of this row of shops, physically they are now generally of poor appearance and contribute little to the street scene. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance. It is unlikely that they could be refurbished and restored without significant rebuilding which would erode even further any remaining historic integrity of the terrace. Some of them are currently in a state of disrepair and it is unlikely that they will receive the kind of investment required from their private owners in the near future.



Report to Council

26 JANUARY 2011

**CABINET MEMBER
FOR RESIDENTS
SERVICES**

Councillor Greg Smith

PETITIONS: IRISH CULTURAL CENTRE

The Council has received a petition opposing the Council's proposal to consider disposing of the Irish Cultural Centre and requests it to reconsider the future of this building and its people.

WARDS

**Hammersmith
Broadway**

CONTRIBUTORS

Petitions Officer
ADLDS

RECOMMENDATION:

That officers undertake research into the matter and refer their findings to Cabinet on 7 February 2011 for consideration.

1. BACKGROUND

1.1 In July 2010, Council began a public consultation on the proposed sale of nine Council-owned buildings. The Irish Cultural Centre was one of the proposed buildings for disposals. A petition containing over 5,000 signatures from people living, working or studying in the borough was received against the proposed sale.

1.2 The Petition's prayer is as follows:-

"We the undersigned hereby express our strong opposition to the council's intention to sell the Irish Cultural Centre.

We respectfully request that you as the elected leaders of the council do everything in your power to reconsider the future of this building and its people.

Help to preserve their excellent Cultural Programme, the broad spectrum of support and services it provides, and to maintain a centre for both the Irish in London, and the large number of users from all other backgrounds".

1.3 The Petition also contained a statement which is attached at an appendix to this report.

1.4 Under the Council's Petitions Scheme, a petition attracting a minimum of 5000 valid signatures (of people who live, work or study in the borough) triggers consideration of the petition by Full Council.

1.5 A report on the H&F Buildings Consultation, including recommendations regarding the Irish Cultural Centre is due to be considered at Cabinet on 7th February 2011.

2. COUNCIL RESPONSE TO THE PETITION

2.1 In accordance with the Council's Petitions Scheme, the petition organiser (or someone he/she nominates) may address the Council for up to 5 minutes on the subject of the petition. The Council may then decide to take one or more of the following courses of action:

- a) take the action requested in the petition
- b) hold an inquiry into the matter
- c) undertake research into the matter
- d) hold a public meeting

- e) hold further consultation
- f) hold a meeting with petitioners
- g) refer the petition for consideration by the relevant Select Committee
- h) write to the petition organiser setting out its views about the request in the petition.

3. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

3.1 There are no financial implications to this report.

4. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

4.1 The petition is valid under the Council's statutory Petition Scheme under Part 1 of the Democracy Economic Development and Construction Act 2009 and falls to be considered by Council. The future of the Irish Centre is an executive decision and therefore a matter for Cabinet. Full Council may debate the issue under the Petitions Scheme and its views and recommendations will be considered by Cabinet at its next meeting.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Petitions and letters relating to The Irish Cultural Centre.	Kayode Adewumi ext. 2499	Finance and Corporate Services, Head of Councillor Services
CONTACT OFFICER		NAME: Kayode Adewumi EXT. 2499	



Irish

Cultural Centre

0208 563 8232
0208 563 8233

info@irishculturalcentre.co.uk
www.irishculturalcentre.co.uk

14th January 2011

Dear Sirs,

We respectfully request that you, as the elected leaders of the council, do everything in your power to reconsider the future of this building and the impact of your decision on the people it serves

For over 16 years the Irish Cultural Centre has been providing a wide range of educational and cultural programmes to both the local community in Hammersmith and to the wider population in London. Its services are widely used by both the Irish population in the borough and many other communities of diverse backgrounds. The Centre also offers support programmes and activities aimed specifically aimed at the elderly

The Centre provides facilities and offices for the Irish Support and Advice Service which administers to the welfare needs of the local community. The Centre also provides offices and services to the Irish Youth Foundation, another charity providing welfare needs.

Over the years of its existence it has acquired a national and international reputation as a centre of excellence in the arts and for the quality of its educational services for both children and adults. It is recognised as such by the Irish government which has provided valuable financial support to the Centre since 2007.

It has been recently visited by leading figures such as the President of Ireland, Mary McAleese, and former President, Mary Robinson, all of whom have been lavish in their praise for the activities of the Centre, its pivotal role in London and the regard in which it is held both within Britain and abroad.

Additionally, many local voluntary organisations, council departments and local bodies regularly benefit by using the Centre and its services as an easily accessible, friendly and relatively inexpensive venue.

The Council has stated that it wishes to put people and services before buildings. The loss of this building would destroy all the many services, educational, welfare and cultural, which are provided in the Centre. It would deliver a major blow to a great number of people who live and work in the borough both within the Irish and the wider communities.

We request the Council to reconsider the proposal to sell the building, or, at the very least, to adhere to the earlier agreement between the Centre and the Council to extend the lease until 2017, thereby giving the Centre a much more realistic timeframe to raise the funds required for purchase.

Jim O' Hara

Chairman - Irish Cultural Centre Hammersmith Ltd



Report to Council

26 JANUARY 2011

LEADER

Councillor Stephen Greenhalgh

COUNCIL TAX BASE AND COLLECTION RATE 2011/2012

Wards:

All

This report contains an estimate of the Council Tax collection rate and calculates the Council Tax base for 2011/12.

The Council Tax base will be used in the calculation of the Band D Council Tax undertaken in the Revenue Budget Report for 2011/12.

CONTRIBUTORS

DFCS
ADLDS

Recommendation:

That Council approve the following recommendations for the 2011-2012 financial year:

- 1) That the estimated numbers of properties for each Valuation Band, as set out in this report, be approved.**
- 2) That an estimated Collection rate of 97.5% be approved.**
- 3) That the Council Tax Base of 79,799 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 81,079 Band D equivalent dwellings, and an estimated Collection Rate of 97.5%, which resulted in a tax base of 79,052.
- 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 has reduced discounts for Second Homes and Long Term Empty properties.
- 1.4 For 2005/06 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 Council to approve the recommendations on the estimated Collection Rate and Council Tax Base for 2011/12.

3. DISCOUNTS

3.1 Second Homes

- 3.1.1 There are some 1,877 second homes in the borough. The reduction in discount from 50% to 10%, will add an additional 882 Band "D" equivalents to the taxbase for 2011/12.
- 3.1.2 Based upon 2010/11 Council Tax levels this reduction in the discount will generate income to the Council of £0.72m. 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 871 long-term empty properties and these have been reflected in the CTB1 return, which the Council provided to the DCLG on 15 October 2010. The net impact of the reduction in the discount on long term empty properties from 50% to nil, is to add an additional 492 Band D equivalents to the taxbase.
- 3.2.2 Based upon 2010/11 Council Tax levels this will generate additional income of £0.40m. Unlike the income generated from the reduction in the second homes discount the Government consider that such

additional Council Tax income should not directly benefit the Council. Accordingly, it is taken account of within the Formula (RSG) Grant process. The Government suggest that any decision regarding the long term empty property discount rate should be made for housing, rather than financial, reasons.

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 15 October 2010.
- 4.2 This return reflected the actual number of properties shown in the Valuation List as at 13 September 2010 and the Council's records as at 4 October 2010.
- 4.3 A detailed analysis of the properties in each valuation band can be summarised as follows. There are a total of 81,836 dwellings on the list with some 32,546 properties estimated to receive a sole occupier discount. The total Band "D" equivalent is approximately 81,638 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	3,227	2,597.75	6/9	1,731.8
B	Values exceeding £40,000 but not exceeding £52,000	5,534	4,487.50	7/9	3,490.3
C	Values exceeding £52,000 but not exceeding £68,000	13,891	11,161.75	8/9	9,921.6
D	Values exceeding £68,000 but not exceeding £88,000	23,344	19,878.50	9/9	19,878.5
E	Values exceeding £88,000 but not exceeding £120,000	14,503	12,763.75	11/9	15,600.1
F	Values exceeding £120,000 but not exceeding £160,000	8,839	7,869.75	13/9	11,367.4
G	Values exceeding £160,000 but not	10,500	9,567.50	15/9	15,945.8

Band	Band Size	Total Dwellings	Total after Discounts, Exemptions and Disabled Relief	Ratio	Band "D" Equivalents
H	exceeding £320,000 Values exceeding £320,000	1,998	1,851.25	18/9	3,702.5
		81,836	70,178		81,638.0

5. ADJUSTMENTS TO THE VALUATION LIST

5.1 The above table shows the valuation band position at 13 September 2010 but the Council is also required to take into account likely changes during the financial year 2011-2012. 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 321 units currently under construction on various sites in the Borough that will be added to the tax base sometime during 2011/12. It is estimated after allowing for different completion dates that this will equate to an additional 302 Band 'D' equivalents.

(ii) Banding Appeals

There have been over 9,500 appeals lodged with the valuation office in respect of initial Council Tax bandings. There are now only a small number unsettled so it is not proposed to make any adjustments for these.

(iii) Second Homes

The effect of reducing the discount for second homes from 50% to 10% from 1 April 2011, would add a further 882 Band "D" equivalents as outlined in section 3.1.

(iv) Student Exemptions

Dwellings wholly occupied by students are exempt from Council Tax. The projected Council Tax base needs to be adjusted to allow for students that have yet to prove their exemption for the new academic year. It is estimated that an adjustment of 977 Band "D" equivalents is required.

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 Council is requested to approve the

estimated numbers of properties for each valuation band as set out in the following table:

Band	Band "D" Equivalent Actual Sep't 2010	Adjustments for New Properties	Adjustments for second homes discount	Adjustments for student exemptions	Revised Band "D" Equivalents 2011/12 Forecast
A	1,731.8	0	24	-30	1,726
B	3,490.3	5	34	-38	3,491
C	9,921.6	4	89	-102	9,913
D	19,878.5	171	214	-300	19,963
E	15,600.1	85	176	-244	15,617
F	11,367.4	24	120	-146	11,365
G	15,945.8	11	171	-107	16,021
H	3,702.5	2	54	-10	3,749
	81,638	302	882	-977	81,845

6. COLLECTION RATE

- 6.1 The Council is also required to estimate its Collection Rate for 2011/12 at the same time as arriving at the estimated number of properties within the Tax Base. In arriving at a percentage Collection Rate for 2011/12, 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 preceptors' 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 2010/11 achieved to mid November 2010 is 68.7% comprising cash collection of £51.3m and Council Tax benefit of £17.0m. It is estimated that a further £20.1m (26.9%) will need to be collected by 31 March 2011 and £1.4m (1.9%) thereafter.
- 6.4 Collection performance has been calculated in order to comply with Best Value performance indicator calculations. Latest calculations for 2009/10 and 2010/11 show that the current collection rate can be continued for 2011/12. It is therefore suggested that the collection rate for 2011/12 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 5.4 above and the estimated collection rate in paragraph 6.4 above, the calculation is as follows:-

(Band D equivalents) x (Collection Rate) = (Tax Base)			
81,845	x	97.5%	= 79,799

8. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 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 23 February 2011.
- 8.2 The proposed Council Taxbase for 2011/12 of 79,799 is 747 band D equivalents higher than the 79,052 agreed for 2010/11. This will result in a net increase in forecast 2011/12 Council Tax income, for the Council, of £0.61m.
- 8.3 The Local Government and Finance Act requires that all Council Tax and non-domestic rates income is paid into a Collection Fund along with payments out regarding the Greater London Authority precept, the national pool for non-domestic rates and the contribution towards the Council's own General Fund. As at the close of 2009/10 the Fund had an underlying deficit of £0.46m. The uplift now reported in the 2010/11 Council Tax Base should address this deficit as the amount now forecast to be collected is more than that assumed within the 2010/11 Revenue Budget. Accordingly there are no plans to recover the Collection Fund deficit as part of the 2011/12 Revenue Budget process.
- 8.4 The recent 2010 Spending Review announced two new unringfenced revenue grants. Both relate to Council Tax Base data. They are:
- A Council Tax Freeze Grant. This will provide a grant equivalent to a 2.5% increase in the 2010/11 Council Tax charge. Based on these Taxbase figures this would deliver a 2011/12 grant of £1.62m.
 - A New Homes Bonus Grant. This is intended to match fund the additional Council Tax for each new home and property brought back into use, for each of the six years after that home is built. It is not yet clear how this will operate in practice. Based on the increase in the Council Tax Base the potential grant could be in the region of £0.5m-£0.6m.

More details on these schemes are expected to be released in the forthcoming weeks. Any grant award will be taken account of within the MTFFS process.

9. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL & DEMOCRATIC 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. Reducing the estimated collection rate to 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	Ground Floor Room 5 Town Hall
2.	DCLG Return CTB1 (October 2010)	S. Barrett Ext. 1053	2 nd Floor Town Hall Extension
3.	Taxbase 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



Report to Council

26 JANUARY 2011

LEADER

Councillor Stephen Greenhalgh

TREASURY MANAGEMENT MID YEAR REVIEW

This report provides information on the Council's debt, borrowing and investment activity up to 30 September 2010.

WARDS

All

CONTRIBUTORS

DFCS

RECOMMENDATIONS:

To note the Council's debt, borrowing and investment activity up to the 30 September 2010.

Treasury Management update for the six months of 2010/11

1. Introduction

- 1.1 CIPFA issued the revised Code of Practice for Treasury Management in November 2009 following consultation with Local Authorities during the summer. The revised Code suggests that members should be informed of Treasury Management activities at least twice a year. This report therefore ensures this Council is embracing Best Practice in accordance with the Chartered Institute of Public Finance and Accountancy's (CIPFA) revised Code of Practice.
- 1.2 This report covers both quarters and provides information on the Council's debt, borrowing and investment activity up to 30 September 2010.

2. Economic Background

- 2.1 The first six months of the financial year of 2010/11 saw:
 - The new coalition government enact a fiscal squeeze set to be the most severe since the end of the 1930's, through its Emergency Budget on the 22 June;
 - The labour market show some tentative signs of improvement;
 - The UK's trade position deteriorate, despite the weak pound;
 - The Monetary Policy Committee maintain Quantitative Easing (QE) and keep Bank Rate on hold at 0.5%; Quantitative easing is the purchase of government bonds or gilts by the Bank of England to increase the money supply.
 - UK GDP increase 1.2% in the second quarter of 2010 which takes the annual figure up to 1.7%
 - GDP forecast staying positive but low through 2010. Growth is expected to be slow, at a rate of just over 3% in two years time due to the extra fiscal tightening announced in the June budget;
 - US GDP grow slower than initially estimated;
 - EU growth grow at its fastest pace in more than three years, boosted by a strong performance by Germany and France;
 - UK CPI Inflation in August remain its lowest since February at 3.1%;
 - RPI remain high at 4.7% in August;
 - Public Sector Net Borrowing post a record high in August at £15.3 billion as interest payments on gilts shot up because of higher inflation;
 - British house prices rise 0.2 percent in August, confounding expectations for a decline (Halifax). It is expected that UK house prices with remain static overall in 2010;

- Nationwide report that house prices fell 0.9% in August due to a rise in the number of properties available.

3. Economic Forecast

3.1 The Council's Treasury Adviser, Sector, provides the following interest rate forecast:

Sector's Interest Rate View														
	NOW %	Sep-10 %	Dec-10 %	Mar-11 %	Jun-11 %	Sep-11 %	Dec-11 %	Mar-12 %	Jun-12 %	Sep-12 %	Dec-12 %	Mar-13 %	Jun-13 %	Sep-13 %
Sector's Bank Rate	0.50	0.50	0.50	0.50	0.50	0.75	1.00	1.25	1.50	2.00	2.50	3.00	3.25	3.25
5 yr PWLB Rate	1.96	2.20	2.20	2.20	2.40	2.60	2.80	3.00	3.30	3.60	3.80	4.10	4.40	4.40
10 yr PWLB	3.19	3.30	3.30	3.30	3.40	3.70	3.90	4.00	4.30	4.40	4.60	4.60	4.90	4.90
25 yr PWLB	4.09	4.20	4.20	4.30	4.30	4.40	4.50	4.70	4.70	4.80	5.00	5.00	5.00	5.00
50 yr PWLB	4.10	4.20	4.20	4.30	4.30	4.40	4.50	4.70	4.70	4.80	5.00	5.00	5.00	5.00

- The forecast is based on moderate economic recovery and moderate Monetary Policy Committee concerns about inflation looking 2 years ahead
- The first Bank Rate increase is expected to be in the quarter ending September 2011;
- Long term Public works loans Board (PWLB) rates are expected to steadily increase to reach 5% by the end of 2012 due to high gilt issuance, reversal of Quantitative Easing and investor concerns over inflation;
- The double dip recession worries have eased slightly in the UK but the economy is still fragile.
- There is considerable uncertainty in all forecasts due to the difficulties of forecasting the timing and amounts of QE reversal, the fiscal effect of a general election, speed of recovery of banks profitability and balance sheet position, changes in the consumer saving ratio, rebalancing of the UK economy in terms of export and import etc;
- Inflation is expected to fall below 2% in two years time even if interest rates remain at their record low.

4. Treasury Management Strategy Statement:

4.1 Annual Investment Strategy:

The Treasury Management Strategy for 2010/11 was approved by Council on 24 February 2010. The Council's Annual Investment Strategy, which is incorporated in the overall strategy, outlines the Council's investment priorities as follows:

- Security of Capital
- Liquidity

The Council will also aim to achieve the optimum return on investments commensurate with the proper levels of security and liquidity. In the current economic climate it is considered appropriate to keep investments short term, and only invest with highly credit rated financial institutions using the Sector suggested creditworthiness matrices, including Credit Default Swap overlay information provided by Sector.

4.2 A full list of investments held as at 30 September 2010 are as follows:

Money Market Fund	Principal £'m	Interest Rate	Start Date	Maturity Date
Primerate	10	0.81%		Call
Insight	6.3	0.61%		Call
Bank				
National Westminster Bank	30	0.85%		Call
Thurrock Council	4	0.48%	19/05/10	19/10/10
Barclays Bank	10	1.44%	20/11/09	19/11/10
Lloyds Bank	5	1.82%	20/11/09	19/11/10
NatWest Bank	5	0.91%	19/05/10	19/11/10
Thurrock Council	5	0.48%	24/05/10	24/11/10
Lloyds Bank	5	1.50%	21/04/10	21/01/11
Lloyds Bank	5	1.82%	28/01/10	27/01/11
Lloyds Bank	5	1.84%	20/05/10	19/05/11
Lloyds Bank	5	1.84%	30/06/10	02/06/11
Lloyds Bank	5	2.05%	04/08/10	03/08/11
Total Investments	100.3			

- 4.3 Officers can confirm that the approved limits within the Annual Investment Strategy was not breached during the first half of 2010/11.

As illustrated in the interest rate section above, investment rates available in the market are at an historical low point. These funds were available on a temporary basis, and the level of funds available was mainly dependent on the timing of precept payments, receipt of grants and progress on the Capital Programme. The table below shows that the authority outperformed the benchmark by 0.54%.

Benchmark	Benchmark Return Average Rate as at 30/09/10	Council Performance as at 30/09/10
7 days	0.42%	0.96%

5. Outstanding Debt and Investments

- 5.1 This table shows the Council's outstanding debt and investments at 30 September 2010 compared to 31 March 2010.

	31 March 2010		30 September 2010	
	000's		000's	
	Principal	Ave. Rate		Ave. Rate
Fixed Rate PWLB	475,520	5.93%	475,520	5.75%
Variable Rate PWLB	Nil		Nil	
Market & Temporary Loan	Nil		Nil	
Total Loans	475,520		475,520	
Total Investments	137,000	1.24%	100,300	0.96%
Net Borrowing	338,520		375,220	

5.2 Breakdown of Debt

	31 March 2010		30 September 2010 (Estimate)
HRA	404,634		409,732
GF	70,886		65,788
Total Debt	475,520		475,520

5.3 Variation on Investment Balances

It is quite usual for cash balances to fluctuate daily but in the first six months there was a payment to the DCLG of £30 million relating to Non Domestic Rates which has resulted in a reduction in overall cash balances.

6. Prudential Indicators

6.1 This section shows the Council's position against the prudential indicators for 2009/10 agreed by Council in February 2009.

6.2 It is a statutory duty under Section 3 of the Local Government Act 2003 and supporting regulations for the Council to determine and keep under review how much it can afford to borrow. The amount so determined is termed the "Affordable Borrowing Limit" or "Authorised Limits". In England and Wales the authorised limits represent the legislative limits specified in Section 3 of the Local Government Act 2003.

The Council must have regard to the Prudential Code when setting the Authorised Limit, which essentially requires it to ensure that total capital investment remains within sustainable limits and, in particular, that the impact upon its future council tax and council rent levels is 'acceptable'.

Whilst termed an "Authorised Limit", the capital plans to be considered for inclusion incorporate financing by both external borrowing and other forms of liability, such as credit arrangements.

6.3 Limits to Borrowing Activity

a) The Authorised Limit – This represents the maximum amount the Council may borrow at any point in time in the year. It has to be set at a level the Council considers "prudent" and it needs to be set and revised by members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable and encompasses borrowing for temporary purposes. It is not a limit that is designed to be brought into consideration during the routine financial management of the authority. That is the purpose of the Operational Boundary.

b) The Operational Boundary – This indicator is the focus of day to day treasury management activity within the authority. It is a means by which the authority manages its external debt to ensure that it remains

within the self imposed Authorised Limit. Sustained breaches of the Operational Boundary would give an indication that the authority may be in danger of stepping beyond the Prudential boundaries it has set itself.

6.4 Interest Rate Exposures

Interest rate risk management is a top priority for local authority management. While fixed rate borrowing and investment can contribute significantly to reducing the uncertainty surrounding future interest rate scenarios, the pursuit of optimum performance may justify, or even demand, retaining a degree of flexibility through the use of variable interest rates on at least part of a treasury management portfolio. This is a best practice approach to treasury management and is to be encouraged to the extent that it is compatible with the effective management and control of risk.

- a) Upper Limit on fixed rate exposure – This indicator identifies a maximum limit for fixed interest rates based upon the debt position net of investments.
- b) Upper Limit on variable rate exposure – This indicator identifies a maximum limit for variable interest rates based upon the debt position net of investments.
- c) Total principal funds invested for periods longer than 364 days – These limits are set to reduce the need for early sale of an investment, and are based on the availability of investments after each year-end.
- d)

	2010/11 Limit	30 September 2010 Actual
	000's	000's
Authorised Limit for external debt	506,991	375,220
Operational Limit for external debt	490,450	375,220
Limit of fixed interest rate based on net debt	493,000	375,220
Limit of variable interest rate based on net	98,000	Nil

debt		
Principal sum invested >364 days	20,000	Nil

- 6.5 Maturity structure of borrowing – This indicator is designed to be a control over an authority having large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates. It is not necessary to include variable rate debt because local authorities do not face substantial refinancing risks.

Maturity structure of fixed rate borrowing during 2010/11

	Upper Limit	Lower Limit	Actual
Under 12 months	15%	0%	0.00%
12 months and within 24 months	15%	0%	0.00%
24 months and within 5 years	60%	0%	9.14%
5 years and within 10 years	75%	0%	16.57%
10 years and above	100%	0%	74.29%

7. Comments of the Director of Finance and Corporate Services

- 7.1 The comments of the Director of Finance and Corporate Services are contained within this report.

8. Comments of the Assistant Director (Legal and Democratic Services)

- 8.1 The statutory requirements are set out in the body of the report.

9. Comments of the Audit and Pensions Committee

- 9.1 The Audit and Pensions Committee considered this report at its meeting on 9 December 2010.

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

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1	Borrowings and Investments Ledger	Rosie Watson Ext. 2563	Room 4 Hammersmith Town Hall
2	CIPFA-Prudential Code - Accounting for Capital Finance	Rosie Watson Ext. 2563	Room 4 Hammersmith Town Hall
3	Various Economic commentaries	Rosie Watson Ext. 2563	Room 4 Hammersmith Town Hall



Report to Council

26 January 2011

LEADER

Councillor Stephen Greenhalgh

Cabinet Member for Residents Services

Councillor Greg Smith

NEW BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

All Wards

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 for Parks and Open Spaces.

The report seeks a resolution by Full Council to approve a new set of byelaws based on the 'Model Set 2' before seeking provisional approval from the Department of Communities and Local Government (DCLG).

CONTRIBUTORS

RSD - Parks and Culture
FCS- Legal Services

RECOMMENDATIONS:

That Council resolves to:

- (1) Approve the new model Byelaws (as set out in Appendix 1); and
- (2) Authorise the Assistant Director (Legal and Democratic Services) to apply to the Secretary of State for the Department of Communities and Local Government for provisional approval of the proposed byelaws.

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. However due to the unenforceable nature of many of the byelaws, and also omissions of a number of sites, the Council's current byelaws are becoming increasingly more obsolete and unenforceable.
- 1.2 Since 2004 the Council has been reviewing the appropriateness of other byelaws and in 2005 following internal consultation with community safety, legal and environment services it was concluded that the Office of the Deputy Prime Minister (ODPM) (now the Department of Communities and Local Government (DCLG)) model set 2 (relating to Parks and Open Spaces) would meet the needs of the Council, address the local issues in the borough and therefore are being recommended for approval by Full Council.

2. PROCEDURE FOR ADOPTING MODEL SET OF BYELAWS

- 2.1 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 or approving new byelaws still remains with the Secretary of State.
- 2.2 Therefore, until authority has been passed to local councils the following procedure for approval applies:
 - Council amends model set byelaws where appropriate with consent from DCLG.
 - Council to consult relevant impacted stakeholders to evidence the need for proposed byelaws to be adopted.
 - Full Council resolves to approve draft byelaws and apply for provisional approval from the Secretary of State for Communities and Local Government.
 - Council seeks provisional approval from the Secretary of State (SOS) for Communities and Local Government.
 - Following approval from SOS, a Full Council is required to seek a resolution to adopt the byelaws, under common seal, subject to confirmation from the SOS.
 - A formal notice will then be advertised for at least another month. A copy of the byelaws must be held on deposit at the offices of the Council for inspection by the public.
 - Following this deposit period an application to DCLG is forwarded with the sealed byelaws for confirmation. The Secretary of State will then fix a date when the byelaws come into force.

Throughout the process the DCLG does expect that the Council continues to consult its residents and objections received by them will be sent to officers for comment.

Appropriate signage will be commissioned at all sites to enable enforcement of byelaws.

3. SCOPE OF DCLG MODEL BYELAWS

- 3.1 The model byelaws can only be applied to parks and open spaces managed by the local authority and disused burial grounds. This therefore excludes active cemeteries (Fulham Cemetery) as well as local nature reserves (e.g. part of Wormwood Scrubs is a designated Local Nature Reserve).
- 3.2 Specific reference to dog related issues is not included in the byelaws. This is because the byelaws should not replicate existing primary legislations such as Dog Control Orders or Environmental Protection Act which already provide sufficient legislation for addressing many dog related issues.
- 3.3 The DCLG model set byelaws are restrictive regarding the extent of amendments possible with all changes requiring approval by DCLG. If extensive changes are made it is most likely that these would not be accommodated by DCLG and a more bespoke set of byelaws would need to be developed.

4. WHY USE MODEL BYELAWS

- 4.1 The process of adopting model byelaws is effectively a 'fast track' approval process that minimises the potential challenges that bespoke byelaws may raise. The legality and applicability of each byelaw have already been reviewed by DCLG.
- 4.2 Where there are specific local issues, Local Authorities should consider devising more locally specific byelaws. It should be noted that the current Model Set of Byelaws is a product of national consultation and has taken into account many of the issues councils had difficulty addressing that fall outside primary legislation. This has resulted in the extension of the byelaws from No.33 to 47.

5. PROPOSED CHANGES AND ADDITIONS

- 5.1 The proposed changes to the byelaws may have an impact on how the public are able to use the sites covered under the proposed new byelaws. The following details the key changes proposed:
 - **New Byelaws in relation to the protection of wildlife, gates, camping, fires, missiles, interference with life-saving equipment, horses, overnight parking, cricket, archery, golf, bathing, ice skating, model boats, fishing, public shows and performances, kites and metal detectors (respectively byelaws numbered 8, 9, 10, 11, 12, 13, 15, 18, 26, 27, 28, 30, 31, 32, 33, 41, 42, and 43)**
 - **Updated list of areas to which the new byelaws apply (Schedule 1):** As per the existing byelaws, plus inclusion of the following additional open spaces to be covered by new byelaws:
Bayonne Road, Godolphin Road, Loris Gardens, Mitre Bridge Public Open Space, Norland North Park, Old Oak Sidings Birch Woodland and White City play area.
 - **Updated list of areas to which byelaw number 3 in respect of opening times apply (Schedule 2 Part 1. Opening Times for Parks):** as per the existing byelaws, plus additional open spaces: All Saints' Church Gardens,

Brook Green children's play area, Maxwell Road play area, Norland North Park, Ravenscourt Park, St Paul's Church (Hammersmith Road) and White City play area.

- **New Schedule 2 Part 2. No Ball Games:** This refers to Byelaw 23 (1). Although ball games were prohibited in existing byelaws for certain sites, there is a further additional open space, Frank Banfield Park, where balls are to be prohibited in the proposed byelaw.
- **Updating byelaws (numbered 35-37) in respect of model aircraft and New Schedule 2 Part 3. Model aircraft:** a more restrictive regime of flying hours is now proposed for Wormwood Scrubs 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 25,** updates rules for Ball games in designated areas.

6. CONSULTATION AND REVIEWS

- 6.1 The adoption of the model byelaws has been subject of a number of reviews since 2004. The Cleaner and Greener Scrutiny Committee meeting on 4 September 2006 resolved that Full Council should approve the adoption of the proposed byelaws subject to a number of recommendations that have now been incorporated into the byelaws, where permissible by DCLG.
- 6.2 Parks Development has been working closely with Parks Constabulary section to ensure the appropriateness of the new model byelaws.
- 6.3 The Council has consulted key park stakeholders and conducted a borough wide public consultation in the Autumn of 2010. The following main concerns were raised:
- Flying kites and land kite boarding – new byelaws considered too restrictive on types of flying aircraft or kites permitted and the hours of flying allowed – proposed byelaws are more comprehensive to include previously excluded airborne objects and to limit their risk to the public.
 - Absence of Dog controls and management in new byelaws – proposed byelaws does not duplicate primary legislation which already provide measures for addressing dog related issues.
 - Cycling in parks remains contentious as to whether more or less restrictions should apply – the proposed byelaws only permit cycling in designated areas and routes but are flexible to be able to change them according to need and circumstances according to designation.
- 6.4 A summary of all the main comments received are provided in Appendix 2 and the Council's response to the issues raised and actions to resolve them where possible.
- 6.5 Consent has also been acquired from land owners for sites managed by the Council as part of the consultation process.

7. COMMENTS OF THE CLEANER AND GREENER SCRUTINY COMMITTEE

7.1 The Cleaner and Greener Scrutiny Committee at its 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;
- Brook Green listed in Schedule 1 ('Grounds to which byelaws apply generally') also includes Little Brook Green.

7.2 The current byelaws retain the permitted hours for flying model aircraft on part of Wormwood Scrubs. There are potential conflicts with other uses on the Scrubs (especially football and training by the Ministry of Defence's Kings Troop). However, Royal Society Of Prevention of Accidents, who conducted a risk assessment, recommended that the schedule of permitted hours is satisfactory and also proposed that only members of flying clubs authorised by the Council and with adequate public liability insurance should be permitted to fly planes. These additional conditions have been reviewed and the Council has begun discussion to establish a flying club on the scrubs but consider that membership of the club is not mandatory.

8. RISK MANAGEMENT IMPLICATIONS

8.1 The adoption of the byelaws will reduce many of the risks involved in managing and enforcing anti-social behaviour (ASB) and crime in parks and open spaces. Clearer and enforceable restrictions can be applied which have developed through national consultation. It should be recognised that the model byelaws does not address all present or foreseeable issues relating to ASB. These will need to be addressed on a local basis and proportionately within either existing legal framework or by locally developed byelaws where necessary.

9. CONCLUSION

9.1 The current byelaws are in need of an update: primary legislation has changed making some of the byelaws obsolete, a number of new sites are now managed by the Council, and they also do not provide adequate provisions to safeguard the borough's public open spaces and users. Although the model set byelaws may not comprehensively address all issues they provide the 'best fit' solution.

9.2 The model byelaws takes into consideration recent changes to primary legislation that affect environmental protection and other related open space regulatory matters. It provides a practical set of governance which all agencies tasked with enforcing them can apply. Therefore it is recommended that the new byelaws are approved by Full Council.

10. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 10.1 Should the proposals outlined in this report be agreed, appropriate signage will need to be commissioned at all sites to enable enforcement of these byelaws. The cost of replacing and installing the byelaws signage has been included in the parks signage replacement project totalling £136k across all parks in the borough. This has been fully provided for within the overall existing parks capital programme, for which there is £0.5m funding available for each of the years 2010/11 – 2014/15.
- 10.2 No other financial liability is anticipated.

11. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 11.1. The decision to adopt new and revoke existing byelaws must be made by Full Council. The procedure is set out at paragraph 2.2 of the report. Following Council approval and provisional approval from the Secretary of State for the Department of Communities and Local Government, the Council will need to make a further resolution to adopt the byelaws subject to confirmation from the Secretary of State.
- 11.2. The Council is empowered to make these byelaws for the regulation of and admission to the open spaces and burial grounds and for the preservation of order and prevention of nuisances. Government guidance advises that byelaws should only be made to address an existing problem.

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

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	LBHF Model Pleasure ground, Public Walks, and open spaces byelaws	Paul Bassi xtn 2599	Parks and Culture

Responsible officer: Paul Bassi/77 Glenthorne Road London/ 0208 753 2599./e-mail address: paul.bassi@lbhf.gov.uk

Appendix 1

Report to Council

26th January 2011

New Byelaws for Pleasure Grounds, Public Walks and Open Spaces

London Borough of Hammersmith & Fulham

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

ARRANGEMENT OF BYELAWS

PART 1

GENERAL

1. General interpretation
2. Application
3. Opening times

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

4. Protection of structures and plants
5. Unauthorised erection of structures
6. Climbing
7. Grazing
8. Protection of wildlife
9. Gates
10. Camping
11. Fires
12. Missiles
13. Interference with life-saving equipment

PART 3
HORSES, CYCLES AND VEHICLES

- 14. Interpretation of Part 3
- 15. Horses - Horse riding prohibited except in certain grounds (subject to
bridleway, etc)
- 16. Cycling
- 17. Motor vehicles
- 18. Overnight parking

PART 4
PLAY AREAS, GAMES AND SPORTS

- 19. Interpretation of Part 4
- 20. Children's play areas
- 21. Children's play apparatus
- 22. Skateboarding, etc - Skateboarding, etc permitted only in designated area
- 23. Ball games - Prohibition of ball games
- 24. Ball games - Ball games permitted throughout the ground but designated area
for ball games also provided
- 25. Ball games - Rules
- 26. Cricket
- 27. Archery
- 28. Golf - Prohibited

PART 5
WATERWAYS

- 29. Interpretation of Part 5
- 30. Bathing
- 31. Ice skating
- 32. Model boats
- 33. Fishing
- 34. Pollution

PART 6
MODEL AIRCRAFT

- 35. Interpretation of Part 6

- 36. Model aircraft - General prohibition
- 37. Model aircraft permitted in certain grounds on specified days and at specified times
- 38. Model aircraft permitted in designated areas

PART 7

OTHER REGULATED ACTIVITIES

- 39. Provision of services
- 40. Excessive noise
- 41. Public shows and performances
- 42. Kites
- 43. Metal detectors

PART 8

MISCELLANEOUS

- 44. Obstruction
- 45. Savings
- 46. Removal of offenders
- 47. Penalty
- 48. Revocation - General

SCHEDULE 1 - Grounds to which byelaws apply generally

SCHEDULE 2 - Grounds referred to in certain byelaws

SCHEDULE 3 - Rules for playing ball games in designated areas

Byelaws made under section 164 of the Public Health Act 1875 and sections 12 and 15 of the Open Spaces Act 1906 by the London Borough of Hammersmith & Fulham with respect to pleasure grounds, public walks and open spaces.

PART 1 GENERAL

General Interpretation

1. In these byelaws:

“the Council” means the London Borough of Hammersmith & Fulham;

“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;

“the ground” means any of the grounds listed in Schedule 1;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (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.

Application

2. These byelaws apply to all of the grounds listed in Schedule 1 unless otherwise stated.

Opening times

3. (1) No person shall enter or remain in the ground except during opening hours.

(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.

(3) Byelaw 3(1) applies only to the grounds listed in Part 1 of Schedule 2.

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants

4. (1) No person shall without reasonable excuse remove from or displace within the ground:
 - (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 ground; or
 - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.
- (2) No person shall walk on or ride, drive or station a horse or any vehicle over:
 - (a) any flower bed, shrub or plant;
 - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
 - (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.

Unauthorised erection of structures

5. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

Climbing

6. 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.

Grazing

7. 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.

Protection of wildlife

8. 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 snares.

Gates

9. (1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.

(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.

Camping

10. 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.

Fires

11. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.

(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.

Missiles

12. 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.

Interference with life-saving equipment

13. 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.

PART 3

HORSES, CYCLES AND VEHICLES

Interpretation of Part 3

14. In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its 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.

Horses.

15. (1) No person shall ride a horse except:
- (a) in any of the grounds listed in Part 2 of Schedule 2; or
 - (b) in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted in any ground by virtue of byelaw 15(1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Cycling

16. 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.

Motor vehicles

17. 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.

Overnight parking

18. 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.

PART 4

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

19. In this Part:

“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.

Children’s play areas

20. 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.

Children’s play apparatus

21. 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.

Skateboarding, etc

22. (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 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.

Ball games

23. (1) No person shall play ball games in the grounds listed in Part 3 of Schedule 2.

24. No person shall play ball games outside a designated area for playing ball games in such a manner:

- (a) as to exclude persons not playing ball games from use of that part;
- (b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or

- (c) which is likely to cause damage to any tree, shrub or plant in the ground.
25. 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.

Cricket

- 26 No person shall throw or strike a cricket ball with a bat except in a designated area for playing cricket.

Archery

27. 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.

Golf

28. No person shall drive, chip or pitch a hard golf ball.

PART 5
WATERWAYS

Interpretation of Part 5

29. In this Part:

“power-driven” means driven by the combustion of petrol vapour or other combustible substances;

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

Bathing

30. No person shall without reasonable excuse bathe or swim in any waterway except in a designated area for bathing and swimming.

Ice skating

31. No person shall step onto or otherwise place their weight upon any frozen waterway.

Model boats

32. No person shall operate a power-driven model boat on any waterway.

Fishing

33. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals.

Pollution

34. No person shall foul or pollute any waterway.

PART 6
MODEL AIRCRAFT

Interpretation of Part 6

35. In this Part:

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

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (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
- (c) one or more electric motors or by compressed gas.

“radio control” means control by a radio signal from a wireless transmitter or similar device.

General prohibition

36. No person shall cause any power-driven model aircraft to:

- (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.

Model aircraft permitted in certain grounds on specified days at specified times

37. Byelaw 36 does not apply to the grounds listed in column 1 of the table in Part 4 of Schedule 2 on the days and times indicated for each ground in column 2 of that table.

Model aircraft permitted in designated areas

38. No person shall cause any power-driven model aircraft to:

- (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;

other than in a designated area for flying model aircraft.

PART 7

OTHER REGULATED ACTIVITIES

Provision of services

39. No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

Excessive noise

40. (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:
- (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.
- (2) Byelaw 40(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public shows and performances

41. No person shall without the consent of the Council hold or take part in any public show or performance.

Kites

42. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

Metal detectors

43. 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.

PART 8

MISCELLANEOUS

Obstruction

44. No person shall obstruct:
- (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.

Savings

45. (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.
- (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.

Removal of offenders

46. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

Penalty

47. 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.

Revocation

48. The byelaws made by the London Borough of Hammersmith and Fulham on 20th April 2000 and confirmed by the Secretary of State for the Home Office on 29th June 2000 relating to the ground are hereby revoked.

SCHEDULES

SCHEDULE 1

GROUND TO WHICH BYELAWS APPLY GENERALLY

The grounds referred to in byelaw 2 are:

All Saints Church Gardens, London SW6
Bayonne Park - Hammersmith London W6
Bentworth Open Space, London W12
Berestede Open Space, Hammersmith, London W6
Bishop's Park, Fulham Palace Rd, London SW6
Brook Green , London, W6
Cathnor Park, London W12 9HZ
Dalling Road Open Space, London W6
Edith Road Open Space, London W14
Eel Brook Common, London SW6
Frank Banfield Park, London W6 9PL
Fulham Palace Grounds, Fulham Palace Rd, London SW6
Furnivall Gardens, Hammersmith, London W6 9DJ
Godolphin Road Open Space, London W12
Grand Union canal site 3, London NW10
Great West Road Open Spaces, London W6
Gwendwr Gardens, London W14
Gwendwr Road Open Space, London W14
Hammersmith Park, South Africa Rd, London W12
Hurlingham Park, London SW6
Lillie Road Recreation Ground, Fulham Palace Rd London SW6
Little Wormwood Scrubs, London W10
Loris Road Community Gardens and Open Spaces, London W6
Marcus Garvey Park, London W14 8XS
Margravine Gardens, London W6 8LL
Maxwell Road Open Space, London SW6
Mitre Bridge Park, London NW10
Norland North Open Space, Shepherds Bush, London W11
Normand Park , London SW6 7QA
North Pole Road Open Space, London W10 6BA

North Verbena Gardens, London W6
Novotel Podium, London, W6 8PN
Parsons Green, London SW6
Purcell Crescent Recreation Ground, Fulham, London SW6
Ravenscourt Park, Hammersmith, London W6 0TW
Richmond Way Open Space, London W12
Rowberry Mead, Open Space, London SW6 6PE
Sands Wharf Open Space, London SW6
Shepherd's Bush Common, Shepherds Bush, London W12
Silver Birch Sidings – NW10
South Park, Fulham, London SW6
St Andrew's Church Gardens, London W14
St John's Churchyard, London SW6 1PB
St Mary's Churchyard, Hammersmith Road, London W14
St Paul's Garden & Open Space, Hammersmith Road, London W14
St Paul's Church (the grounds of St Paul's Church) & Green, London W6 9PJ
St Peter's Churchyard, London W6 9BE
St Peter's Square, London W6 9AB
Starch Green, London W12
Stevenage Park, Fulham London SW6
Upper Mall Open Space, London W6
Wendell Park, London W12
Westcroft Square, London W6
White City Playground, White City Estate, London W12 7DE
William Parnell Park, London SW6
William Powell Almshouse - SW6
Woodman Mews Open Space – W6 0LJ
Wormholt Park, White City, London W12
Wormwood Scrubs, Wood Lane, London W12

SCHEDULE 2

GROUPS REFERRED TO IN CERTAIN BYELAWS

PART 1

OPENING TIMES (BYELAW 3(1))

All Saints Church Gardens, London SW6
Bishop's Park, Fulham Palace Rd, London SW6
Brook Green children's play area, Brook Green, London W14
Eel Brook Common children's play area, Eel Brook Common London SW6
Fulham Palace Grounds, Fulham Palace Rd, London SW6
Gwendwr Gardens, London W14
Hammersmith Park, South Africa Rd, London W12
Hurlingham Park, London SW6
Lillie Road Recreation Area, Fulham Palace Rd, London SW6
Margravine Gardens, London W6 8LL
Maxwell Road play area, Maxwell Road Open Space, London SW6
Norland North Open Space, Shepherds Bush, London W11
Normand Park – lockable areas, Normand Park, London SW6 7QA
Purcell Crescent Recreation Ground, Fulham, London SW6
Ravenscourt Park, Hammersmith, London W6 0TW
Rowberry Mead Open Space, London SW6 6PE
South Park, Fulham, London SW6
St. Paul's Church (the grounds of St Paul's Church) & Green, London W6 9PJ
St. Paul's Garden & Open Space, Hammersmith Road, London W14
St. Peter's Square, London W6 9AB
Wendell Park, London W12
Westcroft Square, London W6
White City Playground, White City Estate, London W12 7DE
William Parnell Park, London SW6
Wormholt Park, White City, London W12

PART 2

HORSE-RIDING PROHIBITED EXCEPT IN CERTAIN GROUNDS (SUBJECT TO
BRIDLEWAY, ETC) (BYELAW 15(1)(a))

Wormwood Scrubs, Wood Lane, London W12

PART 3

NO BALL GAMES (BYELAW 23(1))

Fulham Palace Grounds, Fulham Palace Rd, London SW6
 The Peace Garden, Bishop's Park, Fulham Palace Rd, London SW6
 The Disused Burial site at Furnivall Gardens, Hammersmith, London W6 9DJ
 Gwendwr Gardens, London W14
 Frank Banfield Park, London W6 9PL

PART 4

USE OF MODEL AIRCRAFT PERMITTED ON SPECIFIED DAYS AT SPECIFIED TIMES (BYELAW 37)

<i>Name or description of ground</i>	<i>Days and times at which use of model aircraft is permitted</i>
Wormwood Scrubs – designated area	Monday – 1pm to 7.30pm Tuesday – 9am to 6pm Wednesday – 4pm to 7.30pm Thursday – 9am to 6pm Friday – 1pm to 7.30pm Saturday – 9.30am to 1pm Sunday – 10am to 1pm and even then, in relation to the period from 30 th September to 30 th April inclusive, not during a time when the Council has indicated, by a notice conspicuously exhibited in the ground, that the ground is being used for other activities.

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.

THE COMMON SEAL OF THE COUNCIL OF THE
LONDON BOROUGH OF HAMMERSMITH AND FULHAM
was affixed to these Byelaws in the presence of:

The Officer duly authorised on behalf of the Council

Dated:

New Parks and Open Space **Byelaws Consultation Summary**

Responses from online public consultation and general comments from the public.

Issue	Comments	Actions
Cycling	Cyclists should be allowed to use all parks' paths.	Although Byelaw 16 limits cycling to only designated routes these can be defined according to need. Where feasible Council is implementing more shared cycling routes (with pedestrian priority).
	Current byelaws and proposed unenforceable	With clearer designated cycling routes and relevant byelaws signage should make enforcement more practical.
Dogs	No reference to dog control or dangerous dogs (or other problem animals).	Not included in proposed byelaws - covered by the Environment Protection Act 1990 and Dangerous Dogs Act.
		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.
Model Aircraft	Kite Land boarding should be permitted and a dedicated area assigned.	Byelaw 42 does not prohibit kite land boarding explicitly. Furthermore, the opinion of the DCLG is that this byelaw does not prohibit kite land boarding. Council officers do not

		consider it to be a significant nuisance to impose any further restrictions not already provided by proposed byelaws. Designating a specific area for Kite Boarding is not feasible due to conflicts with Ministry of Defence statutory use of site and proximity to Wormwood Scrubs Prison.
	Times of operation for flying too restrictive and should be allowed on the weekends.	These times have been retained as previously set out in the existing byelaws. Advice from ROSPA recommended minimising conflict with other sports and park users hence retention of the timetable proposed as weekend are when the Scrubs are most used.
	Quiet electric model aircraft should not be included in Byelaw 6/35 (hours of flying).	Proposed byelaws 35, 36 and 37 are retained as they all relate not just to the noise of model aircraft but the general safety of flying any model aircraft to the other park users.
Skating	Roller-skating and other wheeled sports should be permitted in all areas of parks.	Byelaw 22 only allows skateboarding in designated areas. This is pertinent for managing safety of other park users.
Pest control	No reference to vermin control in proposed byelaws.	Not included in proposed byelaws as already covered by Environmental Protection Act and other primary legislation.
Vehicle access	Excludes entry of permitted vehicles.	Authorised vehicles are permitted under Byelaw 21.
Noise Control	Proposed Byelaw 40 should be extended to cover noise affecting neighbours.	New byelaw 53 includes measures to manage excessive noise.

SPECIAL MOTION NO. 1 – COMMUNITY BASED BUDGETING

Standing in the names of:

- (i) Councillor Stephen Greenhalgh
- (ii) Councillor Peter Tobias

“This Council:

- (1) Welcomes plans for decentralisation of public services in the Localism and Decentralisation Bill.
- (2) Notes that the borough is one of four pilot authorities for Community-Based budgeting from April 2011.
- (3) Welcomes the opportunity to pool public budgets at community level in Hammersmith and Fulham and to get residents involved in designing and running local public services.
- (4) Commits itself to exploiting the opportunity to deliver enhanced services to residents of the borough through the pilot project.”

Agenda Item 8.2

SPECIAL MOTION NO. 2 – H&F HOMES

Standing in the names of:

- (i) Councillor Lucy Ivimy
- (ii) Councillor Andrew Johnson

“This Council welcomes the clearly expressed preference of Council tenants that H&F Homes be returned to direct Council control and resolves to put this into effect.”

SPECIAL MOTION NO. 3 – OLD OAK HS2/CROSSRAIL STATION

Standing in the names of:

- (i) Councillor Mark Loveday
- (ii) Councillor Stephen Greenhalgh

“This Council welcomes:

- (1) The work of the coalition of local authorities, Park Royal Partnership, Mayor for London and others that has supported the case for a major new High Speed Rail/Crossrail interchange at Old Oak Common.
- (2) The government’s commitment to the “High Speed 2” railway scheme with a major London rail hub at Old Oak Common.
- (3) The opportunity to regenerate the railway and industrial land at Old Oak Common, including the potential for over 10,000 new homes, 5,000 new jobs and major transport and community benefits.

This Council:

- (1) Supports the regeneration of the railway and industrial land within the Park Royal Opportunity Area around the proposed HS2/Crossrail interchange.
- (2) Pledges itself to working with HS2 Ltd, site owners, government and the Mayor for London to deliver sustainable benefits for residents in one of the most disadvantaged parts of London.
- (3) Commits itself to protect and enhance the natural amenities of Wormwood Scrubs within the redevelopment of Old Oak Common.”

Agenda Item 8.4

SPECIAL MOTION NO. 4 – LOCAL HOUSING ALLOWANCE

Standing in the names of:

- (i) Councillor Peter Graham
- (ii) Councillor Andrew Johnson

“This Council:

- (1) Endorses the statement that “Housing Benefit will be reformed to ensure that we do not subsidise people to live in the private sector on rents that other ordinary working families could not afford”: (*A Future Fair For All: The Labour Party Manifesto 2010*).
- (2) Notes:
 - that new rules will be implemented from April 2011 for those who receive Housing Benefit in the form of Local Housing Allowance;
 - that social housing tenants, and anyone who started receiving payments for a property prior to April 2008, will not be affected by the new Local Housing Allowance rules, and;
 - the wider changes to the benefits system from 2013 onwards;
- (3) Resolves:
 - to assist households whose rent becomes unaffordable to negotiate lower rents with their landlords and;
 - when renegotiation of rents is not feasible, to make discretionary payments to those with special circumstances and;
 - to assist other households in finding affordable properties as near as possible to the tenants’ preferred location.”

SPECIAL MOTION NO. 5 – BLOMFORTEIN ROAD ALL WEATHER FOOTBALL PITCH

Standing in the names of:

- (i) Councillor Iain Coleman
- (ii) Councillor Andrew Jones

“This Council recognises that the decrepit conditions of the all-weather football pitch at Blomfontein Road represents a very real danger in terms of health and safety to anyone using it. The Council therefore resolves to expedite the refurbishment of the services and maintenance of this facility without any further delay.

The Council further resolves that this facility, which is located in the most deprived area of the borough, shall remain free of charge for the benefit of all local residents.”