

COUNCIL AGENDA

(Special Council Meeting)

Wednesday 27 January 2010



The Mayor (Councillor Alex Karmel)
Deputy Mayor (Councillor Adronie Alford)

ADDISON

Helen Binmore (C)
Belinda Donovan (C)
Peter Tobias (C)

HAMMERSMITH
BROADWAY

Michael Cartwright (L)
Stephen Cowan (L)
Lisa Nandy (L)

RAVENSCOURT PARK

Lucy Ivimy (C)
Harry Phibbs (C)
Eugenie White (C)

ASKEW

Gill Dickenson (L)
Rory Vaughan (L)
Lisa Homan (L)

MUNSTER

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

SANDS END

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

AVONMORE &
BROOK GREEN

Alexandra Robson (C)
Robert Iggulden (C)

NORTH END

Caroline Ffiske (C)
Sarah Gore (C)
Lucy Gugen (C)

SHEPHERDS BUSH
GREEN

Mercy Umeh (L)
Ed Owen (L)
Alex Chalk (C)

COLLEGE PARK &
OLD OAK

Wesley Harcourt (L)
Reg McLaughlin (L)

PALACE RIVERSIDE

Donald Johnson (C)
Minnie Scott Russell (C)

TOWN

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

FULHAM BROADWAY

Aidan Burley (C)
Victoria Brocklebank-
Fowler (C)
Rachel Ford (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

Paul Bristow (C)
Gavin Donovan (C)
Andrew Johnson (C)



SUMMONS

Councillors of the London Borough of
Hammersmith & Fulham
are requested to attend a
Special Meeting of the Council on
Wednesday 27 January 2010
at Hammersmith Town Hall, W6

The Council will meet at 8.00pm, or on the
rising of the Ordinary Council meeting that
same evening, whichever is the later.

18 January 2010
Town Hall
Hammersmith W6

Geoff Alltimes
Chief Executive

Full Council Agenda

27 January 2010

<u>Item</u>		<u>Pages</u>
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATIONS OF INTERESTS	
	<p>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.</p> <p>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.</p> <p>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.</p>	
3.	ITEMS FOR DISCUSSION/COMMITTEE REPORTS (IF ANY)	
3.1	CHANGING GOVERNANCE ARRANGEMENTS	273 - 286
	<p>The Local Government and Public Involvement in Health Act 2007 ("the Act") requires all Councils to change their decision making arrangements by May 2010.</p> <p>Council, at its last meeting held in October 2009, indicated a preference for the new style Leader and Cabinet Executive governance model to be operational from the third day after the May 2010 local elections, and agreed that a further report be brought to a Special Meeting of Council in January 2010, at which a final decision will be taken.</p>	



Report to Council

27 JANUARY 2010

LEADER

*Councillor Stephen
Greenhalgh*

CHANGING GOVERNANCE ARRANGEMENTS

**Wards
All**

The Local Government and Public Involvement in Health Act 2007 (“the Act”) requires all Councils to change their decision making arrangements by May 2010.

Council, at its last meeting held in October 2009, indicated a preference for the new style Leader and Cabinet Executive governance model to be operational from the third day after the May 2010 local elections, and agreed that a further report be brought to a Special Meeting of Council in January 2010, at which a final decision will be taken.

CONTRIBUTORS

DFCS
ADLDS

RECOMMENDATIONS:

Council is asked to :

- a) adopt the new style Leader and Cabinet executive model with effect from the third day after the local elections in May 2010;
- b) agree that the Leader may be removed by a resolution of full Council;
- c) agree the main constitutional changes detailed in Appendix 1 and note that further changes could be made later in the municipal year.

1. BACKGROUND

The Council, at its meeting on 28 October 2009, considered the results of a public consultation on the proposed new executive governance arrangements. At the meeting, the new style Leader and Cabinet model was indicated as being the preferred executive arrangement model. A timetable for the implementation of the proposals was agreed, as well as the fact that a document explaining the proposals should be made available for public inspection and a notice advising of the proposals be published in a local newspaper.

2. THE CONSULTATION

Following the decision, the proposal attached as **Appendix 2** to this report, was publicised locally during November and December 2009. Publicity included:

- making copies of a document setting out the proposals available for public inspection at the Town Hall;
- making the proposals available to view on the Council's website; and
- publishing a notice in H&F News describing the main features of the proposals and explaining where interested parties can view them.

The Council did not receive any response to the publicity undertaken. The Council is now asked to confirm that it wishes to adopt the new Leader and Cabinet Model and thus confirm its indicative decision taken in October 2009.

3. FEATURES OF THE NEW STYLE LEADER AND CABINET EXECUTIVE MODEL

The new arrangements, if adopted, will be as follows:-

- The Leader of the Council will be elected by the Council for a four year term at the Annual Council Meeting in May 2010;
- The Leader may appoint up to 9 members to the Cabinet and have the power to remove them;
- The Leader must appoint one of the members of the Cabinet to be his or her deputy;
- The Deputy Leader will hold office until the end of the term of the Leader;
- The Leader may remove the Deputy Leader from office;
- If for any reason the Leader is unable to act, or the office of Leader is vacant, the Deputy Leader must act in place of the Leader;
- The Leader may be removed from office by a resolution of Full Council;
- All executive power will flow through the Leader who decides what to delegate to the Cabinet. The Leader retains the authority to discharge any executive function him or herself, or to delegate them to the Cabinet, a member of the Executive, a committee of the Executive or an officer.

4. PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION

Crucially, the Local Government and Public Involvement and Health Act 2007 (LGPIHA) vests in the new style leader all of the authority's executive functions. He/she will have the power to determine how these powers are to be discharged - either by him or herself, or he or she can delegate them to the Cabinet, a committee of the cabinet, individual members of the Cabinet or officers.

This new proposal will require some amendments to the Council's constitution. Outlined in Appendix 1 are the significant changes which require approval for the new governance model to operate. A further report will be submitted to Council later in the year outlining other constitutional changes, particularly identifying the Executive and Non-Executive functions to be exercised the Leader and Council respectively.

5. CONCLUSION

The Local Government and Public Involvement in Health Act 2007 required all Councils to review their governance arrangements by 31 December 2009. In taking this decision to adopt the new style Leader and Cabinet Executive governance arrangements the London Borough of Hammersmith and Fulham would be in a position to operate under the new arrangements come May 2010.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

6.1 There are no financial implications arising from this report.

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

7.1. Under the Act, the Council is required to change its executive arrangements to either the strong leader and executive model or the elected Mayor and Cabinet model. Whilst under the Act the resolution is to be made before 31 December 2009, the transitional arrangements in Schedule 4 of the Act allow a Council opting for the Leader and Cabinet model to do so before the end of the "transitional period" which ends on 9 May 2010. This enables the Council to deal with the matter at a special meeting following the January Council meeting rather than at a special meeting in December.

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 and Public Involvement in Health Act 2007 and Guidance notes	Kayode Adewumi ext. 2499	Councillors' Services, Room 202, Hammersmith Town Hall.
2.	Review of Governance Arrangements report to Council on 25 May and 28 th October 2009	Kayode Adewumi ext. 2499	Councillors' Services, Room 202, Hammersmith Town Hall.

APPENDIX 1

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

NEW EXECUTIVE ARRANGEMENTS – AMENDMENTS REQUIRED TO THE COUNCIL’S CONSTITUTION

CONSTITUTION PAGE (SECTION)	CURRENT WORDING	NEW WORDING
2 (Summary & Explanation)	<p><i>Para.6:</i> “ The Council is responsible for appointing the Executive (Cabinet), and the memberships of Regulatory and Overview and Scrutiny Committees.”</p> <p><i>Para. 7</i> “The Executive is made up of a Leader (who is elected by the majority political group on the Council), a Deputy Leader and a Cabinet of 6 Councillors (“Cabinet Members”) appointed by the Council.”</p>	<p>“ The Council is responsible for electing the Leader (who appoints the other members of the Executive (Cabinet)), and the memberships of Regulatory and Overview and Scrutiny Committees.”</p> <p>“The Executive is made up of a Leader (who is elected by the Council), and a Deputy Leader and a Cabinet of 6 other Councillors (“Cabinet Members”) appointed by the Leader.”</p>
4 (Citizens’ Rights)	<p><i>Bullet point 5:</i> “petition to request a referendum on a Mayoral form of Executive;”</p>	<p>“petition to request a referendum on a permitted change to the current form of Executive.”</p>
14/15 (Functions of the full Council)	<p><i>Para.4.02(a):</i> “adopting and changing the Constitution;”</p> <p><i>Para. 4.02(d):</i> “appointing the Leader and other members of the Executive.”</p>	<p>“adopting and changing the Constitution, including approving schemes of delegation of the non-executive functions of the Council.”</p> <p>“electing the Leader and removing him/her from office, and receiving notification of the appointment of the Deputy Leader and other Executive members.”</p>

CONSTITUTION PAGE (SECTION)	CURRENT WORDING	NEW WORDING
23 (The Executive)	<p><i>Para. 7.02: Form and composition:</i> “The Executive (Cabinet) will consist of an Executive Leader and Councillors appointed to the Executive by the Council, who shall be known as Cabinet Members.”</p> <p><i>Para. 7.03 Leader:</i> “The Executive Leader will be a Councillor appointed to the position of Leader by the Council. The Leader will hold office from one Annual Council meeting to the next or until:</p> <p>(a) he/she resigns from the office; or</p> <p>(b) he/she is suspended from being a Councillor under Part III of the <u>Local Government Act 2000</u> (although he/she may resume office at the end of the period of suspension); or</p> <p>(c) he/she is no longer a Councillor; or</p> <p>(d) he/she is removed from office by resolution of the Council.”</p>	<p>“The Executive (Cabinet) will consist of an Executive Leader (elected by the Council) and other Councillors appointed to the Executive by the Leader who shall be known as Cabinet Members.”</p> <p>“The Executive Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office for a four year term, beginning at the annual Council meeting immediately following the municipal elections and ending on the day of the annual Council meeting immediately following the next succeeding municipal elections, or until:</p> <p>(a) he/she resigns from office; or</p> <p>(b) he/she is suspended from being a Councillor under Part III of the <u>Local Government Act 2000</u> (although he/she may resume office at the end of the period of suspension); or</p> <p>(c) he/she is no longer a Councillor; or</p> <p>(d) he/she is removed from office as Leader by resolution of the Council.”</p>

CONSTITUTION PAGE (SECTION)	CURRENT WORDING	NEW WORDING
23 (The Executive) [cont.]	<p><i>Para. 7.04 Other Executive Members:</i> “Other Executive members (Cabinet Members) shall also be appointed by the Annual Council and shall hold office from one Annual Council meeting to the next or until:</p> <p>(a) they resign from office; or</p> <p>(b) they are suspended from being Councillors under Part III of the <u>Local Government Act 2000</u> (although they may resume office at the end of the period of suspension); or</p> <p>(c) they are no longer Councillors; or</p> <p>(d) they are removed from office, either individually or collectively, by resolution of the Council.</p>	<p>“Other Executive members (Cabinet Members) up to 9 in number shall be appointed by the Leader for a period which he/she shall determine, or until an Executive member:</p> <p>(a) resigns from office; or</p> <p>b) is suspended from being a Councillor under Part III of the <u>Local Government Act 2000</u> (although he/she may be reappointed to office at the end of the period of suspension); or</p> <p>(c) is no longer a Councillor; or</p> <p>(d) is removed from office by the Leader.</p> <p>One other Executive member shall be appointed by the Leader as his/her Deputy for a period of four years or until such time as he/she removes the Deputy from office.”</p>
24 (The Executive)	<p><i>Para 7.06 Responsibility for functions:</i> “The Council will appoint all Executive members and will approve the list maintained in <u>Part 3</u> of this Constitution setting out which Cabinet members, Committees, officers or joint arrangements are responsible for the exercise of particular</p>	<p>“The Council will elect the Leader who will appoint all other Executive members and who will be responsible for ensuring that the list maintained in <u>Part 3</u> of this Constitution setting out which Cabinet members, Committees, officers or joint arrangements are responsible for the exercise of</p>

CONSTITUTION PAGE (SECTION)	CURRENT WORDING	NEW WORDING
<p>24 (The Executive) [cont.]</p>	<p>executive functions. Cabinet members may also appoint advisory or consultative bodies to assist them in the carrying out of their executive functions.</p> <p>The Leader retains overall responsibility for the budget and financial matters, the Council’s community strategy, key policy initiatives, and employee relations. The Leader exercises responsibilities individually or in conjunction with designated Cabinet members.</p> <p>In the absence of the Leader, or if he is unable to act, his responsibilities may be discharged by the Deputy Leader.</p> <p>Cabinet members have responsibility for developing policies, setting objectives, taking decisions (either individually or collectively via Cabinet), and monitoring Council and departmental activities, for the areas set out in their portfolios.”</p>	<p>particular executive functions is up to date and reported to the Council as necessary and at each annual meeting. Cabinet members may also appoint advisory or consultative bodies to assist them in the carrying out of their executive functions.</p> <p>The Leader has responsibility for the matters set out in his/her Responsibilities and Portfolio maintained in <u>Part 3</u> of this Constitution. The Leader exercises responsibilities individually or in conjunction with designated Cabinet members as shown in <u>Part 3</u>.</p> <p>In the absence of the Leader, or if he/she is unable to act, his/her responsibilities shall be discharged by the Deputy Leader.</p> <p>Cabinet members have responsibility for developing policies, setting objectives, taking decisions (either individually or collectively via Cabinet), and monitoring Council and departmental activities, for the areas set out in their Responsibilities and Portfolios maintained in <u>Part 3</u> of this Constitution.”</p>

CONSTITUTION PAGE (SECTION)	CURRENT WORDING	NEW WORDING
38 (Review and Revision of the Constitution)	<i>Para. 15.02 Changes to the Constitution sub- para (b):</i> “Change from Leader and Cabinet form of Executive to alternative arrangements, or vice versa: The Council must take reasonable steps to consult local electors and other interested persons in the area when drawing up proposals.”	“Change from Leader and Cabinet form of Executive to another permitted form of Executive. The Council must seek approval to such changes by means of a local referendum.”
42-74 (Executive Members : Responsibilities and Portfolios)	<i>Introductory paragraph to all Cabinet member portfolios:</i> “Executive Councillors at LB Hammersmith & Fulham are appointed by the full Council to provide clear and visible Leadership and political accountability for the services and activities covered by their portfolios.”	<i>Leader’s portfolio:</i> “The Leader of Hammersmith & Fulham Council is elected by the full Council to provide clear and visible leadership and political accountability for the services and activities covered by his/her portfolio.He/she is responsible for all executive functions of the Council and shall determine by means of schemes of delegation or otherwise how these functions are to be discharged.” <i>Other Executive members’ portfolios:</i> Other Executive members are appointed by the Leader to provide clear and visible Leadership and political accountability for the services and activities covered by their portfolios.”
43 (Scope of Portfolio – Leader)	<i>Leader’s functions:</i>	<i>New introductory para:</i> The Leader has authority to discharge any Executive function him/herself, or to decide to delegate any Executive function to the Executive, or to any other Executive Member in accordance with the Responsibilities and

CONSTITUTION PAGE (SECTION)	CURRENT WORDING	NEW WORDING
43 (Scope of Portfolio – Leader) [cont.]		<p>Portfolios of Executive maintained in <u>Part 3</u> of this Constitution , or to officers, or to area committees, or to any other authority or any joint arrangements.</p> <p><i>New para. 1.1:</i> “Appointing to and removing from office up to nine Cabinet Members, one of whom shall be appointed as his/her Deputy.”</p>
98 (Executive Arrangements and General Scheme of Delegation to all Chief Officers	<p><i>Para. 1:</i> The Council has made the following arrangements for the discharge of functions under S.15 of the Local Government Act 2000 in respect of Executive functions and under S.101 of the Local Government Act 1972 in respect of non-executive functions.</p> <p><i>Para. 2:</i> The powers, duties and functions of the Executive (Cabinet) members, Committees, or Officers shall be exercised in the name of and on behalf of the Council.</p> <p><i>Para. 8:</i> Every Executive member, Committee or officer may decline to exercise their powers in a particular case and shall in such instances refer the matter to the Executive, relevant Executive member or the full Council as appropriate in order that a decision may be made, provided that an Executive decision within the Budget and</p>	<p>The Council has made the following arrangements for the discharge of functions under S.15 of the Local Government Act 2000 in respect of Executive functions (as amended by the Local Government and Public Involvement in Health Act 2007) and under S.101 of the Local Government Act 1972 in respect of non-executive functions.</p> <p>The executive powers, duties and functions of the Executive (Cabinet) members, Committees, or Officers shall be exercised on behalf of the Leader.</p> <p>Every Executive member, Committee or officer may decline to exercise their powers in a particular case and shall in such instances refer the matter to the Leader, Executive, relevant Executive member or the full Council as appropriate in order that a decision may be made,</p>

CONSTITUTION PAGE (SECTION)	CURRENT WORDING	NEW WORDING
	Policy Framework may not be taken by the full Council and a non-executive decision may not be taken by the Executive or an Executive member.	provided that an Executive decision within the Budget and Policy Framework may not be taken by the full Council and a non-executive decision may not be taken by the Executive or an Executive member.
370 (Council Procedure rules)	<i>Annual meetings para. 1.2. – matters to be considered at the annual meeting sub-para (e):</i> “Appointing the Leader and the Executive members of the authority, and approving their respective Portfolio responsibilities.”	“Electing the Leader of the Council for the ensuing four year period.” <i>(new sub-para.f)</i> “Receiving a report from the Leader on the appointment of the Deputy Leader and other members of the Executive.”
409 (Executive Procedure Rules)	<i>Para. 1.2 – Delegation by the Council:</i> “At the annual meeting of the Council, the Council will determine delegations for inclusion in the Council’s scheme of delegation at <u>Part 3</u> to this Constitution. The document will contain the following information about Executive functions in relation to the coming year: (i) the names of the people appointed to the Executive (Cabinet) by the Council; (ii) the extent of any authority delegated to Executive members individually, including details of the limitation on their authority;	“At the annual meeting of the Council and at other meetings of the Council as necessary, the Council will receive a report from the Leader about the delegation of executive functions which he/she has determined for inclusion in the Council’s Scheme of delegation at <u>Part 3</u> of the Constitution. The document will contain the following information about Executive functions in relation to the coming year: (i) the names of the other Councillors appointed to the Executive (Cabinet) by the Leader;

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	<p>(iii) the nature and extent of any delegation of Executive functions to area committees, any other authority or any joint arrangements and the names of those Executive members appointed to any joint committee for the coming year; and</p> <p>iv) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.</p>	<p>(ii) the extent of any authority delegated to the other Executive Members individually and collectively, including details of the limitation on their authority;</p> <p>iii) the nature and extent of any delegation of Executive functions to area committees, any other authority or any joint arrangements and the names of those Executive members appointed to any joint committee for the coming year; and</p> <p>(iv) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.”</p>
410 (Executive Procedure Rules)	<p><i>Para. 1.4 – The Council’s Scheme of Delegation and Executive functions:</i> “The Council’s scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in <u>Part 3</u> of the Constitution.”</p>	<p>“The Council’s scheme of delegation of executive functions as determined by the Leader will be reported annually to the the Council and may only be amended by the Leader. It will contain the details required in Article 7 and set out in <u>Part 3</u> of the Constitution.”</p>

CONSTITUTION PAGE (SECTION)	CURRENT WORDING	NEW WORDING
486 (Local Protocol for and Cabinet Members)	<i>Section 3 para.3.1 – The role of Cabinet Members:</i> “Cabinet Members are appointed by the full Council, with a defined portfolio of responsibilities.”	“The Leader is elected by the full Council and other Cabinet Members are appointed by the Leader.”

The London Borough of Hammersmith & Fulham – Governance Arrangements

In accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 the London Borough of Hammersmith and Fulham has undertaken a review of its governance arrangements. As a consequence, at its meeting on 28 October 2009 the Council resolved to operate a new style Leader and Cabinet with effect from 9 May 2010.

The Leader and Cabinet model is similar to the current arrangements, with the Leader of the Council being elected by Full Council. However, under the new arrangements the Leader will be elected for a period of four years (or until the expiry of his or her term of office as a Councillor) rather than annually. The Council may choose to adopt procedures which would allow the removal of the Leader from office during the four year period.

All executive functions will be vested in the Leader who may delegate them as he or she considers appropriate. The Leader may appoint up to nine councillors who will act as Cabinet Members and determine the allocation of responsibilities to each. He or she will appoint a Deputy Leader who will also serve a four year term. Other Councillors will continue to scrutinise the decision making of the Leader, Cabinet Members, Officers and certain partner organisations.

A copy of a document setting out the arrangements is available for inspection by members of the public at the address below between Monday to Friday 9am to 5pm:

Hammersmith Town Hall
King Street
Hammersmith
W6 9JU

Geoff Alltimes
Chief Executive
November 2009