



SUMMONS

Councillors of the London Borough of
Hammersmith & Fulham
are requested to attend an
Ordinary Meeting of the Council on
Wednesday, 26 January 2005
at Hammersmith Town Hall, W6

The Council will meet at 7.00pm.

18 January 2005
Town Hall
Hammersmith W6

Geoff Alltimes
Managing Director

COUNCIL

—Agenda—

26 JANUARY 2005

<u>ITEM</u>	<u>CLICK ON TITLES (IN BLUE) TO GO STRAIGHT TO ITEM</u>	<u>PAGE</u> refers to printed agenda)
1.	<p>MINUTES – 24 NOVEMBER 2004</p> <p>To approve and sign as an accurate record the minutes of the Extraordinary Council Meeting held on 24 November 2004.</p> <p>Appendix 1 – Mayor's Announcements</p>	(as attached)
2.	APOLOGIES FOR ABSENCE	
3.	MAYOR'S & MANAGING DIRECTOR'S ANNOUNCEMENTS (IF ANY)	
4.	DECLARATIONS OF INTEREST	
4.1	If a Councillor has any personal or prejudicial interest in a particular report they should declare an interest.	
4.2	A Councillor should not take part in the discussion or vote on a matter in which they have a prejudicial interest. They should withdraw from the meeting whilst the matter is under consideration unless the disability to participate has been removed by the Standards Committee, or unless a relevant exemption applies under the Council's Code of Conduct.	
5.	<p>PUBLIC QUESTIONS (20 MINUTES)</p> <p>The Leader / relevant Deputy to reply to questions submitted by members of the public:</p> <p>[NB: No public questions have been submitted for this meeting of the Council]</p>	
6.	ITEMS FOR DECISION / COMMITTEE REPORTS (IF ANY)	
6.1	<p>Council Tax Base & Collection Rate 2005/06</p> <p>[Note: The Council agenda is printed and published before the Leader's Committee meets on 18 January to approve this item. It will therefore be circulated separately after that meeting.]</p>	(To follow – circulated separately)
6.2	<p>Proposal to transfer £3.102M from the HRA Balance to meet Repairs Expenditure in 2004/05</p>	194 – 196

6.3	<u>Licensing Act 2003 – Final Constitutional Arrangements & Appointment of Members</u>	197 – 200
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jpc/18/01/05



COUNCIL

— MINUTES —

(EXTRAORDINARY COUNCIL MEETING)

WEDNESDAY 24 NOVEMBER 2004



PRESENT:

The Mayor (Councillor Charlie Treloggan)
Deputy Mayor (Councillor Mercy Umeh)

Councillors:

Mike Adam
Colin Aherne
Chris Allen
Brendan Bird
Min Birdsey
Stephen Burke
Michael Cartwright
Dominic Church
Siobhan Coughlan
Steve Cowan
Huw Davies
Sian Dawson

Caroline Donald
Gavin Donovan
Fiona Evans
Ivan Gibbons
Christine Graham
Stephen Greenhalgh
Greg Hands
Wesley Harcourt
Ghassan Karian
Alex Karmel
Jafar Khaled
Antony Lillis

Amanda Lloyd-Harris
Mark Loveday
Reg McLaughlin
Charlie Napier
Jolyon Neubert
Colin Pavelin
Dame Sally Powell
Andrew Slaughter
Melanie Smallman
Frances Stainton
David Williams

28. The Mayor advised that the Extraordinary Council meeting had been called in accordance with Schedule 12 Part I paragraph (3)(1) of the Local Government Act 1972 in order to discuss :

- 9th London Local Authorities Bill
- The Council's Statement of Licensing Policy

A requisition signed by five Councillors had also been received to discuss :

- Special Motion No.1 – Wandsworth Bridge Road Bus Lane

Councillor Stephen Greenhalgh
Councillor Nick Botterill
Councillor Frances Stainton
Councillor Alex Karmel
Councillor Greg Hands

The Mayor advised that he had decided that all these items of business would be dealt with at the Extraordinary Council meeting called for 7.00pm on Wednesday, 24 November 2004.

29. MINUTES – 22 SEPTEMBER 2004

7.01pm - **RESOLVED**

That the minutes of the Ordinary Council Meeting held on 22 September 2004 be confirmed and signed as an accurate record.

30. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Alford, Al-Uzaizi, Bethell, Botterill Boyle, Jones, Stanley, Vaughan and Wicks.

31. MAYOR & MANAGING DIRECTOR'S ANNOUNCEMENTS (IF ANY)

The Mayor's Announcements were circulated to all Councillors and laid round the Council Chamber. (Copy attached as **APPENDIX 1** to these Minutes).

The Mayor drew attention to the death of former Councillor and Leader of the Borough, Mr. Anthony Powell (Tony Powell), who had first been elected to the Council in 1971 and had served as Labour Councillor for College Park & Old Oak, Sullivan and Sands End wards until 1990. He had been the Labour Opposition Leader on the Council from 1978 – 1982 and Chair of the Housing Services Committee from 1977 – 1978, as well as being past Chair of the ILEA.

The Council stood for one minute's silence in his memory.

32. DECLARATIONS OF INTERESTS

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

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

7.05pm- 9th London Local Authorities Bill

The report and recommendations were moved for adoption by the Deputy for Environment & Contract Services, Councillor Michael Cartwright, seconded by the Leader, Councillor Andrew Slaughter.

The report and recommendations were put to the vote:

FOR - Unanimous (37)
AGAINST - 0
ABSTENTIONS - 0

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

7.09pm – **RESOLVED:**

1. That the Council agrees to pass the formal LLAB resolution, as set out in Appendix 2 to the report.
2. That the cost of participating in the Bill(s) be met from the Council's contingency budget.

7.10pm – **The Council's Statement of Licensing Policy**

The report and recommendation was moved for adoption by the Deputy for Environment & Contract Services, Councillor Michael Cartwright, seconded by Councillor Chris Allen.

Speeches on the report were made by Councillors Cartwright and Allen (for the Administration) before it was put to the vote:

FOR – 20
AGAINST – 12
ABSTENTIONS – 0

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

7.19pm – **RESOLVED:**

That the Council's Statement of Licensing Policy, as set out in Appendix 1 to the report, be adopted.

34. SPECIAL MOTIONS

7.20pm – **Special Motion No.1 – Wandsworth Bridge Road Bus Lane**

Councillor Stainton moved (in lieu of Councillor Greenhalgh), seconded by Councillor Hands (in lieu of Councillor Botterill), the special motion standing in their names:

"This Council condemns the decision to implement a bus lane along the Wandsworth Bridge Road."

Speeches on the motion were made by Councillors Stainton, Hands, Cartwright, Greenhalgh, Loveday and Aherne.

Councillor Stainton made a closing speech on the debate before the motion was put to the vote.

FOR – 12
AGAINST – 20
ABSTENTIONS – 0

The motion was declared **LOST.**

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

Meeting ended: 7.50 p.m. - Wednesday, 24 November 2004

.....
MAYOR

jpc/29/11/04

ANNOUNCEMENTS BY THE MAYOR

1. I am sure everyone shares my sadness to hear of the death on 14th July 2004 in Warwickshire of former Councillor and leader of the borough, Mr Anthony Powell. Anthony Powell was first elected to the Council in 1971, and served as a Labour Councillor for College Park & Old Oak, Sullivan Ward and Sands End until 1990. Anthony Powell became the Labour Opposition Leader from 1978 – 1982. Tony was also Chair of Housing Services Committee from 1977 –1978.

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

2. On 23rd September, accompanied by the Mayoress, Ms Eleanor Carlson, I attended the Mayor of Greenwich's tour of Eltham Palace, SE9
3. On 23rd September, accompanied by the Mayoress, Ms Eleanor Carlson, I attended Latymer Upper School Prize Giving ceremony, HTH
4. On 24th September, accompanied by the Mayoress, Ms Eleanor Carlson, I attended the Mayor of Newham's charity evening, Brick Lane Music Hall, E16
5. On 26th September, accompanied by the Mayoress, Ms Eleanor Carlson, I attended the Pearly Kings & Queens Harvest Festival & Service, Guildhall
6. On 28th September, I attended the Launch of the British Food Fortnight event, Fulham Palace, SW6
7. On 29th September, accompanied by the Mayoress, Ms Eleanor Carlson, I attended the Commissioner for Fire & Emergency Planning's Service of Remembrance, Westminster Cathedral, SW1
8. On 1st October, I was delighted to attend and launch H&F Black History Month, HTH Restaurant
9. On 1st October, accompanied by the Mayoress, Ms Eleanor Carlson, I attended the London In Bloom prize giving evening, Ecology Building, Mile End Park
10. On 5th October, I attended H&F Schools' Junior Citizen 2004 Safety Awareness Project, Linford Christie Stadium
11. On 6th October, I attended the official Ribbon cutting ceremony of Jury's Inn Chelsea, Imperial Road
12. On 6th October, accompanied by the Mayoress, Ms Eleanor Carlson, I attended Kate Kingsbury's retirement party, Baron's Court Library
13. On 8th October, I was delighted to attend H&F Time of Your Life launch event, HTH
14. On 9th October, accompanied by the Mayoress, Ms Eleanor Carlson, I attended the official Opening of Latymer School new sports building, Wood Lane
15. On 10th October, accompanied by the Mayoress, Ms Eleanor Carlson, I attended the Mayor of Greenwich's Civic Service, Woolwich Central Road Baptist Church, SE18

16. On 12th October, accompanied by the Mayoress, Ms Eleanor Carlson, I was delighted to attend St. John's Church Walham Green, 14th Hundred Evensong Service, North End Road
17. On 14th October, accompanied by the Mayoress, Ms Eleanor Carlson, I attended the Mayor of Lambeth's charity evening, The High, Streatham
18. On 15th October, accompanied by the Mayoress, Ms Eleanor Carlson, I attended a Service for Community Leaders', St. Paul's Cathedral, EC4
19. On 16th October, I was delighted to attend and officially open the newly refurbished Sands End Community Centre, SW6
20. On 17th October, On 15th October, accompanied by the Mayoress, Ms Eleanor Carlson, I attended the Theatrical Management Association 2004 Awards Evening, Lyric Theatre, W6
21. On 18th October, I attended Langford Primary School Health Week morning, Gilstead Road, SW6
22. On 19th October, I was delighted to attend Lets Kick Racism Out of Football, Fulham Football Club, Craven Cottage, SW6
23. On 19th October, I attended the Hammersmith Womens' Aid AGM, Blythe Road, W14
24. On 21st October, I attended a photo shoot for WasteWatch, Fulham Broadway Shopping Centre, SW6
25. On 22nd October, I was delighted to attend and present a cheque at the Black to the Future 2004 event, HTH
26. On 24th October, accompanied by the Mayoress, Ms Eleanor Carlson, I attended the London Mayors' Association Annual Civic Service, Westminster Abbey, SW1
27. On 28th October, I officially opened the Margravine Play Area, Margravine Road, W14
28. On 28th October, I attended Brunswick Boys Club unveiling of a plaque in memory of Mr Will Unwin
29. On 28th October, I attended a charity evening for Cancer Research, Wandsworth Tavern, Wandsworth Bridge Road, SW6
30. On 29th October, I was delighted to greet various H&F primary school children in costume, celebrating the successful end of 2004 Black History Month
31. On 30th October, accompanied by the Mayoress, Ms Eleanor Carlson, I attended the Black British Heritage Group Inaugural Ball, Olympia
32. On 31st October, accompanied by the Mayoress, Ms Eleanor Carlson, I attended St. Peter's Parish Church Eucharist Service, W6
33. On 4th November, I attended the Reserve Forces & Cadets Employment event, White City TA Centre, W12

34. On 4th November, I attended the West London Action Group for Children AGM, Tetcott Road, SW10
35. On 5th November, accompanied by the Mayoress, Ms Eleanor Carlson, I was delighted to attend and launch H&F Fireworks Display, Bishops Park, SW6
36. On 6th November, accompanied by the Mayoress, Ms Eleanor Carlson, I was delighted to attend and launch H&F Fireworks Display, Ravenscourt Park, W6
37. On 8th November, I attended the Fulham Good Neighbour Service AGM, Bishop Creighton House, Lillie Road, SW6
38. On 12th November, accompanied by the Mayoress, Ms Eleanor Carlson, I attended the Lord Mayor of London Elect inaugural ceremony and reception, Guildhall
39. On 13th November, accompanied by the Mayoress, Ms. Eleanor Carlson, I attended the Lord Mayor's Show, Mansion House.
40. On 14th November, accompanied by the Mayoress, Ms Eleanor Carlson, I was honoured to attend the Remembrance Day Parade & Service, Fulham
41. On 16th November, I was delighted to present the Yellow Pages Award to All Saint's Primary School, Bishops Avenue, SW6
42. On 17th November, I attended the H&F Primary Schools Childrens' Parliament, Council Chamber, HTH
43. On 17th November, I attended the CAB AGM, Bishop Creighton House, Lillie Road, SW6
44. On 18th November, I was honoured to attend the BBC Symphony Orchestra's Live Radio 3 performance, Assembly Hall, HTH
45. On 18th November, I attended the Lyric Theatre performance of 'Romeo & Juliet'
46. On 20th November, I attended and presented Awards at the Fulham Flower Club event, Fulham Palace Road, SW6
47. On 21st November, accompanied by the Mayoress, Ms Eleanor Carlson, I attended the Askew Road Church, Advent & Fund Raising Service, W12
48. On 21st November, accompanied by the Mayoress, Ms Eleanor Carlson, I attended the Road Peace service of remembrance, St. James Church, Piccadilly
49. On 23rd November, I was delighted to host and present awards to Young People in Care, Mayor's Parlour, HTH

LEADER'S COMMITTEE REPORT TO COUNCIL

6.1

26 JANUARY 2005

LEADER
*Councillor Andrew
Slaughter*

COUNCIL TAX BASE AND COLLECTION RATE 2005/2006

ALL WARDS

This report contains an estimate of the Council Tax collection rate and calculates the Council Tax base for 2005/06. It also proposes that discounts for second homes and long-term empty properties remain unchanged for the 2005/06 financial year and subsequent years until revoked.

The Council Tax Base will be used in the calculation of the Band D Council Tax undertaken in the Revenue Budget Report for 2005/06.

CONTRIBUTORS

FD

Recommendations:

That for the 2005-2006 financial year, the Council :

- (i) Determines that the council tax discount on second homes be reduced from 50% to 10% for the 2005 –06 financial year and subsequent years until revoked.**
- (ii) Determines that the council tax discount on long-term empty properties be reduced from 50% to 0% for the 2005-06 financial year and subsequent years until revoked.**
- (iii) That the estimated numbers of properties for each Valuation Band, as set out in this report, be approved.**
- (iv) That an estimated collection rate of 97.5% be approved.**
- (v) That the Council Tax Base of 74,965 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 79,064 Band D equivalent dwellings, and an estimated Collection Rate of 97.5%, which resulted in a tax base of 77,087. This figure, however, is artificially inflated by the one-off gain from the reduction in the discount on long-term empty properties for 2004/05. Excluding this gain, the equivalent Council tax base would be 75,734.
- 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 is entitled to reduce discounts for Second Homes and Long-Term Empty properties.
- 1.4 For 2004/05, the Council approved discount reductions on Second Homes from 50% to 10% and on Long-Term Empty properties from 50% to 0%.

2. PURPOSE

- 2.1 The purpose of the report is for the Committee to make recommendations to Council on discounts for second homes and long-term empty properties, the estimated Collection Rate and Council Tax Base for 2005/06.

3. DISCOUNTS

3.1 Second Homes

- 3.1.1 There are some 1,986 second homes in the borough. The continued reduction in discount from 50% to 10% will add an additional 970 Band "D" equivalents to the tax base for 2005/06.
- 3.1.2 Based upon 2004/05 Council Tax levels, this continued reduction in the discount will generate income to the Council of £0.842m. 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 1,435 long-term empty properties and these have been reflected in the CTB1 return, which the Council provided to the ODPM mid-November 2004. The net impact of continuing to reduce the discount on long-term empty properties from 50% to nil is to add an additional 857 Band D equivalents to the tax base.

3.3 Based upon 2004/05 Council Tax levels, this will generate additional income of £0.763m. Unlike the income generated from the reduction in the second homes discount, such additional council tax will not directly benefit the Council. The Government has decided not to allow local retention of additional income from changing the long-term empty property discount as it believes local authorities should make the decision on housing grounds rather than for financial reasons. The extra revenue generated through the reduction in the discount will, through adjustments to the Revenue Support Grant process, be passed to the Government. The Government has stated that such additional revenue will be taken account of within future grant calculations. So although an individual authority will not benefit from the change in the discount such money will eventually be recycled back to local government as a whole.

4. VALUATION BAND PROPERTIES

4.1 The latest information on the number of properties within each valuation band is contained within a return (CTB1), which the Council was required to provide to the ODPM in mid-November 2004.

4.2 This return reflected the actual number of properties shown in the Valuation List as at 11 October 2004 and the Council's records as at 1 November 2004. The return will be utilised by the ODPM in calculating the Council's Tax Base for the final Revenue Support Grant settlement for 2005/06.

4.3 A detailed analysis of the properties in each valuation band can be summarised as follows. There are a total of 78,144 dwellings on the list with some 33,524 properties estimated to receive a single person discount. The total Band "D" equivalent is approximately 75,781 properties.

Band	Band Size	Total Dwellings	Total after Discounts, Exemptions and Disabled Relief	Ratio	Band "D" Equivalents
	Band A disabled relief	0	0.00	5/9	0.0
A	Values not exceeding £40,000	2,715	2,105.75	6/9	1,403.8
B	Values exceeding £40,000 but not exceeding £52,000	5,291	4,169.50	7/9	3,242.9
C	Values exceeding £52,000 but not exceeding £68,000	13,190	10,227.00	8/9	9,090.7
D	Values exceeding £68,000 but not	21,957	17,867.00	9/9	17,867.0

Band	Band Size	Total Dwellings	Total after Discounts, Exemptions and Disabled Relief	Ratio	Band "D" Equivalents
E	exceeding £88,000 Values exceeding £88,000 but not exceeding £120,000	14,034	11,862.25	11/9	14,498.3
F	Values exceeding £120,000 but not exceeding £160,000	8,795	7,566.75	13/9	10,929.8
G	Values exceeding £160,000 but not exceeding £320,000	10,302	9,207.00	15/9	15,345.0
H	Values exceeding £320,000	1,860	1,701.75	18/9	3,403.5
		78,144	64,707.00		75,781.0

5. ADJUSTMENTS TO THE VALUATION LIST

5.1 The above table shows the valuation band position at 11 October 2004 but the Council is also required to take into account likely changes during the financial year 2005-2006. The following potential adjustments need to be considered:

(a) 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 185 units currently under construction on various sites in the Borough that will be added to the tax base sometime during 2005/06. It is estimated after allowing for different completion dates that this will equate to an additional 136 Band 'D' equivalents.

(b) Banding Appeals

There have been over 7,200 appeals lodged with the valuation office in respect of initial Council Tax bandings. There are now, however, only 95 appeals unsettled. In view of this small number, it is not proposed to make any further adjustments for these.

(c) Second Homes

The effect of reducing the discount for second homes from 50% to 10% from 1 April 2005 would add a further 970 Band "D" equivalents as outlined in section 3.1.

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

Band	Band "D" Equivalent	Adjustments for New Properties	Adjustments for second homes discount reduction	Revised Band "D" Equivalents
A	1403.8	0	+9	1,412.8
B	3242.9	0	+24	3,266.9
C	9090.7	+1	+90	9,181.7
D	17,867.0	+27	+230	18,124.0
E	14,498.3	+16	+189	14,703.3
F	10,929.8	+2	+146	11,077.8
G	15,345.0	+90	+217	15,652.0
H	3403.5	0	+65	3,468.5
	75,781.0	+136	+970	76,887.0

6. COLLECTION RATE

- 6.1 The Council is also required to estimate its Collection Rate for 2005/06 the same timescale as arriving at the estimated number of properties within the Tax Base. In arriving at a percentage Collection Rate for 2005/06, 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 taxpayers cannot be finally determined until the final RSG Announcement has taken place, 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 Council increased the collection rate in 2002/03 from 96.3% to 97.5%. The actual collection rate achieved to mid-November 2004 is 69.8% comprising cash collection of £50.1m and Council Tax benefit of £15.7m. It is estimated that a further £18.2m (25.4%) will be collected by 31 March 2005 and £1.7m (2.3%) thereafter.

6.4 Collection performance has been calculated in order to comply with Audit Commission performance indicator calculations. Latest calculations for 2003/04 and 2004/05 show that the current collection rate can be continued for 2005/06. It is therefore suggested that the collection rate for 2005/06 is maintained at 97.5%

7. THE TAX BASE

7.1 Under Section 33(1) of the Local Government Finance Act 1992 and the Regulations, the Council's tax base is calculated by multiplying the estimated number of Band "D" equivalents by the estimated collection rate.

7.2 Based on the number of Band "D" equivalents in the table in paragraph 5.3 above and the estimated collection rate in paragraph 6.4 above, the calculation is as follows:

(Band D equivalents) x (Collection Rate) = (Tax Base)			
76,887	x	97.5%	= 74,965

8. COMMENTS OF THE DIRECTOR OF FINANCE

8.1 The tax base is set by 31 January each year, as outlined in the Local Government Finance Act 1992. It is used within the overall Council Tax and budget setting process, due to be reported to Budget Council on 23 February 2005.

9. COMMENTS OF THE HEAD OF LEGAL SERVICES

9.1 The Council is under a statutory duty to set the Council Tax for the forthcoming financial year and to make a budget. This report forms part of that process. The Council is obliged, when making its budget, to act reasonably and in accordance with its statutory duties, the rules of public law and its general duty to Council Tax payers.

9.2 The basic amount of Council Tax must be calculated in accordance with Section 31(1) of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) Regulations 1992.

9.3 The Council Tax base has been calculated in accordance with the Act and the Regulations. Maintaining the estimated collection rate at 97.5% is a reasonable and realistic estimate.

9.4 Regulations under the Local Government Act 2003 allow the Council to reduce Council Tax discount for dwellings that are not the sole or main residence of an individual and which are furnished (second homes) to a minimum of 10%. The regulations also allow the Council to reduce Council Tax discount for dwellings that are unoccupied and substantially unfurnished for more than six months (long-term empty properties) to zero.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	Local Government Finance Act 1992	A. Lord Ext. 2531	Finance 2 nd Floor Town Hall Extension
2.	ODPM Return CTB1 (November 2004)	S. Barrett Ext. 1053	Finance 2 nd Floor Town Hall Extension
3.	Taxbase Adjustment Calculations	S. Barrett Ext. 1053	Finance 2 nd Floor Town Hall Extension
4.	Collection Rate Statistics	S. Barrett Ext. 1053	Finance 2 nd Floor Town Hall Extension

26 JANUARY 2005

LEADER

**PROPOSAL TO TRANSFER £3.102M FROM
THE HOUSING REVENUE ACCOUNT
BALANCE TO MEET REPAIRS
EXPENDITURE IN 2004/05**

WARDS

DEPUTY FOR
HOUSING

ALL

Under Financial Regulation A124, the Council must approve additional expenditure when additional funding is available and where changes to the approved budget and policy framework are involved.

Accordingly, the Council is asked to approve a transfer from the Housing Revenue Account Balance to fund Housing Revenue Account repairs in 2004/05.

CONTRIBUTORS

Recommendation:

FD

**That the Council approves the transfer of
£3.102m from the Housing Revenue Account
balance to meet repairs expenditure in
2004/05.**

1. BACKGROUND

- 1.1 The outturn for Housing Revenue Account (HRA) revenue repairs expenditure in 2003/04 exceeded the original budget provision by £1.99m, which was covered by contingency sums within the HRA.
- 1.2 A three-year strategy for the funding of the repairs programme has since been prepared, taking account of the factors associated with the increased expenditure.
- 1.3 In order to fund the 2004/05 repairs programme a contribution of £3.102m from the HRA balance is required.

2. HRA REPAIRS EXPENDITURE IN 2003/04

- 2.1 During 2003/04, improved accounting arrangements within Borough Construction aimed at capturing and accurately charging for repairs undertaken has led to higher, though more realistic, charges to the HRA.
- 2.2 It is also apparent that construction-related costs are increasing at a higher rate of 6% than the standard inflation allowance of 3% incorporated within the Council's Revenue Budget Strategy.
- 2.3 Whilst the volume of reactive repairs orders has not varied greatly from previous years, there was an increase in works to bring void properties back into use.
- 2.4 It should be noted that repair works are now subject to the tendering process.

3. HRA REPAIRS STRATEGY 2004/05 TO 2006/07

- 3.1 The repairs strategy has been prepared in conjunction with Hammersmith & Fulham Management Services (HFHMS), who are now managing the repairs budget.
- 3.2 The 2004/05 programme of works takes into account the increased costs as experienced in 2003/04. It is estimated that repairs expenditure will be £17.6m in 2004/05.
- 3.3 In order to fund the repairs programme in 2004/05 it is proposed to transfer £3.102m from the HRA balance. The balance at 31 March 2004 was £6.356m, which would reduce to £3.254m following the transfer, which is considered to be adequate.
- 3.4 The Council and HFHMS are reviewing options to address funding shortfalls in 2005/06 and 2006/07.

4. COMMENTS OF THE HEAD OF LEGAL SERVICES

- 4.1 The proposed use for repairs is a lawful use of HRA monies. As this is a change to the budget framework a decision of full Council is required to implement it.

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

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	HRA Working Papers – Compilation of Budget	Peter Willett Ext. 1749	HSD Housing Finance Riverview House Beavor Lane Hammersmith W6
2.	Financial Regulations	Keith Nevitt Ext. 2501	Finance Department 2 nd Floor HTH Extension Hammersmith W6

REPORT TO COUNCIL

6.3

26 JANUARY 2005

**LICENSING ACT 2003 – FINAL
CONSTITUTIONAL ARRANGEMENTS &
APPOINTMENT OF MEMBERS**

**WARDS
ALL**

This report seeks final approval for the Council's constitutional arrangements in respect of the Licensing Act 2003 when it comes into operation on 7th February 2005.

CONTRIBUTORS:

**DPA
HLS**

RECOMMENDATIONS:

- 1. That the terms of reference for the Licensing Committee be amended as set out in the appendix with effect from 7th February 2005.**
- 2. That the Licensing Panel be dissolved at midnight on 7th February 2005.**
- 3. That the Council appoint outstanding members to the Licensing Committee.**

1. Introduction

1.1 The Licensing Act 2003 comes into operation on 7th February 2005. The Council needs to finalise its constitutional arrangement to enable it to take on its new functions whilst continuing to deal effectively with its existing functions.

2. Requirements of the Licensing Act 2003

2.1 S.6 of the Act requires the Council to establish a Licensing Committee consisting of at least 10, but not more than 15, members of the Authority.

2.2 The Licensing Committee must discharge the authority's functions under the 2003 Act, other than approving the Statement of Licensing Policy, which must be done by Full Council. The Licensing Committee may establish its own sub-committees.

2.3 The Council has a number of other functions relating to the regulation and licensing of activities including street trading, nurses agencies and sex establishments. These functions are currently discharged by the Council's Licensing Panel, which is an ordinary committee constituted under s.101 of the Local Government Act 1972. They are not "licensing functions" for the purposes of the 2003 Act.

2.4 In order for the Council to effectively deal with its functions under the 2003 Act and its existing functions, it will be necessary for the Licensing Committee (and any sub-committees it establishes) to be constituted as both a licensing committee under s.6 of the 2003 Act and an ordinary committee under s.101 of the Local Government Act 1972. The only practical difference between the two other than the business with which they may deal is that s.6 committees must be comprised between 10 and 15 members (no restriction for s.101 committees) and are excluded from the political balance rules (which of course apply to s.101 committees). Because the Licensing Committee will sit with "two hats", it will therefore be treated as a committee to which the political balance rules apply.

2.5 The Council established a Licensing Committee at its Annual Meeting and it is now asked to finalise its terms of reference as set out in the appendix and make the outstanding appointments.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

NO.	Description of Background Papers	Name/Ext of Holder of File/Copy	Department/Location
1.	Report to Council dated 24 th November 2004	Michael Cogher, Ext 2700	PAD/HTH room 133a
2.	Licensing Act 2003	Michael Cogher, Ext 2700	PAD/HTH room 133a

Appendix

LICENSING COMMITTEE **TERMS OF REFERENCE**

MEMBERSHIP

- 1.1 The Committee shall comprise 15 Councillors - 9 Administration and 6 Opposition members.
- 1.2 There shall be no Ex-Officio members
- 1.3 The quorum of the Committee shall be 7 Councillors.
- 1.4 The Committee may establish Sub-Committees comprising 3 members drawn from the parent Committee, and may delegate any, or all, of its functions to such Sub-Committees or to an Officer, subject to any statutory restrictions.
- 1.5 The Licensing Committee is constituted as Licensing Committee under s6 of the Licensing Act 2003 in respect of licensing and related functions under that Act, and as an ordinary committee under s101 of the Local Government Act 1972 in respect of its licensing, regulatory and registration functions.

OPERATIONAL MATTERS

- 1.5 In the event of an equality of votes, the Chair of the Committee shall have a second or casting vote.
- 1.6 No member shall consider any matter affecting his/her Ward, or in which he/she (or their spouse/partner) has a personal or prejudicial interest.
- 1.7 Ward Councillors may attend meetings where permitted under the Code of Conduct to make representations on behalf of their constituents.
- 1.8 Meetings will take place during the Municipal Year on dates & times as notified and as required.

DECISION-MAKING POWERS

- 2.1 All matters relating to the discharge of the Council's licensing and related functions under the Licensing Act 2003, (other than the adoption of the Licensing Policy, which shall be a matter for Full Council), shall be discharged by the Licensing Committee

- 2.2 The Committee (or any Sub-Committee established for the purpose) shall consider all matters relating to the discharge by the licensing authority of its licensing and related functions under the Licensing Act 2003, with a view to promoting the licensing objectives, viz.:
- The prevention of crime & disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 2.3 The Committee (or any Sub-Committee) shall have regard to the Statement of Licensing Policy published by the licensing authority, and to any Guidance issued by the Secretary of State.
- 2.4 To consider and resolve all other matters relating to the Licensing, Certification and Registration functions of the Council undertaken by the Director of Environment Department and the Director of Policy and Administration.
- 2.5 To hear appeals against decisions made by officers carrying out delegated functions in respect of the matters set out in paragraph 2.4.
- 2.6 To hear and determine all applications for full or partial waivers of the rule of Management No. 1A (for small establishments) or 3a (for large establishments) relating to striptease/activity which could require a Sex Establishment licence if the Council has so resolved.

SPECIAL MOTION NO. 1 – RE: COUNCILLOR WICKS

Standing in the names of:

- (i) Councillor Colin Aherne
- (ii) Councillor Fiona Evans

1. The Council notes that Councillor Josie Wicks has been unable to attend meetings of the Authority since 22 September 2004 due to serious illness and hospitalisation.
2. The Council extends its sympathy to Councillor Wicks and wishes her a speedy recovery.
3. The Council approves Councillor Wicks' non-attendance at meetings of the Authority due to illness until 26 May 2005, pursuant to s.85(1) of the Local Government Act 1972. ”

jpc/12/01/05

SPECIAL MOTION NO. 2 – COUNCIL APPOINTMENTS TO THE ALG

Standing in the names of:

- (i) Councillor Colin Aherne
- (ii) Councillor Fiona Evans

"That the Council amends its representation to the ALG Leader's Committee as follows:

Delete "Councillor Slaughter" as substitute for Councillor Dame Sally Powell and replace with "Councillor Aherne".

jpc/10/01/05

SPECIAL MOTION NO. 3 – COUNCIL SUPPORT FOR THE 2012 LONDON OLYMPIC BID

Standing in the names of:

- (i) Councillor Dame Sally Powell
- (ii) Councillor David Williams

This Council notes that:

- 1) The London Olympic bid, London 2012, would if successful be a sporting celebration for the whole country, and one that would boost businesses and the overall economy of the United Kingdom, as well as the local economy.
- 2) Our local communities would have the chance to engage with the Olympic nations in the build-up to the Games as the teams establish themselves in and around the capital's sporting facilities. These training facilities would provide a significant boost to the local and regional economy.
- 3) The tourism industry would also grow. Australia benefited from an extra 1.6 million visitors due to the 2000 Games. Business tourism also increased both before and after the Games, and Australia is still reaping the benefits.
- 4) Thousands of businesses and suppliers across the country would profit from a London Games, including many businesses within the area of this Council.
- 5) The wonderful community spirit shared by the 10,000 people who volunteered during Manchester's magnificent Commonwealth Games of 2002 would be seen on a larger scale across the UK as an army of volunteers would help out with the Olympic Games and Paralympic Games and many such volunteers are likely to be local residents.
- 6) Significant long term benefits can accrue to the host city from a well-planned games: sporting achievement, healthy lifestyles, civic engagement and volunteering, the legacy from the 4 year cultural festival, in addition to the sporting facilities.

This Council resolves to:

- 1) Fully support the London Olympic bid and to demonstrate that support by engaging with local communities to build support amongst them; and by the prominent display of the London 2012 flag over the Town Hall and other Council buildings.
- 2) Consider both how this Borough can benefit from a successful bid, and what the Borough can offer to contribute to the success of the bid – and to develop an Olympic strategy towards this aim.

jpc/12/01/05

SPECIAL MOTION NO. 4 – EXTENSION OF CONGESTION CHARGE ZONE

Standing in the names of:

- (i) Councillor Mark Loveday
- (ii) Councillor Michael Adam

“This Council resolves to oppose the westwards extension of the Congestion Charge Zone, as proposed by Mayor Livingstone.”

jpc/13/01/05

SPECIAL MOTION NO. 5 – SMARTER BOROUGH INITIATIVES

Standing in the names of:

- (i) Councillor Nick Botterill
- (ii) Councillor Stephen Greenhalgh

“ Residents are deeply sceptical of well-publicised initiatives which prove to be no more than all spin and too little delivery. To this end, this Council insists that Phase 3 of the Smarter Borough initiative is concentrated on delivering quantifiable absolute improvements in the state of the Borough.”

jpc/13/01/05

SPECIAL MOTION NO. 6 – INCREASE IN CRIME IN THE BOROUGH

Standing in the names of:

- (i) Councillor Stephen Greenhalgh
- (ii) Councillor Will Bethell

“This Council notes with alarm the increase in violent crime in Hammersmith & Fulham. The Council calls for police numbers to be restored at least to levels seen in 1997, and for a more visible police presence on our streets.”

jpc/13/01/05

SPECIAL MOTION NO. 7– WORK DIRECTIONS

Standing in the names of:

- (i) Councillor Melanie Smallman
- (ii) Councillor Stephen Burke

“This Council congratulates Work Directions in supporting more than 2000 local residents to find work since March 2003, helping halve unemployment in Hammersmith & Fulham since 1997, and we give our full support to the Labour Government’s plans to continue funding such valuable work for local people.”

jpc/14/01/05