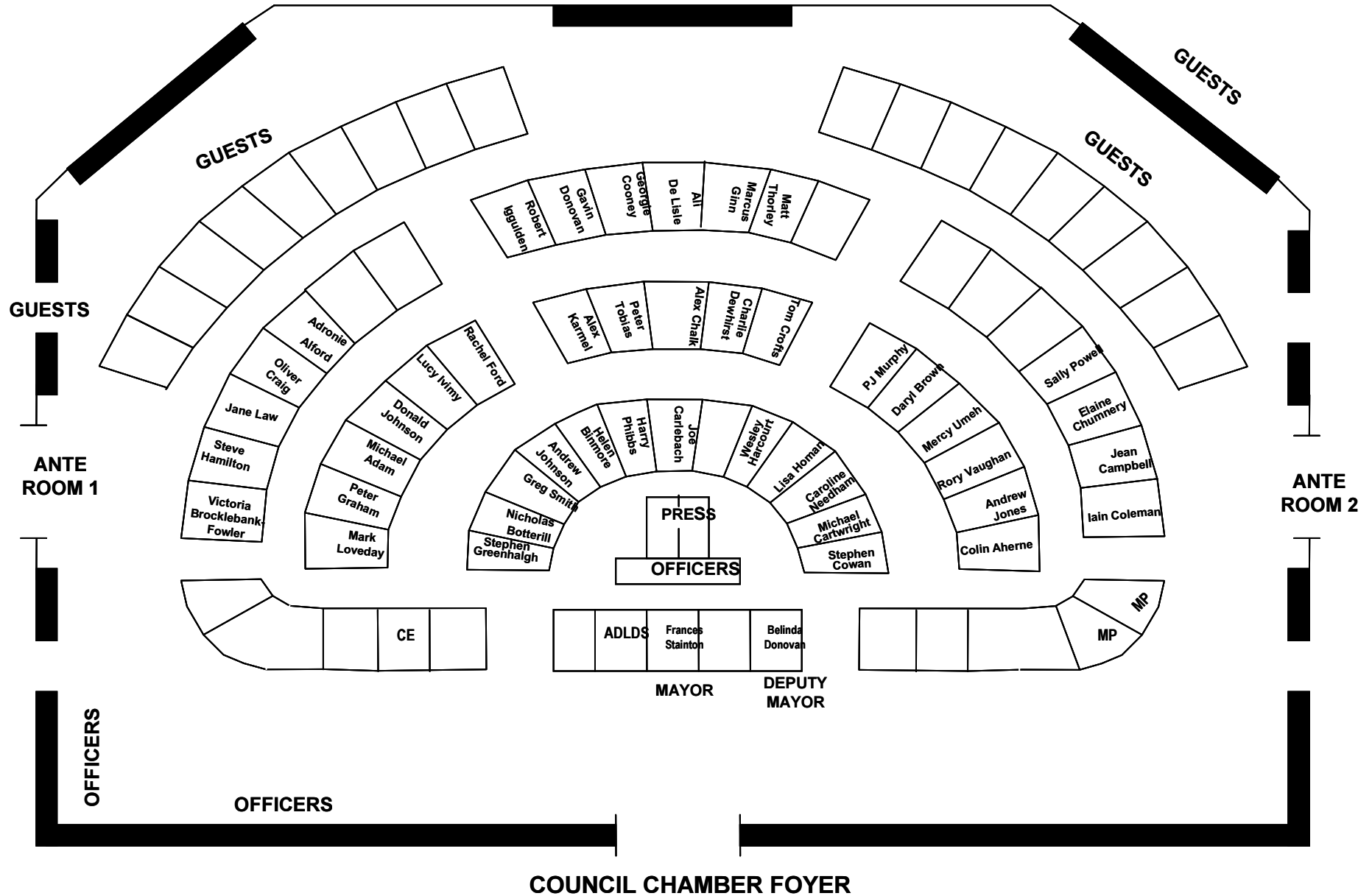


COUNCIL AGENDA

(Ordinary Council Meeting)

Wednesday 29 June 2011

COUNCIL CHAMBER SEATING 2011/12





The Mayor (Councillor Frances Stainton)
Deputy Mayor (Councillor Belinda Donovan)

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 29 June 2011
at Hammersmith Town Hall, W6

The Council will meet at 7.00pm.

20 June 2011
Town Hall
Hammersmith W6

Geoff Alltimes
Chief Executive

Full Council Agenda

29 June 2011

<u>Item</u>		<u>Pages</u>
1.	MINUTES	87 - 100
	To approve and sign as an accurate record the Minutes of the Annual Council Meeting held on 25 May 2011.	
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.	PUBLIC QUESTIONS (20 MINUTES)	
	The Leader/relevant Cabinet Member to reply to questions submitted by members of the public:	
5.1	QUESTION 1 - MS ALEXANDRA KENNAUGH	101
6.	ITEMS FOR DISCUSSION/COMMITTEE REPORTS	
6.1	TRI BOROUGH IMPLEMENTATION PLANS	102 - 224
	The report provides detailed business cases for the integration of Children's Services, Environment Services, and Adult Social Care Departments, and elements of Corporate Services and boroughs' Libraries Services. It also outlines proposals for the appointment of a Joint Chief Executive and Head of Paid Service for the Royal Borough of Kensington and Chelsea and the London Borough of Hammersmith and Fulham.	

6.2	REVIEW OF THE COUNCIL'S CONSTITUTION - ESTABLISHMENT OF A JOINT APPOINTMENTS PANEL AND TERMS OF REFERENCE	225 - 227
	<p>The report proposes some in year amendments to reflect changes to terms of reference to the Appointments Panel.</p>	
6.3	SHEPHERDS BUSH AREA - ADOPTION OF A SPECIAL LICENSING POLICY	228 - 248
	<p>The report considers the need for adoption of a special licensing policy and the results of the consultation carried out.</p>	
6.4	NEW BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES	249 - 276
	<p>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.</p> <p>The report seeks a resolution by Full Council to adopt a new set of byelaws based on the 'Model Set 2'.</p>	
7.	SPECIAL MOTIONS	
	<p>To consider and determine any Special Motions:</p>	
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COUNCIL MINUTES

(ANNUAL COUNCIL MEETING)

WEDNESDAY 25 MAY 2011

PRESENT

The Mayor Councillor Frances Stainton
Deputy Mayor Councillor Belinda Donovan

Councillors:

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

1. ELECTION OF MAYOR 2011/12

7.00 pm – Councillor Adronie Alford, as the outgoing Mayor, took the Chair at the start of the meeting.

Councillor Mark Loveday, proposed, seconded by Councillor Victoria Brocklebank-Fowler, that Councillor Frances Stainton be elected Mayor of the London Borough of Hammersmith and Fulham for the 2011/12 Municipal Year.

There being no further nominations, the proposal was formally put to the vote:

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

Councillor Frances Stainton was duly declared Mayor of the Borough for the 2011/12 Municipal Year, following which she made the statutory Declaration of

Acceptance of Office and signed the statutory undertaking to observe the Code of Conduct for Councillors.

Under Standing Order 21 (d), the Mayor suspended the meeting while she put on the Mayor's robes.

The motion was declared **CARRIED**.

(The meeting was adjourned until 7.06pm)

The Mayor invited Reverend Jo Hawes of All Saints Church to offer a blessing for the Municipal Year.

The Mayor announced that she had decided to appoint Mr William Proger, Comte Edouard de Guitaut and Mrs Pauline Lyle-Smith as her consorts and Mayoress for the 2011/12 Municipal Year. The Mayor then announced that she had appointed Councillor Belinda Donovan as Deputy Mayor for the 2011/12 Municipal Year.

The Leader of the Council, Councillor Stephen Greenhalgh, proposed, seconded by Councillor Mark Loveday, that the past Mayor's badge be presented to Councillor Adronie Alford in recognition of her service to the Council in undertaking the office of Mayor, and in carrying out other associated civic duties as a Councillor.

The Leader then made a speech about the excellent work the outgoing Mayor had undertaken during her term of office. Councillor Stephen Cowan, Leader of the Opposition, also thanked the outgoing Mayor for her work. Councillor Adronie Alford then accepted her badge and made a brief speech.

The Leader of the Council then moved, on behalf of the Council, seconded by Councillor Mark Loveday, a vote of thanks to the past Mayoresses Miss Lavender Hastie and Mrs Diana Sulimirski, and Consort, Mr George Sulimirski for their work in supporting the past Mayor in carrying out her civic functions. Miss Lavender Hastie, Mr George Sulimirski and Mrs Diana Sulimirski then came forward to receive their respective badges.

2. MINUTES

The minutes of the Council Meeting held on 23 February 2011 were confirmed and signed as an accurate record.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rachel Ford and Peter Tobias.

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

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

7.36 pm - The Mayor announced the sad death of Mrs Hazel Gray on 13th March 2011 who was a Deputy Mayoress, Mayoress and Honorary Mayoress to former Councillor and Mayor Mr Ian Gray. She also informed the meeting of the sad death of former Councillor Mrs Doris Banfield on 26th April 2011 who was Mayoress to former Councillors and Mayors Mr Frank Banfield and Mr Hugh Duff. Mrs Doris Banfield was elected to serve as a Councillor representing Crabtree Ward in May 1971 until May 1978.

The meeting stood for one minute in their memory.

Councillors Michael Cartwright, Adronie Alford and Lisa Homan paid tribute to the former Councillors.

5. DECLARATIONS OF INTERESTS

There were no declarations of interest.

6. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

6.1 Party Appointments for 2011/12 Municipal Year

7.44 pm - The report of the Chief Executive on the various appointments made by the Party Groups on the Council for 2011/12 was noted.

6.2 Annual Review and Adoption of the Council's Constitution

7.45 pm - The report of the Monitoring Officer on the Council's Constitution was moved for adoption by the Leader of the Council, Councillor Stephen Greenhalgh.

Speeches on the report were made by Councillors Colin Aherne (for the Opposition) and Councillor Mark Loveday (for the Administration).

The Monitoring Officer's report and recommendations were put to the vote:

FOR	27
AGAINST	15
ABSTENTIONS	0

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

7.51 pm RESOLVED:

1. That the updates, amendments and corrections proposed to the Council's Constitution, as set out in Annex 1 to the report, be agreed.
2. That subject to agreement of the above, that the Council's Constitution be re-approved and re-adopted for the 2011/12 Municipal Year.

6.3 Petitions: Annual Report 2010/11

7.51 pm - The report and recommendations were formally moved for adoption by the Leader of the Council, 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**.

7.52 pm **RESOLVED:**

That the Council's Petitions Scheme be amended as follows:-

- (1) The courses of action available to the Council or the Cabinet in response to a valid petition to explicitly provide that the content of a petition may be taken into account when reaching a decision on the relevant report.
- (2) Where a report to Council concerns an executive function (not being exercised in a manner inconsistent with the Budget & Policy Framework) the matter shall be referred to Cabinet for consideration together with any comments the Council resolves to make.

7. **SPECIAL MOTIONS**

7.1 Special Motion 1 - Appointment by the Leader of the Deputy Leader and Cabinet Members and their Respective Portfolios

7.53 pm – Councillor Stephen Greenhalgh moved, seconded by Councillor Victoria Brocklebank-Fowler, the special motion standing in their names.

"This Council notes the following appointments by the Leader to the Cabinet and their respective portfolios."

The motion was put to the vote:

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

The motion was declared **CARRIED**.

7.53 pm **RESOLVED:**

This Council notes the following appointments by the Leader to the Cabinet and their respective portfolios.

7.2 Special Motion 2 - Appointment of Chairmen and Memberships of Regulatory, Scrutiny and Other Committees 2011/12

7.53 pm – Councillor Stephen Greenhalgh moved, seconded by Councillor Nicholas Botterill, the special motion standing in their names.

"This Council agrees the appointments of Chairmen and Memberships of Regulatory, Scrutiny and other Committees under its Constitution for the Municipal Year 2011/12 as set out in Annex 1".

The motion was put to the vote:

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

The motion was declared **CARRIED.**

7.53 pm **RESOLVED:**

"This Council agrees the appointments of Chairmen and Memberships of Regulatory, Scrutiny and other Committees under its Constitution for the Municipal Year 2011/12, as set out in Annex 1 of the report and also notes their respective Portfolios/Terms of Reference, as set out in the Council's Constitution."

7.3 Special Motion 3 - Council Appointments to Local Government Organisation 2011/12

7.53 pm - Councillor Mark Loveday moved, seconded by Councillor Victoria Brocklebank-Fowler, the special motion standing in their names.

"This Council agrees the Council's appointments to Local Government Organisations for 2011/12, as set out in Annex 1".

The motion was put to the vote:

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

The motion was declared **CARRIED.**

7.53 pm **RESOLVED:**

That the Council agrees the appointments to Local Government Organisations for 2011/12, as set out in the Appendix of the report.

7.4 Special Motion 4 - Council Calendar 2011/12

7.54 pm - Councillor Andrew Johnson moved, seconded by Councillor Greg Smith, the special motion standing in their names:

"This Council agrees that, for the Municipal Year 2011/12, meetings of the Council, its Committees and Panels, be held on the dates specified, as set out in the Council Calendar."

Councillor Needham (for the Opposition) made a speech on the motion before being put to the vote.

The motion was put to the vote:

FOR	27
AGAINST	15
ABSTENTIONS	0

The motion was declared **CARRIED.**

7.56 pm **RESOLVED:**

"This Council agrees that, for the Municipal Year 2011/12, meetings of the Council, its Committees and Panels, be held on the dates specified, as set out in the Council Calendar, attached as an Annex to the report".

8. **INFORMATION REPORTS - TO NOTE**

8.1 To Receive the Leader's Annual Report (Oral)

7.57 pm – The Council received an oral report from the Leader, Councillor Stephen Greenhalgh. Councillor Stephen Cowan made a speech on behalf of the Opposition.

8.2 Overview and Scrutiny Annual Report 2010/11

8.14pm - The Council received the Annual Scrutiny report of the work undertaken by the Overview and Scrutiny Board, Select Committees and Scrutiny Task Groups during the course of the 2010/11 Municipal Year.

Speeches on the report was made by Councillors Andrew Jones, Stephen Cowan, Colin Aherne and Rory Vaughan (for the Opposition) and Councillor Alex Karmel and Mark Loveday (for the Administration), before being put to the vote:

The report was put to the vote:

FOR	27
AGAINST	15
ABSTENTIONS	0

The report was declared **CARRIED.**

8.29 pm **RESOLVED:**

That the Overview and Scrutiny Annual Report be received.

8.3 Summary of Attendance at Principal Committee Meetings of the Council in 2010/11

8.31 pm - The summary report of Members' attendance at principal committee meetings of the Council in 2010/11 was duly noted.

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

Meeting started: 7.00 pm
Meeting ended: 8.31 pm

Mayor

ANNOUNCEMENTS BY THE MAYOR

1. On 24th February, I was delighted to host a presentation evening held in the Mayor's Parlour for Albert and Friends Instant Circus, RLNI and Mayhew Animal Trust. They were awarded 7th place at the New Years Day Parade 2011, winning £1,500 in aid of my chosen charity the Royal National Lifeboat Institution.
2. On 24th February, accompanied by my Mayoress and Consort, I attended an Edward Fox play 'Trollope in Bassetshire', Riverside Studios, W6
3. On 25th February, accompanied by my Mayoress, I attended the Mayor of Bromley's 'Quiz Night', The Great Hall, Bromley Civic Centre
4. On 26th February, accompanied by my Mayoress, I attended the Mayor of Havering Gala Boxing Dinner, Prince Regent Hotel
5. On 27th February, accompanied by both Mayoresses, I attended the Mayor of Waltham Forest Charity Concert, Walthamstow Assembly Hall, E17
6. On 28th February, accompanied by both Mayoresses and my Consort, I was delighted to welcome and host a reception for other London Borough Mayors and a Charity VIP Tour of BBC TV Centre, W12
7. On 2nd March, I attended a Citizenship Ceremony during which, I presented each citizen with their official certificate, Council Chamber, FTH
8. On 2nd March, I attended the Bulgarian National Day celebrations, Bulgarian Embassy, Queens Gate, SW7
9. On 2nd March, I attended the H&F Youth Parliament, Council Chamber, HTH
10. On 3rd March, I was delighted to attend Hammersmith London (BID) 'Result Announcement', Mayor's Parlour, HTH
11. On 4th March, I attended the H&F Primary Schools' Swimming Gala competition, Fulham Pools, SW6
12. On 7th March, accompanied by my Mayoress, I attended the Italian Cultural Institute, SW1

13. On 9th March, accompanied by my Mayoress, I attended the Mayor of Croydon charity tour 'Ancient and Modern', Croydon
14. On 10th March, I attended the opening of the WRWA. HRH, The Princess Royal was the guest of honour, Smugglers Way, SW18
15. On 10th March, I was delighted to receive a cheque for my chosen charity 'RLNI' from George Irvin, Fairground Entertainer, Mayor's Parlour, HTH
16. On 10th March, I visited Henry Compton School, Kingwood Road, SW6
17. On 11th March, accompanied by my Mayoress, I attended the Mayor of Brent's Charity Party, Wembley Plaza Hotel, Wembley
18. On 12th March, accompanied by my Consort, I attended the Mayor of Merton 'Charity Dinner Ball' All England Tennis Association, Wimbledon
19. On 13th March, accompanied by my Mayoress, I attended the Opening Ceremony of The Hungarian Gate, 17 St. Dunstan's Road, W14
20. On 13th March, accompanied by both Mayoresses, I attended the H&F Neighbourhood Wardens 'West London Showcase' event, Bush Hall, Uxbridge Rd, W12
21. On 14th March, accompanied by my Mayoress, I attended the Rotary Youth Makes Music evening, Royal Festival Hall
22. On 15th March, I attended a tour of the new proposed ARK Conway School, Sundew Avenue, W12
23. On 16th March accompanied by my Mayoress, I attended a Citizenship Ceremony during which, I presented each citizen with their official certificate, Council Chamber, FTH
24. On 16th March, accompanied by my Mayoress, I attended the Generations Together Showcase, Lyric Theatre, W6
25. On 19th March, I attended the Mayor of Redbridge Charity Dinner evening, Woolston Manor
26. On 21st March, I attended the Bike Shed opening, Addison Primary School, W14
27. On 22nd March, I attended the First Big Link Up event, Wetlands Centre, Barnes, SW15

28. On 23rd March, I attended H&F Children's Parliament, Council Chamber, HTH
29. On 24th March, I attended the ESOL celebration day, EH&WLC, Gliddon Road, W14
30. On 24th March, I attended the British Land Kids Cricket League grand final, Lords Cricket Ground, NW1
31. On 24th March, I was delighted to attend H&F Bowling League Tournament, Park Royal, NW10
32. On 25th March, I attended the Olympia UK ECO Green Aware Show 2011, Olympia, W14
33. On 26th March, accompanied by my Mayoress, I attended a tour of Palace Wharf Studios, Rainville Road, W6
34. On 26th March, accompanied by my Mayoress, I attended the Mayor of Wandsworth Charity Boat Race event onboard the Golden Salamander, Putney Pier Embankment, SW15
35. On 29th March, accompanied by the Cllr Alex Karmel, I attended the funeral of Mrs Hazel Gray, Putney Vale Crematorium, SW15
36. On 29th March, I attended the launch event for Groundwork London, Pelham House, Lytton Estate, Mornington Ave, W14
37. On 29th March, I attended the launch of Skillset Craft & Technical Skills Academy, British Film Institute, Southbank SE1
38. On 30th March, I attended the Kiloran Trust open day event, Blythe Road, W14
39. On 1st April, I attended and presented the winning medals of the H&F Mayor's Cup Matches, Hurlingham Park (All Weather Pitch), SW6
40. On 2nd April, I was delighted to host my charity Fundraising evening for visiting Mayor's and guests, Royal National Lifeboat Institution, The Pier House, Corney Reach Way, W4
41. On 3rd April, accompanied by my Mayoress and Consort, I attended and walked in the London Mayor's Association Annual Charity Walk, 'Whittington Hospital to Mansion House, EC4
42. On 7th April, I visited and toured Bridge Academy School, Finley Street, SW6

43. On 7th April, I attended The British Red Cross Charity Shop event 'Running a Shop', Shepherds Bush Road, W12
44. On 9th April, accompanied by my Mayoress, I attended the Mayor of Hillingdon Annual Civic Dinner, RAF Northolt
45. On 11th April, accompanied by my Mayoress, I attended the Mayor of Harrow Charity tour of Harrow School and Harrow Museum, Harrow
46. On 11th April, accompanied by my Mayoress, I attended the Mayor of Redbridge Charity Race Night, Coral Greyhound Stadium, RM7
47. On 12th April, I attended Avonmore Primary School 'Tea Party', W14
48. On 12th April, accompanied by my Consort, I attended the Mayor of Wandsworth's Charity Dinner evening 'Ceremony of The Keys', Tower of London
49. On 13th April, I was delighted to attend and host H&F Annual Mayor's Tea Dance, Assembly Hall, HTH
50. On 15th April, accompanied by my Mayoress and Consort, I attended the Mayor of Barking & Dagenham Charity Evening, Romford
51. On 17th April, I attended and presented medals at H&F RFC Rugby Finals, Hurlingham Park, SW6
52. On 17th April, accompanied by my Consort and both Mayoresses, I attended and cut the ribbon to start the Easter Egg Hunt event, Mayhew Animal Home, NW10
53. On 18th April, I was honoured to host a reception and present Certificates of Achievement to H&F Cadets. Mrs Sandy Cahill, Deputy Lieutenant for H&F also attended and read out their citations, Mayor's Parlour, HTH
54. On 20th April, accompanied by my Consort, I attended the Mayor of Hounslow's Charity tour and Tea at Syon House, Brentford
55. On 21st April, accompanied by my Mayoress, I attended the Mayor of Merton's Charity tour of Cannizaro House, Westside, SW19
56. On 26th April, , accompanied by my Mayoress, I attended the Mayor of Bexley's Charity tour of Danson House, Bexleyheath
57. On 28th April, accompanied by my Mayoress, I attended the Mayor of Bexley Charity Greek Dinner, Bellegrove Rd, Welling

58. On 29th April, I attended Nazareth House, Royal Wedding Day Party, Hammersmith Road, W6
59. On 30th April, accompanied by my Mayoress and Consort, I attended the Mayor of Enfield Charity Dinner, Forty Hall Banqueting Suite, Enfield
60. On 3rd May, I was delighted to attend Henry Compton School Achievement Evening, which Mrs Sandy Cahill, Deputy Lieutenant for H&F also attended, Fulham Town Hall
61. On 4th May, I attended the Archie Arthur Annual Tea Party, Lygon House, Fulham Palace Road, SW6
62. On 7th May, accompanied by my Mayoress, I attended Chelsea and Westminster Hospital Open Day, Fulham Road, SW10
63. On 7th May, accompanied by my Mayoress, I attended The Annual Mayor's Day at Capel Manor College, Enfield
64. On 8th May, accompanied by the Deputy Mayor, both Mayoresses, I attended and read a lesson at the 400th Anniversary of The King James version of The Bible, All Saints, Fulham
65. On 9th May, accompanied by my Mayoress, I attended the Mayor of Greenwich, Eltham Palace and the Royal Artillery Museum tour, Enfield
66. On 10th May, I attended the Extra Time 'The Power of Football In Active Ageing event, Craven Cottage, SW6
67. On 11th May, I attended a Citizenship Ceremony during which, I presented each citizen with their official certificate, Council Chamber, FTH
68. On 12th May, I hosted a farewell lunch for my relief chauffeurs, Mayor's Parlour, HTH
69. On 12th May, I was delighted to host a drinks reception to celebrate the achievements of H&F Homes and Board Members, Mayor's Parlour, HTH
70. On 13th May, I attended Mary Seacole House, Extra Care Scheme, Invermead Close, W6
71. On 15th May, accompanied by my Mayoress and Consort, I was delighted to attend my Charity bucket collection at Chelsea Football Club for my chosen charity RNLI, Stamford Bridge, SW6

72. On 15th May, accompanied by my Consort, I attended Maneck Dalal's leaving event, Bhavan Cultural Institute, Castletown Road, W14
73. On 18th May, I was delighted and proud to host a reception for the Chairman, Neil Warnock team Manager and other dignitaries from Queens Park Rangers football Club, on their outstanding achievement of League Championship winners and promotion to the Premier League, Mayor's Parlour, HTH
74. On 19th May, I attended the funeral of Mrs Doris Banfield a former Councillor and Mayoress, Mortlake Crematorium
75. On 20th May, I attended the National Graduate Development Programme event, Marble Gallery, HTH
76. On 20th May, I attended Hammersmith Cadets Parade Night and Open Evening for parents, Hammersmith Road, W6
77. On 21st May, I attended the London District's Challenge Trophy Visitors Day event, Pirbright Training Camp, Woking, GU24
79. On 25th May, I attended a performance by the reception class children, Larmenier and Sacred Heart School, Brook Green, W6

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 29 JUNE 2011

Question by: Ms Alexandra Kennaugh

To the: The Leader

QUESTION

“What is Council the doing in the short- and long-term to oppose the proposed Thames Water super sewer site in south Fulham, which will lead to (1) a significant degradation in local air quality for all residents and school children in south Fulham, not only from the site and but also from increased traffic congestion related to the site—for a decade, (2) a decline in existing residential and commercial property values, as well as the opportunity cost of future residential and commercial development on the proposed site, and (3) the permanent loss of existing quality of life in south Fulham punctuated by the permanent scar of the venting column, more commonly known as the stink pipe?”



Report to Council

29 JUNE 2011

LEADER

Councillor Stephen Greenhalgh

TRI-BOROUGH IMPLEMENTATION PLANS

Wards:
All

The Royal Borough of Kensington and Chelsea, the London Borough of Hammersmith & Fulham and the City of Westminster considered the report, *'bold ideas for challenging times'* at their cabinet meetings in February. A further report containing worked up proposals was considered by the three Boroughs in May.

CONTRIBUTORS

All departments

The report attached provides detailed business cases for the integration of Children's Services, Environment Services, and Adult Social Care Departments, and elements of Corporate Services and boroughs' Libraries Services. It also outlines proposals for the appointment of a Joint Chief Executive and Head of Paid Service for the Royal Borough of Kensington and Chelsea and the London Borough of Hammersmith and Fulham.

Recommendation:

That the report attached as appendix 1 be noted.

- 1. Comments of the Director of Finance and Corporate Services**
 - 1.1 The comments of the Director are contained within the report.
- 2. Comments of the Assistant Director (Legal and Democratic Services)**
 - 2.1 The comments of the Assistant Director are within the report.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Holder of file/copy	Department/ Location
1.	The Tri-Borough proposals report (February and May 2011)	Kayode Adewumi 020 8753 2499	FCS, 1 st floor Town Hall.
CONTACT OFFICER: Head of Governance and Scrutiny		NAME: Kayode Adewumi	



London Borough of Hammersmith & Fulham

Cabinet

20 JUNE 2011

LEADER

Councillor Stephen
Greenhalgh

TRI-BOROUGH IMPLEMENTATION PLANS

The Royal Borough of Kensington and Chelsea, the London Borough of Hammersmith & Fulham and the City of Westminster considered the report, *'bold ideas for challenging times'* at their cabinet meetings in February. A further report containing worked up proposals was considered by the three Boroughs in May.

This report provides detailed business cases for the integration of Children's Services, Environment Services, and Adult Social Care Departments, and elements of Corporate Services and boroughs' Libraries Services. It also outlines proposals for the appointment of a Joint Chief Executive and Head of Paid Service for the Royal Borough of Kensington and Chelsea and the London Borough of Hammersmith and Fulham.

Wards:**All****CONTRIBUTORS**

All departments

Recommendations:

That the recommendations set out in section 3 of this report be approved.

That the proposed appointment of a joint Chief Executive with Royal Borough of Kensington and Chelsea as set out in section 4 of this report be agreed and noted.

That this report be referred to Council for debate.

1. OVERVIEW

- 1.1 Chief Executives agreed to provide to June Cabinets detailed business cases for the integration of Children's Services, Adult Social Care departments, elements of Corporate Services and boroughs' Libraries Services.
- 1.2 Business cases can be found annexed to this document. These have been cleared by Leaders and relevant Cabinet portfolio holders. They outline how, through integration, boroughs can look to save over £33m, drastically reducing borough overhead costs; over 35% around management overheads for Adult Social Care, Children's services and Environment Services, for example. Savings estimates have been endorsed by borough Finance Directors as robust. All work to develop tri-borough proposals to date has been undertaken in house without costly external capacity support.
- 1.3 Boroughs will retain sovereignty over services. Directors will work with boroughs individually to set out strategy and priorities. Directors will then look to take advantage of opportunities to jointly procure and deliver services in order to drive down costs and improve service standards, although Members will always be able to specify delivery on a single borough basis.
- 1.4 Members further recognise other benefits from joint working:
 - By working together Members will be able to better compare and contrast performance on behalf of their boroughs and challenge officers on asserted best practice, strengthening political leadership.
 - Services can be improved:
 - By providing the scale necessary to retain specialist expertise; for example, for those with complex needs, such as autism.
 - By providing the opportunity to join up services to residents who work and spend leisure time across borough boundaries; for example, through a single cross-borough Library card.

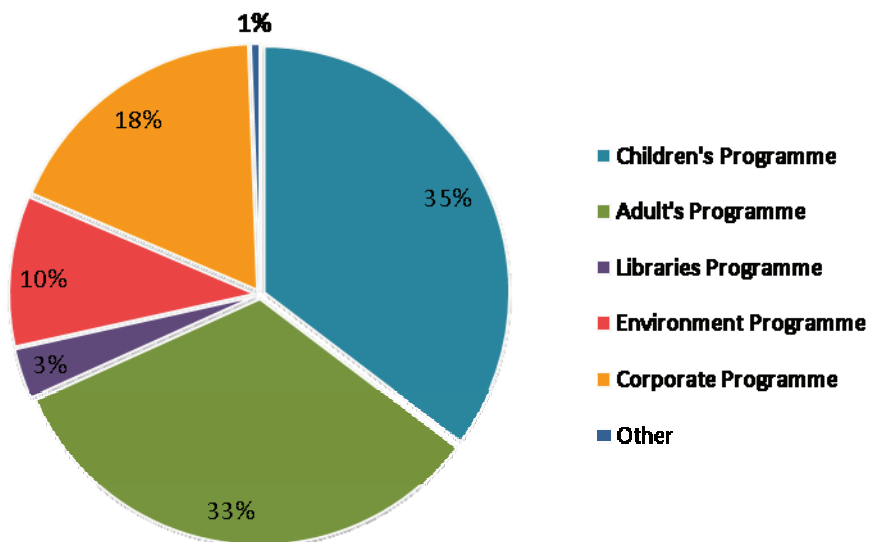
2. ONGOING MEMBER OVERSIGHT

- 2.1 Due to financial pressures, the need to realise the benefits of combined services rapidly and in full is recognised. Implementation of any agreed proposals will require close Member oversight to refine further the joint service model.
- 2.2 Should Members agree to business case recommendations, officers would look to establish robust governance arrangements for ongoing Member control of programme implementation. This will ensure that Members can effectively manage ongoing decision making and officers can be properly held to account for timely delivery of savings and wider benefits.

Tri-borough Savings Summary

Service Area	Savings £m by 2015/16
Children's Programme	11.8
Adult's Programme	11.0
Libraries Programme	1.1
Environment Programme	3.3
Corporate Programme	6.0
Other	0.2
Total	33.4

Savings by Programme



Savings - Attributed by Borough¹

	WCC	H&F	RBKC
Children's Services	£2.50m	£5.30m	£4.00m
Adult Social Care	£3.55m	£5.30m	£2.09m
Libraries	£0.45m	£0.27m	£0.39m
Other	£0.00m	£0.12m	£0.12m
TOTAL	£6.50m	£10.99m	£6.60m

¹ Attribution around Environment and Corporate services is being further considered.

Programme	Service Area	Savings £m by 2015/16
Children's Services	Single Management Team	1.1
Children's Services	Single Adoption and Fostering Team	0.2
Children's Services	Single Youth Offending Team	0.6
Children's Services	Single Local Safeguarding Children Board	0.2
Children's Services	Education Services (GF)	2.2
Children's Services	Education Services (DSG)	1.0
Children's Services	Commissioning Staff	1.9
Children's Services	Finance Staff	0.5
Children's Services	Reduced costs from private fostering providers	0.7
Children's Services	Fostering - trading placements	0.2
Children's Services	Combined procurement of supported accommodation for care leavers	0.4
Children's Services	Possible further savings	2.9
Adult Social Care	Commissioning, Finance and In House services	2.9
Adult Social Care	Overheads (training, project management	0.7
Adult Social Care	IT	0.4
Adult Social Care	CLCH Integration - Management	0.2
Adult Social Care	CLCH Integration - Impact on demand	3.8
Adult Social Care	Joint commissioning and support services with GP consortia	1.0
Adult Social Care	Procurement	2.0
Libraries	Single Management Structure	0.3
Libraries	Service Efficiency	0.2
Libraries	Integrated core service	0.6
Environment	Shared Management	1.3
Environment	Services	1.7
Environment	Support	0.3
Corporate	HR	1.2
Corporate	Finance and procurement	2.3
Corporate	Property /Asset Management	0.0
Corporate	Business Intelligence	0.5
Corporate	IT Systems	2.0
None	Chief Executive leadership	0.2
	Total	33.5

Nb. The £0.1m savings difference between the high level and detailed summary reflects rounding differences.

3. SUMMARY OF RECOMMENDATIONS

Cabinet is requested to agree the recommendations outlined below which are detailed in appendix 1 to 4 attached to the report.

3.1 Children's Services

- To agree the business case as a basis for moving forward.
- To set up a joint steering group of two Members of each participating Borough to supervise further refinement and implementation of the proposals.
- To endorse the financial implications in the Business Case and to include these in the financial planning for each Borough.
- To note that the Royal Borough of Kensington and Chelsea and City of Westminster will appoint Andrew Christie as Designate Director of Children's Services, subject to a final Member interview before 31st December 2011.
- To proceed to formal exchange of documentation between the three boroughs by the end March 2012.
- To refer the proposals for further comment by scrutiny committees and for further formal consultation with the trade unions.

3.2 Adult Social Care

- To agree to appoint across the three boroughs a joint Director of Adult Social Care.
- To set up a joint steering group of two Members of each participating Borough to supervise further refinement and implementation of the proposals.
- To agree to continue Local Authority control of budget management ensuring budgetary control remains with the Councils.
- To agree proposals for the establishment of a joint Adult Social Care Commissioning Department including support functions.
- To agree to negotiations with Central London Community Healthcare to establish integrated health and social care services both for assessment and long term support. These services are to be borough specific where appropriate and tailored to local needs and include gate keeping mechanisms to ensure effective financial and quality control.
- To agree the development of a legal agreement with Central London Community Healthcare ensuring service standards and accountability are clear.

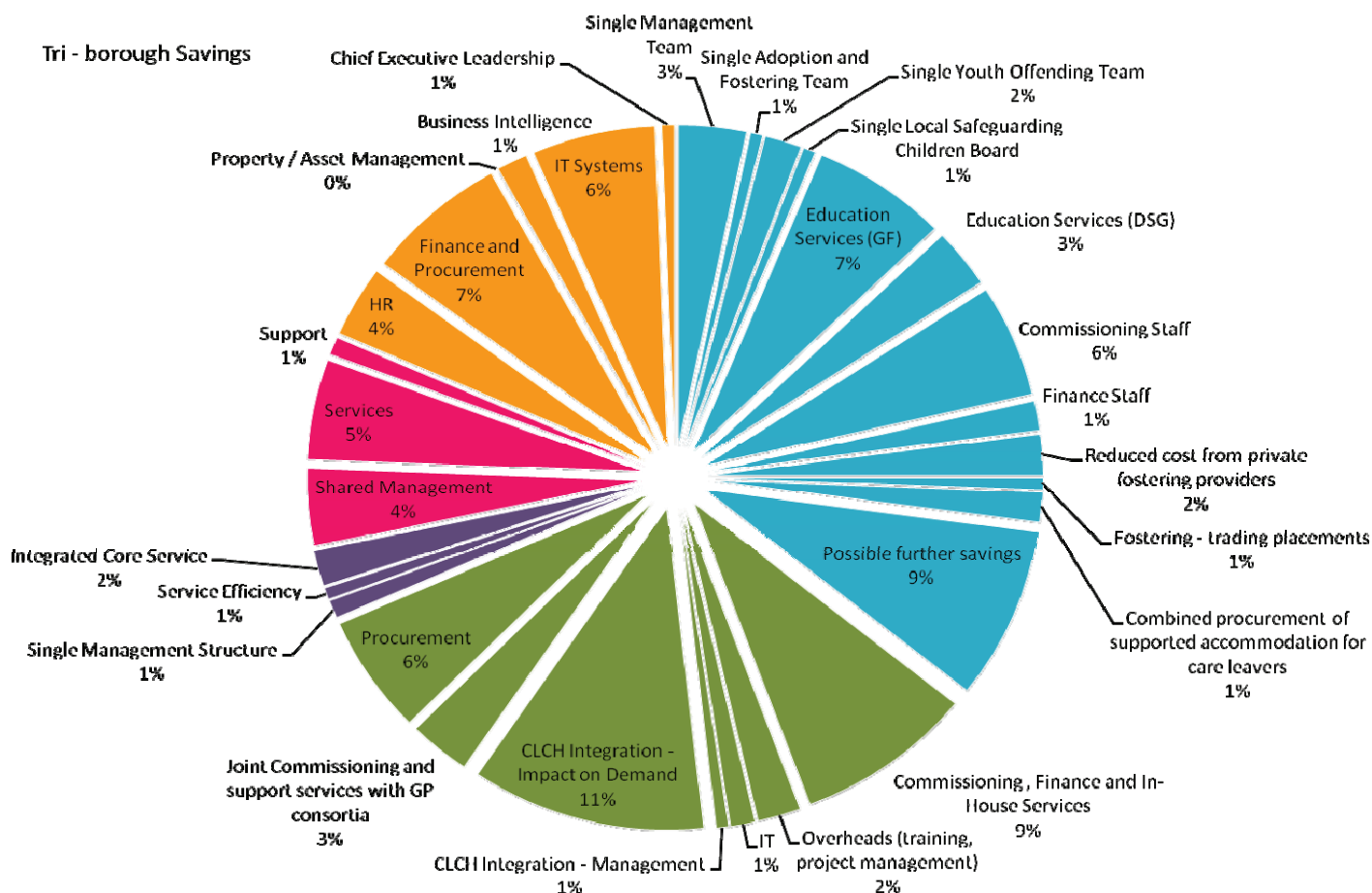
- To agree to the establishment of a single Operational Assistant Director across three boroughs reporting to the Chief Executive of Central London Community Healthcare and the Director of Adults Social Services.
- To refer the proposals for further comment by scrutiny committees and for further formal consultation with the trade unions.

3.3 Libraries Service

- To note and agree the business case and thereby agree to create an integrated library service across the three boroughs.
- To set up a joint steering group of two Members of each participating Borough to supervise further refinement and implementation of the proposals.
- To note the financial projections in the business case and to incorporate these, as amended and refined at lower levels of detail into the budget planning process for 2012/13.
- To establish and implement a procedure for appointment to the senior management structures to be effective from November 2011.
- To refer the proposals for further comment by scrutiny committees and to authorise formal consultation with trade unions and communication with staff.

3.4 Environment Services

- That each council's Cabinet should agree these plans as the basis for forward planning and agree to refine them further and begin implementation.
- That the Cabinets agree to set up a joint Member Steering Group with delegated authority to supervise the further refinement and implementation of these plans.
- That subject further to consideration of the timing of staff departures the savings should be incorporated into projected budget plans.
- That processes begin to appoint to the proposed revised Chief Officer positions.
- To proceed to a formal exchange of documentation between the Royal Borough of Kensington and Chelsea and London Borough of Hammersmith and Fulham by the end of March 2012.
- To refer the plans for further comment by scrutiny committees and for further formal consultation with trade unions.



4. PROPOSED APPOINTMENT OF JOINT CHIEF EXECUTIVE & HEAD OF PAID SERVICE

4.1 Part of the Tri-borough initiative is a proposal to appoint a joint chief executive and head of paid service for the Royal Borough of Kensington and Chelsea and the London Borough of Hammersmith and Fulham. This will serve to strengthen the combined services managerial relationships and minimise the risks of the tri-borough benefits not being fully realised. It will also further reduce the senior management costs of both councils.

4.2 Hammersmith and Fulham and the Royal Borough have agreed to share a Chief Executive post holder from the retirement of Mr Geoff Alltimes, the current incumbent, at Hammersmith and Fulham planned for October 2011. Mr Derek Myers is the current Royal Borough post holder as Town Clerk and Chief Executive. He holds the statutory offices of Head of Paid Service and Electoral Registration Officer.

4.3 The proposal is that Mr Myers is interviewed by an Appointments Panel in Hammersmith and Fulham and if approved, is recommended to a full Council meeting in accordance with the Officer Employment Procedure Rules and the

relevant regulations. S.113 of the Local Government Act 1972 allows the sharing of officers at any level.

- 4.4 Mr Myers would continue to be employed by the Royal Borough on his current terms and conditions but Hammersmith and Fulham would contribute half of his costs including on costs. A formal agreement will be entered into on similar terms to those already in place in respect of other shared posts with the Royal Borough. Mr Myers has been consulted on this proposal and agrees it is viable and appropriate.
- 4.5 Some consequential adjustments would be made to the responsibilities of other Chief Officers in Kensington and Chelsea and Hammersmith and Fulham, which will be confirmed in due course. The joint post holder would continue to be responsible for all the staff of both councils including the proposed Tri-borough joint posts of Director of Children's Services and Director of Adult Social Care.
- 4.6 A consequent saving would be made in Hammersmith and Fulham of approximately £120,000. This arrangement will be the first joint Chief Executive post for two unitary councils in England. The arrangement would be subject to review as with other joint posts in recent years, and could be ended with agreed notice by either Council at their discretion. The City of Westminster may wish to keep its current position under review so if a Tri-borough appointment is proposed, this arrangement will be reviewed at that stage.

5. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 5.1 The three Section 151 officers from the three boroughs have reviewed all the business plans in detail and concur with the figures included in those plans as the best now available. Where projections have been made of future savings, the Directors of Finance consider these to have been made on the basis of prudent assumptions, often supported by experience from elsewhere. Where costs of change have been identified, these are considered to be reasonable. Future budget estimates and cost attributions have also been reviewed and the Directors of Finance can confirm consistency and accuracy of the approaches taken and support the methodologies employed.
- 5.2 The Directors of Finance, along with the Chief Executive from Westminster, are also sponsoring the various Corporate Services workstreams, and in particular, the Project Athena Managed Solutions workstream (see report elsewhere on this agenda). Project Athena Managed Solutions projects savings of £4 million from 2014/15 rising to £5.9 million in 2015/16.
- 5.3 Taking into account the more thorough analysis of the potential savings in the production of the Project Athena business case, this pushes the potential savings in Finance (part of the Corporate Services savings) up to £1.8 million from £1.3 million. The IT savings figure also needs to be increased by £1.4 million to reflect the corporate IT savings that were at one stage included in the Adult Social Care business case.

- 5.4 Project Athena will deliver across corporate services savings of around £6m – a significant reduction of the cost base of HR (18%), IT (10%) and Finance (11.5%) services. Substantial additional savings will be sought from both consolidation of the remaining in-house strategic capacity and more widely, for example around accommodation. Initial analysis outlined in the May tri-borough Cabinet report suggests further savings of around £7m may be achievable, as outlined in the table below. We will work to rapidly draw up plans in more detail, in consultation with portfolio holders.

	2012/13 £m cumulative	2013/14 £m cumulative	2014/15 £m cumulative
Finance	0.0	0.0	**1.8
HR	0.0	0.0	*1.4
IT (excluding business systems)	0.7	0.9	6.4
Property and FM	0.0	2.0	3.0
Legal	0.0	0.0	0.3
Total	0.7	2.9	12.9

* On top of savings of £1 million being delivered in Finance in H&F over 2011/12 and 2012/13, savings of £1.5 million already built into WCC's budget for 2011/12, and £1.082 million savings to be made through Tri-borough Finance savings in Children's and Adult's Services.

** On top of savings of £1.2 million in savings in WCC being delivered in 2010/11 and 2011/12.

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

6.1 The legal implications and possible models for shared services have been set out in detail in earlier reports. The proposals will, if adopted, be developed using s.113 of the Local Government Act 1972 (the power to place staff at the disposal of other authorities) and in the case of health bodies, s.75 of the NHS Act 2006. The arrangements will be formalised by an agreement between the Boroughs which will include detailed financial, HR and data sharing protocols and provisions in relation to the sharing of staff, assignment of liabilities, management arrangements, dispute resolution and termination. The sovereignty guarantee will also be enshrined in the agreement. Different agreements will be required for each service although they are expected to be broadly similar.

6.2 As will all Council functions, Cabinet must have due regard to the public sector equality duty ("PSED") now contained in Section 149 of the Equalities Act 2010 Act which provides (so far as relevant) as follows:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(4) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) tackle prejudice, and
- (b) promote understanding.

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

The expanded protected characteristics under the Equality Act are as follows:-

- age;
- disability;
- gender reassignment; pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

6.3 Officers are of the view that the proposals will have no negative impact on protected groups at this stage and indeed the purpose of the proposals is to protect front line services. Officers are mindful however that the PSED is an on-going duty and due regard will continue to be given to the PSED as proposals are developed and implemented and appropriate action taken.

6.4 The job losses that are part of this change will result in staff being put at risk of redundancy. Senior staff intend all redundancy selection decisions to be fair and objective.

7. COMMENTS OF THE ASSISTANT DIRECTOR (PROCUREMENT & IT STRATEGY)

7.1 The Assistant Director (Procurement & IT Strategy) has been consulted on the report and supports the recommendations. It will be important to ensure any resultant joint procurement exercises arising from the recommendations comply with EU Procurement Regulations and Requirements and each Council's Contracting Standing Orders. To support this, all three Councils have established a Tri Borough Procurement Strategy Board which meets monthly and will have the following responsibilities:

- To identify opportunities for collaborative contracting
- To identify, share and implement best practice
- To move towards common procurement documentation, processes and procedures
- To address key procurement risks and issues arising from the Tri Borough Shared Services Programme
- To adopt shared approaches on procurement policies where this is feasible
- To share procurement training where this is desirable
- To move towards adopting the same e Procurement technologies
- To collaborate on supplier and contract management
- To promote positive relationships between procurement staff and other key stakeholders in all three organisations
- To support the London Procurement Strategy

7.2 Additionally all three Councils are working to establish a Tri Borough Protocol for Joint Contracts which will govern procurement activity for all tri-borough contracts. This is necessary to guide individuals working within the three boroughs in their dealings with each other and suppliers to ensure optimum efficiency and the highest standards of professional conduct commensurate with the key corporate objectives of each borough.

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

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	The Tri-Borough proposals report (February and June 2011)	Kayode Adewumi 0208753 2499	FCS, 1 st floor Town Hall.
CONTACT OFFICER: Head of Governance and Scrutiny		NAME: Kayode Adewumi	

Children's Services

Tri-Borough Service Plans and Proposals

Cabinet Meeting

20 June 2011

Children's Tri-Borough Model

Introduction

At its heart, the Tri-Borough Children's Service would have:

- A single commissioning function arranging social care and family support services to prevent family failure. This commissioning function would be responsible for £80m of existing commissioned spend across the 3 Councils. But the plan would be to extend the extent that services are commissioned to deliver improvements in cost and quality.
- A single education commissioning function responsible for raising standards and preventing failure in 153 schools; working with more than 1,800 children with statements of special educational needs, and having oversight of a combined Dedicated Schools Grant spend of (£277m)
- 3 Borough based delivery units with responsibility for protecting children, supporting families and delivering early help in the most efficient manner possible. However, where appropriate, specialist services will be combined to share overheads and expertise (e.g. Youth Offending Service)

Each borough would retain its 'sovereign' capacity to commission a variation to the common service level or specific provision. The Tri-Borough Service would follow an annual 'Commissioning Cycle' with each Lead member agreeing with the Director of Children's Services the Borough's commissioning intentions for the following year (and beyond) within the context of the Council's financial and strategic requirements. These requirements would be captured in the relevant Borough's Children's Plan which would in effect become the 'Mandate' for the Tri-Borough Service. Progress against this Plan would be monitored and the Lead member kept informed through regular briefings with performance reports. The Plan would be reviewed as reset as required (see diagram: "The Borough's Children's Plan: Annual Commissioning Cycle" in Appendix A).

The Children's Tri-Borough Model is being designed to maximize the contribution to spending targets by:

- reducing management, support service and overhead costs.

- making more efficient use of shared resources (e.g. pooling foster carers)
- procuring at scale (e.g. supported accommodation for care leavers)
- Improving practice by comparing inputs and outputs (e.g. the rates of children in care achieved by each authority)
- Whilst maintaining the ability for each Borough to specify its own service level.

Currently the money is spent across the 3 Boroughs with each Council discharging its statutory responsibilities towards the school system, protecting children, promoting family life and raising standards of educational attainment.

The 3 Councils gross spend on Children's Services (including schools) in 2011/12 was £536m. The 3 Councils have plans to reduce this spend to £525m.

The 3 Councils also seek to avoid the cost of failure. Intervening where necessary to prevent schools from failing or to lift them out of an 'Ofsted category' is a complex business. Intervention in families with complex needs is expensive and to do so effectively is difficult. All 3 Councils are committed to the principle that prevention is better than attempted cure.

The Children's Service Business Case

The Children's Services Business Case sets out savings of £11.8m to be achieved by 2014/15. In the course of challenge to these proposals by senior members of the 3 Councils, it was determined that the Business Case also needed to identify the "additionality" the proposed model would bring to the Councils. This "additionality" needed to include savings highlighted to date plus possible "knock on" savings such as the corresponding reductions in support costs to staff exiting the organisation.

The key information highlighted in this paper includes on a service by service basis:

- The existing structures (staff and costs) for the proposed services.
- The revised structures for the proposed services.
- The "additionality" these changes bring in terms of savings to the Councils.
- The attribution method used for cost and savings in each case.
- A summary of how the business will work under the new structure and the potential for additional savings/rationalization in the future.

This paper summarises the additionality the Tri-Borough model brings to the Councils and potential improvements that could take place in the future with the revised structures.

Savings Proposed

The savings of £11.8m that have been proposed can be divided into:

Assured savings – where agreement to Tri-borough working will confidently yield the savings on implementation.

Projected savings - where savings are more likely given the “compare and contrast” potential of Tri-borough working, and because of the potential for seeking savings from aggregated procurement, but where figures can only be estimated at this stage.

Possible savings - where professional opinion suggests that savings are possible from reducing duplication, harmonising pay and conditions and optimising practice, but where more detailed work has not yet been completed.

A cautious approach has been adopted in the calculation of “projected” and “possible” savings.

Table 1 Assured savings

	H&F	RBKC	CoW	Total	Attrib
	£m	£m	£m	£m	
Single management team	0.68	0.34	0.07	1.09	C
Single adoption and fostering team (reduced staffing)	0.07	0.065	0.065	0.20	A
Single Youth Offending Team (reduced staffing)	0.27	0.14	0.16	0.57	A
Single local Children’s safeguarding Board (admin overhead)	0.07	0.05	0.07	0.19	A
Education Services (GF)	1.52	0.58	0.15	2.25	D
Education Services (DSG)	0.42	0.49	0.056	0.97	D
Commissioning Staff	0.70	0.80	0.40	1.90	A
Finance Staff	0.17	0.17	0.17	0.51	B
Sub Total	3.90	2.64	1.14	7.68	

Table 1 Projected savings

	H&F	RBKC	CoW	Total	
	£m	£m	£m	£m	
Reduced costs from private fostering providers	0.23	0.23	0.23	0.69	B
Fostering – trading with other councils	0.067	0.067	0.067	0.20	B
Projected savings from combined procurement of supported accommodation for care leavers (current spend £3.9m)	0.16	0.12	0.12	0.40	
Sub Total	0.46	0.42	0.42	1.30	

Table 1 Possible savings

	H&F	RBKC	CoW	Total	
	£m	£m	£m	£m	
Further finance savings	0.08	0.08	0.09	0.25	B
Procurement – general fund savings (£50m) at £2%	0.33	0.34	0.33	1.00	B
Procurement DSG services (£30m) at 2%	0.20	0.20	0.20	0.60	B
Other middle mgt savings from social care delivery	0.34	0.33	0.33	1.00	B
Sub Total	0.95	0.95	0.95	2.85	

Total Projected and Possible Savings	Assured, and	5.30	4.00	2.50	11.80
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Notes:

A - Costs were attributed based on the relative size of net controllable staffing budget 2011/12.

B - Savings apportioned equally across the three boroughs.

C – Costs apportioned equally across the three boroughs.

D – Savings based upon where proposed fte reductions have been made in the respective boroughs starting baseline

The above table also uses the revised apportionments for Educational Services.

All totals are the 4 year ongoing savings for those services specified.

There is scope to deliver additional savings with the model through the following initiatives:

Single Management Team

- Changes can be made to the Single Management Team as needs arise.

Fostering and Adoption

- Better procurement of high cost external placements
- The potential to outsource the merged provision at a later date

Youth Offending Team

- the potential to collaborate on 'a payment by results' project offering alternatives to custody as part of the Government's wish to trial alternative approaches
- the ability to spread the risk should the Government press ahead with its plan to devolve financial responsibility to local authorities for custodial provision for young people.

Education Services

- the potential for the growth of the Social Enterprise as a trading entity, delivering a further return to the participating Councils
- the outsourcing of the Statutory Delivery component as a social enterprise or joint venture or just straightforwardly outsourced with the possibility of further reducing overheads

Commissioning

- the scope of commissioned services to be extended to include additional services currently being directly managed such as the adoption service, the fostering service, and services for disabled children and their families.

These options have not been fully assessed at this time.

Single Management Team

Overview of the Service

The Service will be managed by one management team with one post responsible for Education, one responsible for Commissioning other services and one post responsible for providing the financial support. However, within these services there will be senior officers with a specific brief in respect of each borough, ensuring that Members in each Borough can rely upon senior officers with specialist expertise AND knowledge and understanding of local circumstances. Each borough will have a Director responsible for the delivery of child protection, children in the care of the local authority and family support services. With the appointment of one DCS, there will be an individual with technical expertise and unambiguous accountability for Children's Services serving each borough

The new model offers the following additional possibilities:

- Changes can be made to the Single Management Team as needs arise.

Summary Financial Position

Assured Savings

Staffing budgets	H&F	RBKC	CoW	Total
	£m	£m	£m	£m
Starting Position	1.122	0.777	0.504	2.403
Closing Position	0.438	0.438	0.438	1.314
Additionality	0.684	0.339	0.065	1.089

Staffing	H&F	RBKC	CoW	Total
	fte	fte	fte	fte
Starting Position	12.5	9.0	5	26.5
Closing Position	4.67	4.67	4.67	14
Additionality	7.83	4.33	0.33	12.5

Attribution methodology –

Costs of the Service are evenly attributed across the three boroughs

Single Fostering & Adoption Team

Overview of the Service

The overall proposition is to reduce staffing by 5 fte (4%, £200k). This is in order to maintain capacity so that the focus of savings can be on the higher cost of placement in the independent sector.

There is currently a high vacancy rate (37%) in the current in house provision in all three Councils. The proposed placement savings is to reduce this vacancy factor and make better use of in house staff and providers before using more expensive external providers. The differential between the two is currently estimated at £15k per placement. By taking advantage of these factors, a savings of £680k can be made and high quality services can be maintained to clients. The Councils presently spends £6.1m on independent sector placements. The in-house budget for placements in 2011/12 is £5.6m.

The advantages of the tri borough model are:

- There is a greater pool of available carers to match against client needs.
- The ability sell surplus capacity to other Council's (£200k additional income).

The new model offers the following additional possibilities of

- Better procurement of high cost external placements
- The potential to outsource the merged provision at a later date

Summary Financial Position

Assured Savings

Staffing budgets	H&F	RBKC	CoW	Total
	£m	£m	£m	£m
Starting Position	1.694	1.000	1.254	3.948
Closing Position	1.624	0.935	1.189	3.748
Additionality	0.070	0.065	0.065	0.200

Staffing	H&F	RBKC	CoW	Total
	fte	fte	fte	fte
Starting Position	33	29	28.5	90.5
Closing Position				85.5
Additionality				5.0

Projected savings

IFA Placements	H&F	RBKC	CoW	Total
	£m	£m	£m	£m
Starting Position	2.287	1.240	2.601	6.128
Closing Position	2.057	1.010	2.371	5.438
Additionality	0.230	0.230	0.230	0.690

External Trading	H&F	RBKC	CoW	Total
	£m	£m	£m	£m
Proposed Income	0.067	0.067	0.067	0.200

Attribution methodology

- Staffing costs were attributed based upon the relative size of net controllable staffing budget 2011/12.
- Placement cost savings and the sales of capacity to other Councils are apportioned equally across the three boroughs.

Single Youth Offending Team

Overview of the Service

The merged service will meet the full range of responsibilities designed to reduce youth offending; provide the required service to Youth Justice Court including remand arrangements and pre-sentencing reports; and undertake the delivery of the required community sentence arrangements. At present the 3 Boroughs each provide a court service to the West London Court which covers the 3 Boroughs. The new arrangement will put in place one court Team also delivering some specialist services. Otherwise each Borough will continue to have a dedicated team, albeit under one management structure.

The new model offers the following additional possibilities:

- the potential to collaborate on 'a payment by results' project offering alternatives to custody as part of the Government's wish to trial alternative approaches
- the ability to spread the risk should the Government press ahead with its plan to devolve financial responsibility to local authorities for custodial provision for young people.

Summary Financial Position

Assured savings

Staffing budgets	H&F	RBKC	CoW	Total
	£m	£m	£m	£m
Starting Position	1.218	0.711	0.906	2.835
Closing Position	0.943	0.574	0.751	2.268
Additionality	0.275	0.137	0.155	0.567

Staffing	H&F	RBKC	CoW	Total
	Fte	Fte	fte	fte
Starting Position	27.5	18.5	19.5	65.5
Closing Position	22.1	15.8	16.5	54.4
Additionality	5.4	2.7	3.0	11.1

Attribution methodology

- Staffing costs were attributed based upon the relative size of net controllable staffing budget 2011/12.

Single Local Childrens Safeguarding Board (LCSB)

Overview of the Service

At present each Borough runs its own LSCB which has responsibility for ensuring that all the key agencies work together effectively to safeguard children. Merging the 3 LSCBs will deliver efficiencies for partners (some of whom have, under the current arrangements, to be represented at all 3 Boards); in support arrangements and in the provision of multi-agency training.

The new structure gives the ability to operate a single board across the three boroughs, which will cut down on administration and support costs. Overall, there will be a savings of 1.7 fte (£69k), but more importantly a reduction of £121k in other support costs. This brings a combined savings of £190k.

Summary Financial Position

Assured Savings

Gross expenditure	H&F	RBKC	CoW	Total
	£m	£m	£m	£m
Starting Position	0.162	0.105	0.136	0.403
Closing Position	0.092	0.055	0.066	0.213
Additionality	0.070	0.050	0.070	0.190

Staffing	H&F	RBKC	CoW	Total
	fte	fte	fte	fte
Starting Position	2.5	1.5	1.5	5.5
Closing Position	1.88	1.04	0.88	3.8
Additionality	0.62	0.46	0.62	1.7

Attribution methodology

- Staffing costs were attributed based upon the relative size of net controllable staffing budget 2011/12.
- Other savings were attributed based on the same principals.

Education Services

Overview of the Service

Education services under the new structure is split into 5 distinct areas, with funding coming from a combination of General Fund, DSG Sources and service bought back by schools:

- Schools Funded
- Social Enterprise
- Alternative Provision
- Statutory Delivery
- Senior Commissioning

The City of Westminster position is lower due to restructuring that has been carried out

The new model offers the following additional possibilities:

- the potential for the growth of the Social Enterprise as a trading entity, delivering a further return to the participating Councils
- the outsourcing of the Statutory Delivery component as a social enterprise or joint venture or just straightforwardly outsourced with the possibility of further reducing overheads

Summary Financial Position

Assured Savings

General Fund/Other	H&F	RBKC	CoW	Total
	£m	£m	£m	£m
Starting Position	3.602	3.062	2.618	9.282
Closing Position	2.082	2.481	2,470	7.033
Additionality	1.520	0.581	0.148	2.249

DSG	H&F	RBKC	CoW	Total
	£m	£m	£m	£m
Starting Position	6.972	2.609	0.919	10.500
Closing Position	6.551	2.115	0.863	9.529
Additionality	0.421	0.494	0.056	0.971

Staffing Summary	H&F	RBKC	CoW	Total
	fte	fte	fte	fte
Starting Position	194.05	117.62	72.20	383.88
Closing Position	172.45	98.92	68.2	339.57
Additionality	21.6	18.7	4.0	44.3

Attribution Method

- Based upon where proposed fte reductions have been made in the respective boroughs.

Commissioning

Overview of the Service

In the first instance the Commissioning unit would have responsibility for the £80m. spend of services already commissioned by the 3 Councils. Immediate priorities would include:

- the procurement of Transport (including home to school, contact for children in care and adult service users attending day centres) – total spend £7.5m
- procurement of placements (foster care and residential) for children in care – total spend £14.7m
- supported accommodation for care leavers – total spend £3.9m

Total projected savings £1m of General Fund spend and £0.6m from DSG, calculated at 2% of the total spend (based upon specialist advice from procurement consultants commissioned by WCC. Spend on staffing of this function will be reduced from £4.4m to £2.5m; with the headcount reduced from 85 to 46.

The new model offers the following additional possibilities:

- the scope of commissioned services to be extended to include additional services currently being directly managed such as the adoption service, the fostering service, and services for disabled children and their families.

Summary Financial Position

Assured Savings

Staffing budgets	H&F	RBKC	CoW	Total
	£m	£m	£m	£m
Starting Position	1.493	1.706	1.199	4.398
Closing Position	0.793	0.906	0.799	2.498
Additionality	0.700	0.80	0.40	1.900

Staffing	H&F	RBKC	CoW	Total
	fte	fte	fte	Fte
Starting Position	29.7	35.2	20.5	85.4
Closing Position	15.2	18.6	12.2	46
Additionality	14.5	16.6	8.3	39.4

With commissioning being combined, sharing of best best practice should enhance the potential of what is possible. At the moment a 2% reduction is assumed on these budgets. With inflation running at over 3% at the moment, the magnitude of these reductions is significantly more than 2% in cash terms.

Projected savings

Care Leavers	H&F	RBKC	CoW	Total
	£m	£m	£m	£m
Proposed savings	0.160	0.120	0.120	0.400

Possible Savings

Commissioning Budgets	H&F	RBKC	CoW	Total
	£m	£m	£m	£m
Starting Position	31.586	19.727	27.374	78.687
Closing Position	31.053	19.193	26.841	77.087
Additionality (G/F)	0.333	0.334	0.333	1.000
Additionality (DSG)	0.200	0.200	0.200	0.600

Attribution methodology –

- Staffing costs were attributed based upon the relative size of net controllable staffing budget 2011/12.
- Commissioning budgets are apportioned equally across the three boroughs.

Note, There are already savings targets proposed for Fostering & Adoption at Westminster. When undertaking the detailed savings plans in this area there needs to be reference to those already put forward to avoid any risk of double counting.

Finance

Overview of the Service

Both WCC and LBHF are re-organising their finance functions in 2011/12 to a business partner/transaction centre model. This change, along with rationalisation of local systems and processes is leading to staffing savings before any implementation of tri-borough working.

The tri borough model takes the Children's business partners, and locates them in one unit (in multiple locations) supporting their customers and the Director of Children's Services. It is assumed that this consolidation will add resilience to the service and remove duplication. A 30% reduction in terms of cost and fte's is assumed in the business plan (£510k, 9fte).

In finance in particular, there is a significant dependence on the systems being used and the reduction in numbers assumes that by 2014/15 all parts of Children's Services will be running off the same system. If this does not happen this and other savings will be difficult to achieve.

If all systems are implemented properly, and work as expected, there is a possibility that up to 50% of the staffing compared to the original numbers can be removed. This would lead to an additional savings for each council of £80k per year, which converts to just over 3 fte's. This reduction, which is over the 33% Assured level reductions highlighted below, are classed as "Possible Savings".

Financial Position

Assured Savings

Staffing budgets	H&F	RBKC	CoW	Total
	£m	£m	£m	£m
Starting Position	0.530	0.490	0.482	1.502
Closing Position	0.360	0.320	0.312	0.992
Additionality	.170	.170	.170	0.510

Staffing	H&F	RBKC	CoW	Total
	fte	fte	fte	fte
Starting Position	9	10	9	28
Closing Position	6	7	6	19
Additionality	3	3	3	9

Attribution methodology –

- Staffing budgets are apportioned equally across the three boroughs in both cases. There is a potential duplication here with possible future savings within existing business plans.

Other Middle Management savings from Social Care

There is approximately £6m of staffing costs across the three boroughs that relate to Social Care. These costs and structures are yet to be reviewed. As part of the Children's savings plans it is assumed that these costs can be reduced by £1m (17%). At the moment, the savings are attributed evenly across the three boroughs. This savings is listed in the possible savings options at the moment due to the fact that the detailed work that has been undertaken in other areas is still to happen here to establish Tri-Borough structures.

Possible additional scope for Savings

This paper concentrates on the savings that can be made from those services assessed. There are additional savings that can be made from the possibilities highlighted in each operational section in this report.

Reviewing these proposals, along with services that have yet to be included, has the potential to increase the quantum of the overall savings figures. As an example, if a similar approach is taken to the management structure of staff dealing with disabled children as with the Youth Offending Services, there is the potential to deliver another £700k of savings.

In terms of indirect cost savings, this report highlights the reduction of 114 staff. The reduction will potentially free up office accommodation as well as reducing ICT costs. The average cost per person for office accommodation is £3-6,000, and the cost per computer of £1,500.

At a reduction of 114 fte, this has the potential to save between £648k and £855k, although this will be dependent on the release of office space.

Costs

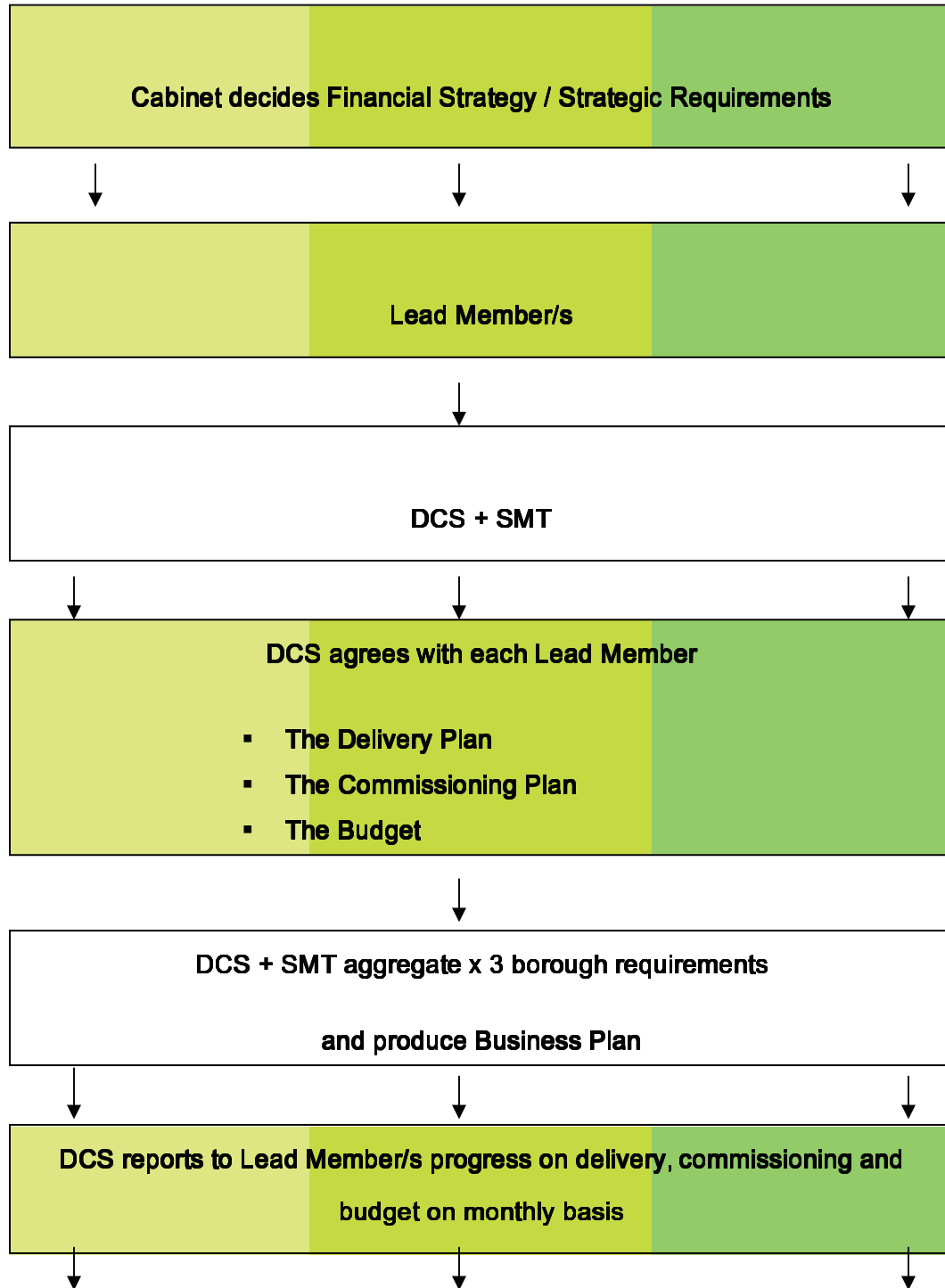
The following costs are estimated to implement the business model:

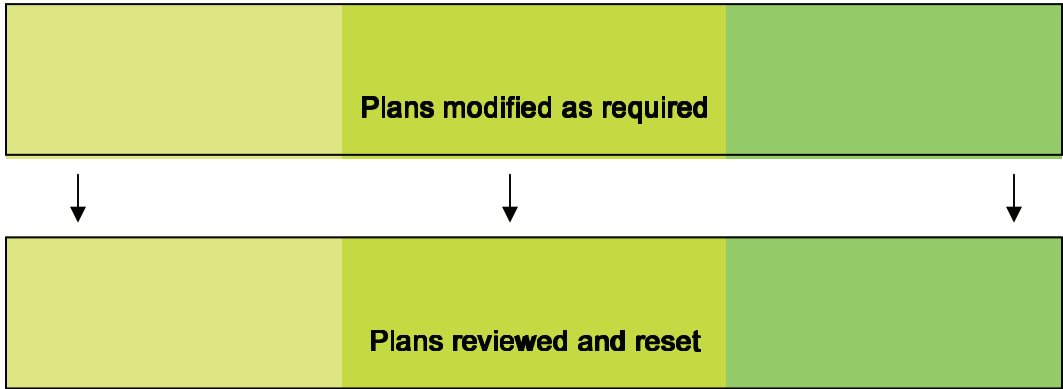
- Cost of staff exiting – it is estimated that there will be 70 staff receiving exit compensation at £25k per head – total cost £1.75m
- Cost of change process – staff will need to be freed up to manage the changes agreed. It has been agreed that all such “costs of change management” will be met from existing budgets or earmarked reserves. However, it is assumed these costs will be £250k per year for 3 years.
- Costs of new ICT – At some point a Tri-borough Children’s service will need a common record system. There will be an integration cost which is not known at the present time, although no account has yet been taken of reduced IT operating costs when one system is achieved.

H&F

K&C

WCC





3 Borough Children’s Service – Member/Officer Working Arrangements

Fortnightly Lead Member Briefing x 3

Attendees (as required)

DCS
Borough Director of Family Services
Director of Resources; Borough Accountant
Director of Schools; Borough Schools Commissioner (Standards); Borough Head of Education for Vulnerable Children
Director of Family Services Commissioning; Borough Commissioning Lead; Relevant Commissioning Manager

Joint Lead Member Briefing

DCS
Directors
Relevant specialist staff

‘Informal’ Cabinet / Cabinet Briefing / Leaders’ Group & Cabinet Meetings

DCS
As for Lead Member Briefing – as required

Scrutiny Committee x 3

As for Lead Member Briefing – as required

Adult Social Care

Tri-Borough Service Plans and Proposals

Cabinet Meeting

20 June 2011

Senior Responsible Owner: Geoff Alltimes

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ASC Programme – report to June Cabinets

1. Executive summary

Adult Social Care Programme - Full Year Savings Summary

	Full Year Savings £000s	Costs of Transition (i.e. one-off) £000s
Commissioning, Finance and Inhouse Services	2906	-1033
Overheads (Training, Project management)	656	
IT	428	
CLCH Integration - Management	241	-38
CLCH Integration - Impact on Demand	3784	
Joint Commissioning and support services with GP consortia	1000	
Procurement savings	1935	
Total	10950	-1070

Phasing and Breakdown by Borough

	Savings £000s				Costs of Transition £000s
	2011/12	2012/13	2013/14	2014/15	
LBHF	63	1026	4031	5303	-461
RBKC	31	601	1230	2094	-225
Westminster	52	1321	2325	3554	-383
Total	146	2949	7586	10950	-1070

Boroughs expect to deliver savings of £10.95m by 2014/15, while meeting residents aspirations for quality seamless services.

Savings will be delivered by combining services. If proposals are agreed, boroughs will have in place:

- A joint commissioning team led by a single Director of Adult Social Care, reducing back office costs and overheads by 38% and facilitating savings from joint procurement.
- A single integrated provider organisation combining adult social care and community health services, reducing service duplication and reducing demand as well as the intensity and length of expensive care.
- Joint Commissioning: GP consortia will need to establish their own commissioning support organisations from 2013/14. They will need to develop shared arrangements with other consortia in order to be able to commission at scale (e.g. acute hospital commissioning). Our aspiration for a shared single commissioning support organisation allows for expertise and associated costs to be shared. This would realise efficiency savings for both the NHS and social care. Our estimate is that this would generate for boroughs a further £1m of savings.

2. Recommendations

- To agree to appoint across the three boroughs a joint Director of Adult Social Care.
- To set up a joint steering group of two Members of each participating Borough to supervise further refinement and implementation of the proposals.
- To agree to continue Local Authority control of budget management ensuring budgetary control remains with the Councils.
- To agree proposals for the establishment of a joint Adult Social Care Commissioning Department including support functions.
- To agree to negotiations with Central London Community Healthcare to establish integrated health and social care services both for assessment and long term support. These services are to be borough specific where appropriate and tailored to local needs and include gate keeping mechanisms to ensure effective financial and quality control.
- To agree the development of a legal agreement with Central London Community Healthcare ensuring service standards and accountability are clear.
- To agree to the establishment of a single Operational Assistant Director across three boroughs reporting to the Chief Executive of Central London Community Healthcare and the Director of Adults Social Services.
- To refer the proposals for further comment by scrutiny committees and for further formal consultation with the trade unions.

3. Introduction and context

Boroughs’ Adult Social Care (ASC) Departments are responsible for arranging services to eligible residents over 18 who need support due to old age, long-term illness or disability.

Boroughs current spend £306m¹ on Adult Social Care services each year. After assessing need and eligibility, services are procured from private, independent and third sector providers, or delivered in-house.

Total Gross Expenditure Budgets 2011/12

Sum of Expenditure Budget Forecast 2011/12 £000s	
Borough	Total
LBHF	104953
RBKC	71618
Westminster	129958
Grand Total	306528

A combination of budgetary and demographic pressures means boroughs face an unprecedented challenge to sustain the quantum and quality of services.

As the table below highlights, boroughs face significant financial pressures during a period of rising inflation.

ASC – Budget reductions to be found	
Borough	Budget reductions by 2014/15
H&F	16%
RBKC	13% overall borough reduction
WCC	13.4% to 2013/14

At the same time as budgets are reducing, demand is rising. Boroughs’ changing demography means that an increasing number of residents will require support in the future. The Kings Fund highlight that Adult Social Care has enjoyed an average annual rise of 5.1% since 1994, but much of this has been absorbed by demographic pressures². An increasing proportion of support required will be more complex in nature, and therefore more costly to provide.

Boroughs wish as a priority to protect services provided to residents. This is possible through lowering overheads, reducing demand for expensive care, lowering the cost of providing necessary care through economies of scale on procuring services and reducing duplication and costs in the delivery of services. This report outlines how, by combining departments, boroughs can deliver these aims while retaining sovereignty over services.

¹ Gross of income

² Social care funding and the NHS: An impending crisis? Richard Humphries, March 2011

3.1. Savings overview

Boroughs expect to deliver savings of £10.95m by 2014/15, while meeting residents aspirations for quality seamless services.

Savings will be delivered by combining services. If proposals are agreed, boroughs will have in place:

- A joint commissioning team led by a single Director of Adult Social Care, reducing back office costs and overheads by 38% and allowing for savings from joint procurement.
- A single integrated provider organisation combining adult social care and community health services, reducing service duplication and reducing demand as well as the intensity and length of expensive care.
- Joint Commissioning: GP consortia will need to establish their own commissioning support organisation from 2013/14. They will need to develop shared arrangements with other consortia in order to be able to commission at scale (e.g. acute hospital commissioning). Our aspiration for a shared single commissioning support organisation allows for expertise and associated costs to be shared. This would realise efficiency savings for both the NHS and social care. Our estimate is that this would generate for boroughs a further £1m of savings.

Adult Social Care Programme - Full Year Savings Summary

	Full Year Savings £000s	Costs of Transition (i.e. one-off) £000s
Commissioning, Finance and Inhouse Services	2906	-1033
Overheads (Training, Project management)	656	
IT	428	
CLCH Integration - Management	241	-38
CLCH Integration - Impact on Demand	3784	
Joint Commissioning and support services with GP consortia	1000	
Procurement savings	1935	
Total	10950	-1070

Savings Risk Profile

	£000s
Assured	4231
Projected	1935
Possible	4784
Total	10950

The savings set out above have been further analysed to give a “confidence level”.

Assured: where agreement to tri-borough working will confidently yield the savings upon implementation. Savings from combining commissioning departments, CLCH management integration, overheads and ASC IT procurement are highlighted here.

Projected: Where savings are likely, but where figures can only be estimated at this stage. Savings from joint procurement are expressed here.

Possible: Where professional opinion suggests that savings are possible from reducing duplication, optimising practice and avoiding costs – savings from integrating assessment and care management teams is highlighted here.

Phasing and Breakdown by Borough

	Savings £000s				Costs of Transition £000s
	2011/12	2012/13	2013/14	2014/15	
LBHF	63	1026	4031	5303	-461
RBKC	31	601	1230	2094	-225
Westminster	52	1321	2325	3554	-383
Total	146	2949	7586	10950	-1070

Source of Saving By Borough and Year

	2011/12	2012/13	2013/14	2014/15	Costs of Transition £000s
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LBHF

Commissioning, Finance and Inhouse Services	63	778	778	1258	-447
Overheads (Training, Project management)	0	0	0	252	0
IT	0	0	0	0	0
CLCH Integration - Management	0	93	93	93	-14
CLCH Integration - Impact on Demand	0	0	2900	2900	0
Joint Commissioning and support services with GP consortia	0	0	0	433	0
Procurement savings	0	155	260	367	0
Total	63	1026	4031	5303	-461

RBKC

Commissioning, Finance and Inhouse Services	31	379	379	612	-217
Overheads (Training, Project management)	0	0	0	196	0
IT	0	0	0	0	0
CLCH Integration - Management	0	51	51	51	-8
CLCH Integration - Impact on Demand	0	0	250	250	0
Joint Commissioning and support services with GP consortia	0	0	0	211	0
Procurement savings	0	171	550	773	0
Total	31	601	1230	2094	-225

Westminster

Commissioning, Finance and Inhouse Services	52	641	641	1036	-368
Overheads (Training, Project management)	0	0	0	207	0
IT	0	321	428	428	0
CLCH Integration - Management	0	97	97	97	-15
CLCH Integration - Impact on Demand	0	0	634	634	0
Joint Commissioning and support services with GP consortia	0	0	0	357	0
Procurement savings	0	262	525	795	0
Total	52	1321	2325	3554	-383

ASC Tri borough Return on Investment

£000s	Year 0	Year 1	Year 2	Year 3	Year 4
Cash In-Flows	0	146	2949	7586	10950
Cash Out-Flows	0	517	150	403	0
Net Cash-Flow	0	(371)	2,799	7,182	10,950

Cumulative Cash-Flow	0	(371)	2,428	9,611	20,561
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Payback (non discounted) 1.1 Years
 4 Yr NPV (DR 4.0%) £ 17,977

3.2. Savings attribution methodology

Savings are realised as lower operating costs. Savings and costs are attributed to boroughs in proportion to what they spend currently in 2011/12. This is a fair method and is likely to satisfy audit testing.

Other services are commissioned or procured, or relate to staff that work within a particular locality. Costs here are easily charged back to particular boroughs.

3.3. Summary of investment requirements

There are four sorts of costs in implementing a tri-borough service:

Staff exits costs – Actual costs depend on who exactly is made redundant, but current estimates based on detailed work around the commissioning structure are £695k. This is calculated by taking the number of posts deleted x 50% (assuming half are redeployed) x £25,000 (an average redundancy payment).

IT – WCC and RBKC have already agreed to procure a new ASC IT system. Costs will become clear in late June/July once the tender analysis is underway. Both boroughs have set aside capital for this investment, £1.3m in WCC and £0.75m in RBKC, based on the expectation of a payback from savings (see IT Savings section).

Redesigning assessment and care management services – these changes to reduce care costs will be highly complex. External support will be required to deliver within desired timescales. A clear picture of these costs is being considered. As with IT, an advantage of combined working is that these costs can be shared, in this case between the boroughs and the NHS.

Project management costs: Combining departments will require support and some staff will need to be freed up to manage the change ahead. This can partly be achieved through controlling the phasing of departures. Nevertheless, some costs will be incurred, which are estimated at £375k over 3 years.

4. Integrated commissioning

4.1. Case for change

Boroughs' currently employ 130 FTE staff at a cost of £7.1m to procure and manage services and in roles that support that core activity, for example around finance, analysis and IT.³

A further group of staff is employed to assess and manage care. These are considered separately.

Reflecting boroughs' legal duties, many of the services provided by boroughs are similar or identical and procured from the same organisations (see procurement section).

Consequently, the roles and skill sets within boroughs' commissioning teams are broadly replicated. By combining functions and teams, efficiencies can be made as, for example, managing three boroughs' contracts with the same organisation does not triple the workload.

Larger overall staff reductions can also be made more safely; the combined workforce remains larger than any individual borough's, thus ensuring a critical mass of staff are available to oversee the very complex care-redesign work ahead, as well as ensuring there is sufficient resilience to addresses pinch points.

Providing services to a larger combined population will also allow for specialist expertise to be retained to commission support to smaller groups with complex needs such as people with autism, services for people with dual diagnosis, services for people with brain injuries and services for people with high level mental health needs.

4.2. Analysis of savings

Savings and service improvements would be realised in two phases.

In phase one boroughs propose to create a joint commissioning team or department led by a single Director of Adult Social Care responsible for commissioning relationships for health and social care across the three boroughs. This will include finance, business intelligence and other services necessary to support the commissioning structure and front line services. This will reduce the workforce from 130 to 81 FTEs or 38%, leading to a saving of £2,756k⁴, while retaining service

³ Service configurations differ to an extent. For example certain commissioning staff in WCC are employed through a corporate commissioning team. Analysis has identified those who, directly or indirectly, are employed to deliver for borough ASC Departments.

⁴ The salaries for posts costed in the new structures are assumed to be similar to current equivalent posts, with the addition of LBHF's employer oncosts.

quality and ensuring capacity is retained to better and more rapidly achieve considerable reductions in unit cost.

In phase two boroughs aspire, in consultation and agreement with GP consortia to create a single commissioning support organisation for both adult social care and NHS GP Commissioning. Through sharing with consortia the cost of a combined commissioning organisation, boroughs believe there are further savings of up to a further £1m, as well as benefits from better joining up of services.

The section below outlines a detailed operating model for phase one i.e. a combined borough commissioning team. Work around a single commissioning support organisation will depend on further discussion with GP consortia.

4.3. Operating Model

The chart below outlines a combined structure for ASC commissioning. It will deliver a year 1 saving in staff costs.

Design of the structure has been informed by key principles:

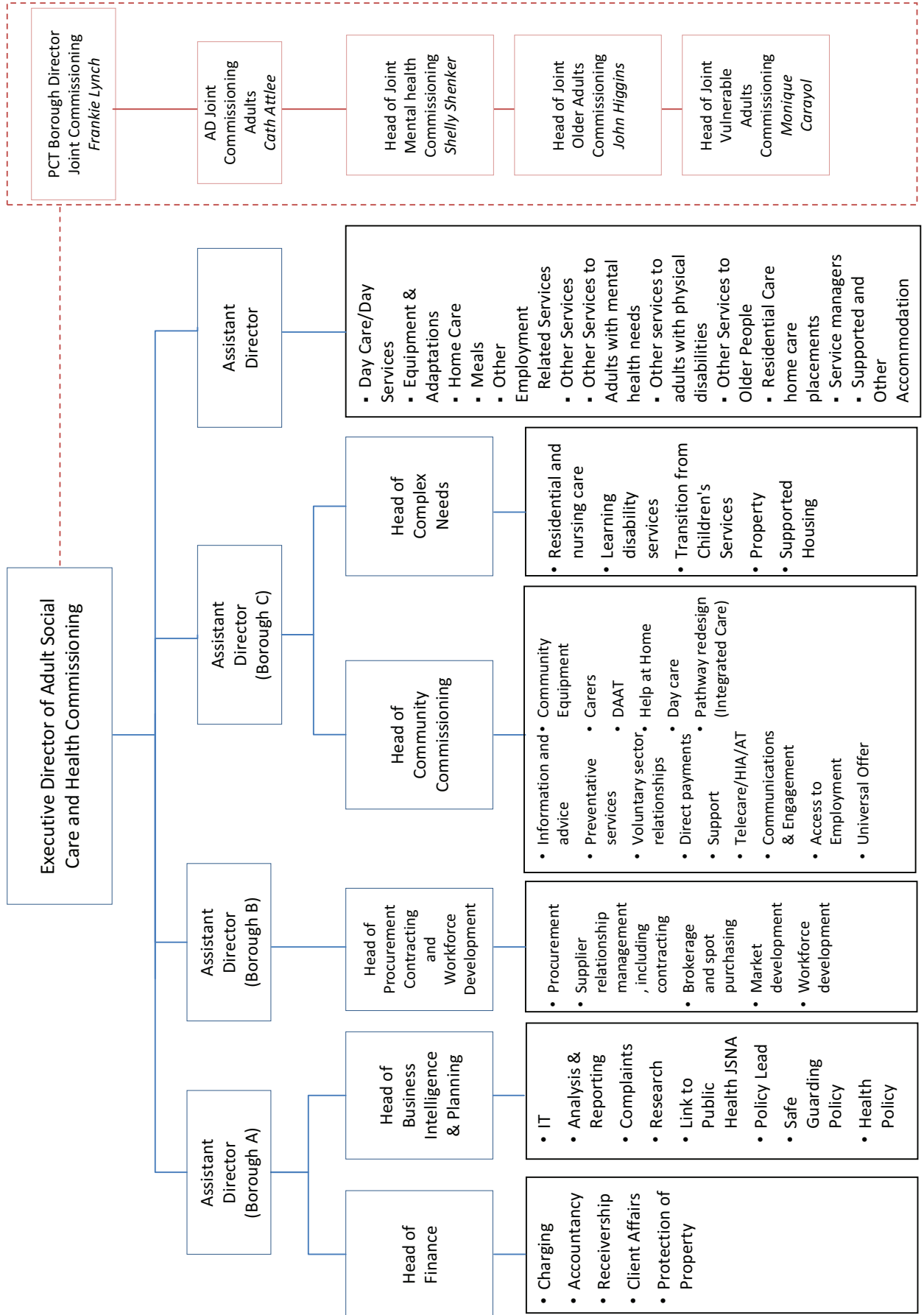
- The Service represents the leanest management and overhead budget immediately possible (further savings can be later realised via combining commissioning with GP consortia).
- The Service has the capacity to commission services in the most cost effective manner to deliver upon the required outcomes;
- The Service is able to respond to the Government's agenda, and the policy agenda of the 3 councils;
- The Service is resilient, particularly in regard to ensuring the most vulnerable adults are properly protected;
- The Service is organised in a manner that ensures that costs are controlled.

The new proposed structure is detailed in table 1 below; it is configured around six broad service groups. Alongside their functional responsibilities each Assistant Director will act as the key link for one of the three Boroughs (nominally represented here as Borough A, B or C). Further details around the roles of each of the groups can be found at appendix A1 – 4, alongside organograms and detailed staff costings for each group:

Procurement contracting and workforce development: will manage all procurement exercises. They will be responsible along with the commissioners for developing the social care market and maintaining ongoing relationships with contractors. They will work with commissioners to develop specifications for services and ensure contracts are appropriately monitored. They will also ensure that there is a suitable adequately trained workforce across all providers **Overall saving: 15.5 FTEs or £697k (35%)**

Table 1: Structure for Tri-Borough and NHS Integrated Commissioning

Version: 8 June 2011



Commissioning: This team will commission all services which support people who are living in the community with social care needs. There is potential that DAATs could be managed through this team, however, it seems to be government policy that they will eventually be managed within Public Health in local government

Preventative Services Commissioning will ensure that all 3 boroughs have a robust preventive offer for all adult social care user groups and build on the strong relationships which exist between the voluntary sector, community groups and the 3 Councils. **Overall saving for complex needs and wider commissioning:** 10.1 FTEs or £503k (35%)

Complex Needs: This directorate would commission services for a range of people including those with autism, dual diagnosis, brain injuries and high level mental health needs. The responsibility for property issues will be with these teams as most of the buildings based services will be commissioned by this team. **Overall saving for complex needs and wider commissioning:** 10.1 FTEs or £503k (35%)

Business intelligence and planning are some of the key functions necessary both to inform commissioners and also to ensure the performance of the service is appropriately managed and reported both internally to Councils and elected members and externally to regulators. **Overall saving:** 7 FTEs or £401k (36%).

Finance will support the commissioning and statutory adult social care functions of the 3 Councils. In Westminster this will mean some disentangling of current centralised arrangements. With the synergies across the 3 boroughs of such support services it is more likely that efficiencies will be delivered this way⁵. **Overall saving:** 15 FTEs or £543k (38%).

The savings in finance depend upon three things:

- Adopting common computer systems (e.g. general ledger, where there is a dependency on Project Athena)
- Having common policies, as far as possible (e.g. charging policies)
- Standardising business processes (e.g. budget setting, budget reporting)

Costs of computer systems may include redesigning systems, new user licences, and re-writing interfaces, amongst other things. No allowance has been made for these costs yet.

Directly managed services: Each of the three councils still directly manages some social care services. These services have a combined value of just under £22m and include day care, day services and residential care home placements in each of the three boroughs. The strategic direction continues to be to outsource services and there are plans to do this as at different stages of implementation.

⁵ Frontline client finance services (such as staff who look after client's money on their behalf) will remain within the Department. These are non-management function funded by user contributions. They have therefore not been considered as part of this management reduction exercise. Services will instead be re-designed as part of the review of frontline assessment and care management services.

Whilst the services remain within the councils they will need sound management. It is proposed that one senior manager will be designated to manage these services together as a specific management role reporting to the DASC. Once suitable arrangements are made for the remaining services, this role would cease, potentially saving £125k by 2014/15.

Other key service relationships:

Public health: A single service led by a Joint Director of Public Health has been established across the boroughs. In the short term, the combined commissioning department will ensure priorities and funding are aligned. Once full details of the transfer of public health functions to Local Government are known, boroughs will make detailed plans for integration.

Joint Commissioning: The 3 boroughs and the PCT sub-cluster already have agreed joint commissioning arrangements (mental health, older people, other vulnerable adults), these have responsibility for all areas where there is a clear advantage from doing so. They ensure services are commissioned across organisational boundaries and that best use is made of pooled budget arrangements.

4.4. Protecting sovereignty

One commissioning team is more than capable of procuring services to multiple specifications, as highlighted in the box below. Because of increased scale, services can be procured at lower cost.

Box 1: Joint commissioning to different specifications

Kensington and Chelsea tendered for a community equipment loan service on behalf of a consortium of 8 boroughs to achieve greater volumes and lower unit costs. As well as a saving on procurement costs, each borough was able to use this contract to make savings – 15% in LBHF, and can still tailor it to suit local factors. It is now being used by 13 boroughs with 4 others planning to join.

Each borough will have a senior manager at Assistant Director Level nominated to work with them to ensure availability to elected members and representation of Adult Social Care within the core functions of the Councils. Members will continue to meet regularly with the Executive Director. See appendix B for an outline of the proposed annual cycle for agreeing with Members priorities and oversight of their delivery

Members already find it valuable to meet together to discuss opportunities for collaboration and to compare and contrast current service delivery methods. This new way of working, in combined services, offers advantages to strengthen political leadership and accountability because a team approach by Cabinet Members will provide them with more opportunity to compare and contrast performance on behalf of their boroughs and to challenge officers on asserted best practice.

4.5. Health and wellbeing boards

Boroughs will wish to consider once the Government's Health proposals are settled the right configuration to ensure cooperation where it would be advantageous to do so.

5. Combined procurement of services

5.1. The case for change

Tri-borough ASC contractual spend is approximately £200m and the three boroughs contract many of the same providers to deliver similar services.

Combined procurement offers opportunities to reduce costs in several ways, including through reduced transaction costs from doing things once instead of three times, and by adopting the most efficient of each borough's contracting practices in the tri-borough arrangements.

The most significant cost reduction comes from lower contract prices driven by the greater purchasing power of three boroughs. For example, the six Boroughs of the West London Alliance (which includes H&F) have made a £4.2m saving in Home Care contracts through joint procurement arrangements. However, the care market is fragile and this brings risks to achieving the savings targets, even with a tri borough approach.

In those cases where joint procurement does not prove advantageous, boroughs can procure separately; there are no downsides to having additional procurement options.

Boroughs would look for additional procurement savings through joint commissioning with GP consortia, though it is too early to estimate possible savings.

As highlighted above in box one, savings can be made even if services are procured to different specifications.

5.2. Savings analysis

Analysis of the prices paid to common providers of similar services across the three boroughs suggests that savings can be realised by bringing prices closer to the tri-borough average price. The tables below shows the projected savings for older people's and mental health residential and nursing spot purchased placements if each borough paid no more than the current average price paid to that care home across the three boroughs:

Older People

		Number of OP spot purchased placements	Annual savings from adoption of average price
Annual	H&F	301	£102,436
Annual	K&C	177	£147,566
Annual	Westminster	290	£543,029.
	Total	768	£793,031

Mental Health

		Number of MH spot purchased placements	Annual savings from adoption of average price
			50% of actual savings *
Annual	H&F	128	£64,119.
Annual	K&C	72	£68,552.
Annual	Westminster	151	£252,112
	Total	351	£ 384,783
Total OP and MH		1119	£1,177,814

50% of savings have been used as the nature of mental health placements for H&F and RBKC. WCC have asked for a lower figure. It should be noted that mental health prices are more variable than older people and the number of homes is far less. The 50% allows placements at varying needs to be considered.

The tables above and below are based on the premise that, if a borough pays less than the average price, their price paid would not increase to the average price level.

A similar analysis of homecare prices also suggests savings can be realised by bringing prices closer to the tri-borough average:

Home Care

		Number of homecare Hours	Annual savings from adoption of average price
Annual	H&F	583,652	£0
Annual	K&C	420,082	£357,070
Annual	Westminster	898,838	£0
	Total		£357,000

Homecare prices should be compared with caution as service specifications and monitoring arrangements differ, for example, RBKC contracts include service development and e-monitoring and billing considerations and requirement to pay workers the London Living Wage – approx £1 above West London Alliance (WLA) rate. The e- monitoring has saved RBKC over £1 million over three years.

Whilst homecare and residential care represent the largest ASC spend areas, there will be opportunities to realise savings across all contracts as they come up for renewal. Complete alignment of the three boroughs procurement programmes will take several years, however, there are 217 adult social care contracts across the three boroughs with a value of £80 million which come up for renewal between now and 2014.

It is already common practice to jointly procure services across the three boroughs where possible. Current joint tenders include the Drug Intervention Programme, Direct Payment Support Services, Meals on Wheels, and Supporting People (which is being procured under a framework agreement across the tri-borough and west

London). LBHF expects a £200k annual saving on Supporting People prices through this framework agreement, and RBKC expects a similar saving.

5.3. Timeline

The rate of annual turnover in residential and nursing care (approximately 30%) and homecare (approximately 36%), and the expected timeframe for completion of planned tenders over the next few years provide some indication of likely phasing of savings. These indications are shown in the tables below:

Phasing by Service

	2012/13	2013/14	2014/15
Residential Care(OP and MH)	£388,678	£777,357	£1,177,814
Homecare	£0	£257,070	£357,070
SP & other contracts	£200,000	£300,000	£400,000
Total	£588,678	£1,334,357	£1,934,884

Phasing by Borough

	2012/13	2013/14	2014/15
LBHF	£154,963	£259,926	£366,555
RBKC	£171,318	£549,637	£773,188
WCC	£262,396	£524,793	£795,141
Total	£588,678	£1,334,357	£1,934,884

5.4. IT savings

Westminster and Kensington and Chelsea are jointly procuring an adult social care IT system. Existing systems had become costly and difficult to maintain, and the technology used has limitations in being able to meet the demands from personalising services.

Systems are being purchased via a Framework Agreement available to all London Boroughs. This means that Hammersmith & Fulham are able to buy into the framework when their current system needs replacement.

The procurement exercise is likely to reach contract award in July/August 2011 and the expected implementation timetable for the new service is estimated to fall in the first quarter of 2012.

Westminster is expecting to release savings of £428k per year through a reduction in IT costs from this process. RBKC is looking to enable more direct user based

transactions, reducing back office support and through streamlining processes and mobile working. RBKC is anticipating that up to £250k per year can be saved in the two years following implementation through reducing staffing costs. A clearer estimate on IT savings will be available once tenders have been considered.

Further savings of up to £1.4m around ASC IT and associated support are being delivered through the Corporate Services programme. The June Corporate Services Cabinet report will outline the business case in more detail

Boroughs are commencing work with CLCH and other providers to ensure systems are aligned and compatible.

6. Delivery of services

6.1. Assessment and care management

The case for change

In general, councils only provide services to people in need of care and attention which is not otherwise available to them. There is a statutory requirement to assess people's needs for services against transparent eligibility criteria before determining which service or services to provide and in what amounts. The need for services provided by boroughs is usually reviewed at least yearly. Services include reablement, occupational therapy and support for older and disabled people and people with learning disabilities.

This process is known as assessment and care management. Boroughs currently employ 409 staff at a cost of £17.4m to provide these services.

CLCH Integration Workstream Staffing Budgets

		Borough Data						Total Sum of Budgeted FTE 2011/12	Total Sum of Pay Budget Forecast 2011/12 £000s
		LBHF		RBKC		Westminster			
Status with Potential Provider	Service	Sum of Budgeted FTE 2011/12	Sum of Pay Budget Forecast 2011/12 £000s	Sum of Budgeted FTE 2011/12	Sum of Pay Budget Forecast 2011/12 £000s	Sum of Budgeted FTE 2011/12	Sum of Pay Budget Forecast 2011/12 £000s		
CLCH	Assessment & Care Management	74	3826	122	4291	121	6285	317	14402
	HIV/AIDS	0	0	3	58			3	58
	Home Care	2	63					2	63
	Lone Adults					2	84	2	84
	Occupational Therapy	20	0	25	868			45	868
	Other Employment Related Services	0	0					0	0
	Other Services	3	142					3	142
	Other Services to Adults with Learning disabilities	0	0		0			0	0
	Other Services to Older People				0			0	0
	Reablement	26	1095					26	1095
	Service Managers	6	232	1	85			7	317
	Strategic Management					2	192	2	192
	Supported and Other Accommodation.	0	0					0	0
	Senior Managers	1	95	2	108			3	203
CLCH Total		130	5452	153	5410	125	6561	409	17423
Grand Total		130	5452	153	5410	125	6561	409	17423

The NHS separately has a duty to assess health needs, such as for community nursing care, and employs staff across the boroughs through the local community healthcare provider, Central London Community Health (CLCH).

Boroughs and NHS assessments and care arrangements are currently made in isolation. Yet people in need of support tend to be frail because of their health deteriorating in older age or because of disabilities or illnesses. They are, therefore, often in need of health care services as well as social care services.

Feedback from people who use both services tell of duplication, multiple visits by different workers, all asking very similar questions and lack of co-ordination of their care. This is wasteful of resources and frustrating to the service user.

Equally significantly, a service commissioned by one organisation can often have a positive or negative impact on the budget of the other. An example of this would be

how a change in investment in community nursing by the NHS will impact on the level of care provision which the local authority needs to commission to support individuals in the community. Currently, no party is incentivised to make savings to the healthcare system as a whole, as the benefit of increased investment is often not realised by that organisation. This means that investment in interventions to reduce overall the demand for care and in particular the most expensive care (such as hospital in-patient care) is not optimised.

By working together and sharing the costs and savings from reducing demand for services, especially more expensive intensive forms of support, residents can be better supported and costs can be reduced significantly.

Boroughs propose to achieve these savings and service benefits by combining NHS and borough assessment teams. Joint teams would provide holistic assessments of support to individuals in need. Redesigned assessment and care processes would ensure care staff can i.) put in place preventative programmes to avoid the need for expensive acute support and ii.) reduce the length and intensity of support where it is required. A combined service also means savings from fewer managers.

Attempts over many years to achieve similar results through agreements around working practices have not proved to be successful, although savings have been made in some areas.

Even within the NHS, assessments are currently undertaken in different ways by different professional groups. In community health services nursing teams are not integrated with therapy services so there can be multiple assessments carried out on one individual. Community health services in CLCH are moving to a single point of access for all services which means that assessments will be carried out by the most appropriate professional and duplication will be reduced.

It makes sense, including because of the scale and the speed of the savings required, to take the opportunity to combine teams more widely across health and social care. There is a significant body of evidence around the success of this approach, as outlined in the box below. This approach has wider support, such as from the Independent Westminster Social Care Commission⁶.

⁶ A Vision for the Future Health & Social Wellbeing of a City – Final Report of the Independent Westminster Social Care Commission, April 2011.

Box 2: Achieving the savings - the evidence base for integrated provision

- In Torbay, the local council and the PCT established a care trust which brought responsibilities for health and adult social care into one organisation. It has a single budget for health and social care, and teams are able to use this budget flexibly to meet patients' needs. A priority has been to **increase spending on intermediate care services that enable patients to be supported at home and help to avoid inappropriate hospital admissions**. The results can be seen in:
 - Reduced use of hospital beds (daily average number of occupied beds fell from 750 in 1998-9 to 502 in 2009-10)
 - Low use of emergency bed days among people aged ≥ 65 (1920/100000 population compared with regional average of 2698/100000 population in 2009-10)
 - Minimal delayed transfers of care.
- The Care Quality Commission report that a focus on better coordination of services has led to a **reduction in delayed transfers of care from acute hospitals** from 3,600 a week in 2003/4 to 2,200 a week in 2008/9. A total of 148,000 people had access to services that helped them to avoid being admitted to hospital as an emergency, compared to 80,000 in 2004. A further 157,000 had access to services that helped them to return home quickly from hospital, compared to 112,000 five years ago (Care Quality Commission 2010).
- The Milton Keynes Rapid Assessment and Intervention Team, jointly funded by the Council and PCT, has shown that, over a 12-month period, 722 hospital admissions and 100 **admissions to residential or nursing home care were avoided**. Total savings to health and social care were £3m.
- The Rapid Response Service in Salford offers **intermediate care** through a pooled budget. In 2007/8 at least £1 million was saved (£689,000 to health and £378,000 to social care) as a result of **diversion from hospital and residential placements**.
- A systematic review and critical appraisal of a range of **prevention / early intervention** programmes – the Supporting People, POPP and LinkAge Plus programmes – suggested that these integrated approaches could generate resource savings of between £1.20 and £2.65 for every £1 spent (Turning Point 2010) along with improvement in older people's quality of life.

6.2. Proposed operating model

CLCH will be commissioned to work with Councils to combine teams and redesign care processes. It is proposed that there is some integration between health and social care staff into joint teams. The services will be divided into two complementary parts which will include gate keeping mechanisms to ensure effective financial and quality control.

6.3. Assessment

It is proposed to have a new joint assessment and reablement service accountable to boroughs as well as the NHS. Boroughs would control charging policies and assessment criteria and therefore retain control over demand. GP consortia would want to put in place similar arrangements once handed budgetary responsibility.

The staff in these front line integrated teams would consist of qualified and unqualified social care staff, occupational therapists and physiotherapists. These teams would be able to assess an individual's requirements and provide necessary short term therapy input to ensure people are able to be as independent as possible. Disability equipment would be provided to maintain independence. A continuing push towards individual budgets will mean over time that less services are arranged directly by assessment staff, creating a clear distinction between the assessor gatekeeper role and ongoing care management.

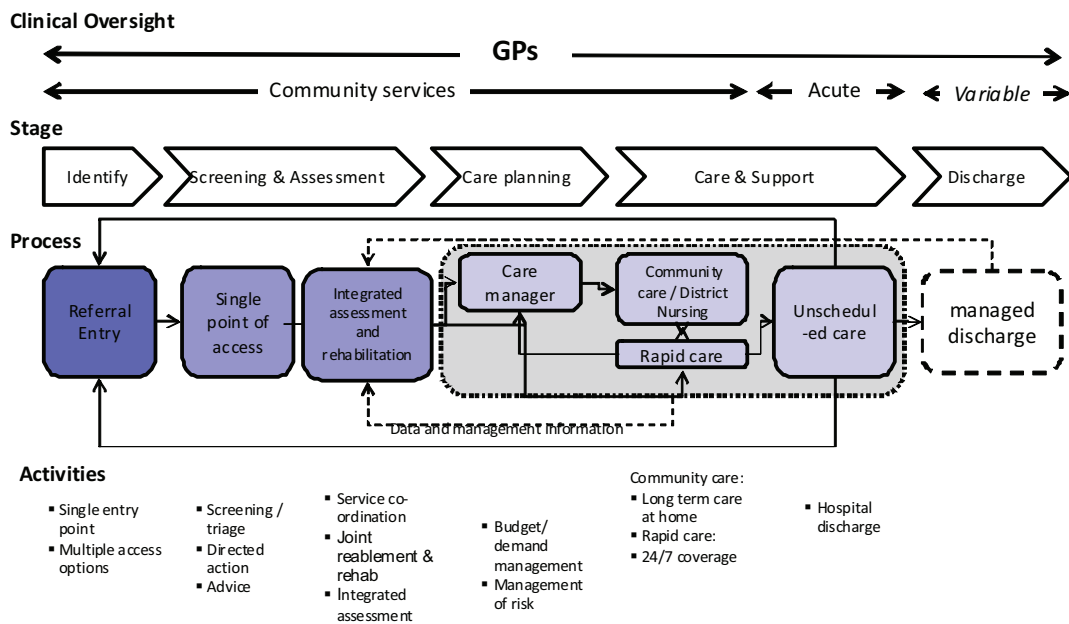
Personal budgets or care packages would be organised for people who require ongoing care after the period of assessment. Research shows that teams operating in this way only have to fund ongoing care for approximately 50% referred for assessment.

6.4. Teams for people with long term conditions

For people with long term conditions or who are considered to be vulnerable and at risk; joint teams of social workers, district nurses and community matrons would provide ongoing support, advice and nursing care. These teams would ensure people are kept safe, out of residential and nursing care and only admitted to hospital when absolutely necessary. These teams would work closely with GPs to identify those most at risk and target services at them. 3 out of the 4 local GP Practice Based Commissioning clusters have expressed an interest in this type of service through the Integrated Care Pilot which is just starting in North West London. This pilot also involves hospital clinicians providing support to people in the community and primary care teams.

The diagram below outlines how a redesigned integrated structure would operate.

Integrated Assessment – a new model of care delivery model for adults



Box 3: Building on existing models

The model being developed for integrated health and social care provider services is based on the models which have started to be developed across the 3 Councils.

In Hammersmith Continuity of Care model being developed with partners is predicated on the assumption that many hospital and nursing home admissions could be prevented – and better patient outcomes achieved - through more timely and targeted intervention with at-risk individuals.

In Westminster the joint reablement service ensures that all people who are referred to health and social care receive an assessment designed to maximise their independence. Over 50% do not require ongoing services after a period of work with the therapists in the reablement team and the provision of some disability equipment .

In RBKC, the Council in partnership with Kensington and Chelsea PCT and the Community Health Services have developed a range of preventative services which include a joint Intermediate Care Team and a specialist re-ablement team, both of which are focused on enabling people to regain their full potential for independence particularly after a hospital admission. This involves all professionals working in a joined up way to support people back to their maximum independence in order to improve an individual's quality of life and reduce the demand for long term on-going services

Integration with community health services will enable all assessments to be carried out efficiently with a focus on maintaining independence. Integration of social care and community health services will re-shape the health and care system so that it is designed to maintain peoples independence and effectively manage long term conditions in less expensive community settings.

This means in the first instance entering into a contractual partnership agreement with CLCH⁷ around line management (but not employment) of borough assessment and care management staff⁸. As for all service delivery contracts, the partnership agreement would set out borough expectations around quantum, type and quality of services. This will be tailored to each boroughs priorities and care budget envelope.

The Chief Executive of CLCH would be held jointly accountable for service delivery with the Director of Adult Social Care. One Assistant Director would manage social care across the three boroughs with three heads of service reporting to them responsible for individual borough services.

In addition to regular performance monitoring reports to the Director of Adult Social Care, there would be a Governance Board to oversee the performance of the partnership. This would consist of the three Cabinet Members together with non-executive directors of the health partner; the Director of Adult Social Care and the Chief Executive of the health partner. Boroughs hope to have this arrangement in place by October 2011. Members would sign off the draft partnership agreement to ensure it is sufficiently robust.

This model replicates the successful mental health trust arrangements boroughs have in place – see box 4 below.

6.5. Budgetary Control

The commissioning and purchasing budgets would be retained by the commissioners. Councils would retain responsibility for gatekeeping access to services. All significant expenditure such as residential and nursing home placements and large care packages would be sanctioned by the commissioners through the funding panels which currently exist in each borough, who would also ensure that funding from NHS Continuing Care budgets are accessed where possible. This model takes account of the proposals for GPs to be allocated budgets for commissioning services. Wherever possible it would be appropriate for these budgets to be managed jointly.

Boroughs will set reduced budgets around which services will be redesigned. The NHS has set CLCH a target of 6% p/a savings reductions and boroughs would look to CLCH to achieve the same for social care. Intensive work over the following months will see assessment and care processes redesigned and equivalent work around frontline finance i.e. client affairs and charging, although this service would remain with boroughs. This work will be informed and developed in conjunction with GP consortia who will eventually take on health commissioning responsibilities, and by wider partners such as Hospital Trusts. In the first year of operation we would look to these teams, with new GP referral procedures, to keep more people at home in the community, making bigger savings in the placement and packages budgets.

⁷ Under s75 of the National Health Services Act 2006, as successfully used to deliver combined Mental Health services

⁸ Learning disabilities services are already jointly delivered with CLCH. The plan here is to bring together the three community teams across the three boroughs into a single management arrangement in CLCH

Once redesign work is complete, and subject to Member agreement, boroughs will modify the partnership agreement to take account of its findings e.g. agreed cost and savings sharing methodologies and common eligibility and assessment protocols across the healthcare system. It will also consider whether staff reductions can be made by reducing duplication. The revised agreement will commit and hold CLCH to account for implementing the redesign work and making the associated savings.

Like any other contractual agreement, should standards fall short, Members can take action, including if necessary terminating the agreement.

It is foreseen that combined teams will be borough based, with specialists working across boroughs. Members will, as now, control priorities and spend within their own budget envelopes.

At this point boroughs would also be able to make management savings. There are currently 9.8 FTE managers across the boroughs – it is estimated that this can be reduced to 6.8, delivering savings of £241k.

Box 4 – Mental Health Trust Partnership Arrangements

Mental health services have been delivered in partnership with health providers for many years. Boroughs spend £51m (gross) on services. In all three boroughs, mental health social workers are managed by mental health trust managers as part of multi disciplinary teams.

Agreements are in place using the powers of s75 of the National Health Services Act 2006 to ensure clarity about roles and responsibilities between the local authority and the mental health trusts. Like in all commissioning relationships, objectives and budget envelope are clearly outlined and costs are monitored and controlled through regular reports and meetings between commissioners and counterparts within trusts.

6.6. Impact of service demand: savings analysis

Hammersmith and Fulham have estimated savings of £1.7m per annum to the council from changing the way in which nursing home placements are utilised and £2m to the NHS from reducing hospital admissions. RBKC estimate a 250k saving around duplicate staffing and £250k saving from adopting a variety of measures including a preventative approach to long term social care provision. WCC analysis suggests a £200k saving from increasing reablement / rehabilitation support to avoid the need for more costly care and £434k savings from reducing admissions to residential care to levels in neighbouring boroughs.

6.7. Market testing

At present CLCH exclusively provides health assessment and care management services for the NHS across the three boroughs. The Government plans as part of its health reforms to open this service to wider competition, although at present no

timescales have been set. Consistent with wider commissioning principles, boroughs will wish to consider in consultation with partners e.g. GP Consortia the right point to test the market in terms of price and quality, which will be reflected in agreements with CLCH.

6.8. Timeline

October 2011: Line management of assessment and care management staff transferred to joint management with CLCH

April 2012: Redesign work complete. Boroughs enter into agreement with CLCH over the provision of future services and delivery of the savings. Any agreed management savings / staff transfer arrangement implemented.

Date tbc: Testing the market for integrated assessment and care management services can only take place once the Foundation Trust application process ends. The latest date CLCH can achieve trust status is 2014; they are aiming for 2013.

7. Operating model – Member and resident perspectives

The transformation of commissioning and care provision as outlined above is ambitious and will keep boroughs at the cutting edge of health and social care work. Below we consider what the sum of changes means for Members and residents. This outline is indicative and will be informed by Members views and the results of the assessment and care redesign work.

7.1. Member perspective (also see appendix B)

As well as meeting weekly with the Assistant Director responsible for oversight of borough affairs and bi-weekly with the joint DASC, Members would engage with other Assistant Directors as appropriate to discuss day-to-day issues and priorities.

Monthly performance and budget reports across the three boroughs for commissioned and directly provided services allows Members to ensure borough service provision remains sound and provides the opportunity to compare and contrast relative performance and challenge officials on service standards and price.

Bi-monthly meetings with the Chief Executive of CLCH provides assurance on service delivery, and an opportunity to consider future challenges and solutions.

Periodic meetings with Members across boroughs allows portfolio holders to consider opportunities for future collaboration, both to look for ways to lower investment and service costs and to share ideas around priorities and best practice. Comparison across boroughs of performance and delivery models means Members are now better able to challenge officers around strategies.

Around Budget setting, Members will agree with the DASC their strategies, priorities and budget envelopes in Borough Business Plans. Directors will aggregate these documents into a Departmental Delivery Plan, looking to take full advantage of opportunities to jointly provide and procure services to reduce costs and improve quality. In approving the Delivery Plan, Members would always be able to stipulate a desire to commission services on a single borough basis.

7.2. Resident perspective

Regardless of whether a resident approaches their borough, GP or are referred via another route such as the hospital, they will be contacted by a care assessor who will remain their key worker throughout.

The key workers will assess need and eligibility. The resident will only need 'tell their story once', rather than to multiple organisations.

The key worker will coordinate the right mix of health and social care related support. This may include preventative support – such as occupational therapy to prevent problems becoming acute – better for the resident and cheaper for the health system.

Alternatively, where appropriate residents may elect to select the right mix of care support themselves, advised as necessary by the key worker.

Care wherever possible will be provided in residents' own homes, providing additional comfort for the individual and helping to reduce costs to the health system.

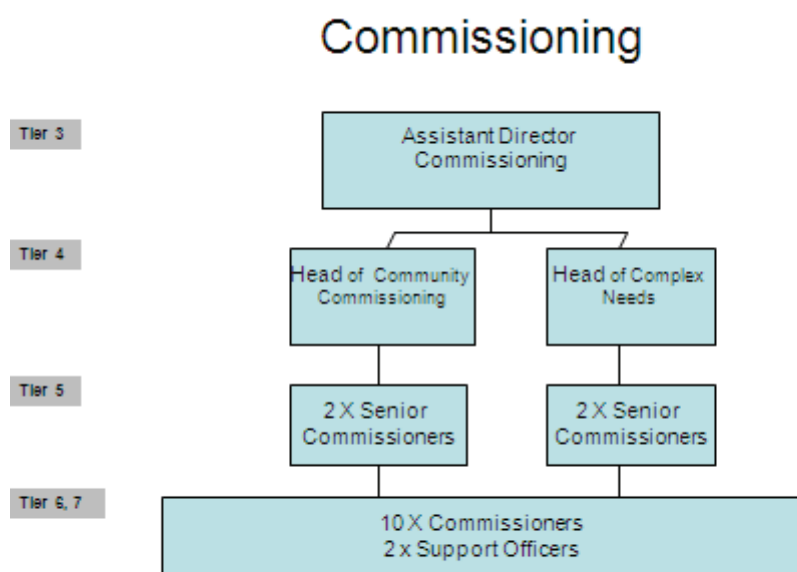
Should problems re-occur, a single comprehensive set of records will ensure further support properly takes account of all factors in considering care needs.

8. Timetable for ASC Integration Process

This timetable sets out the process for integration between the three boroughs adult social care provision and CLCH, up until April 2012.

• End of May 2011	Business Plan completed
• 2 nd June	CLCH Board Meeting – Heads of Terms & Option Appraisal
• June	OSC – K&C and Westminster
• Mid June	Boro Exec discussions Due Diligence paper completed
• End of June	Cabinet Meetings
• Early July	Staff consultation Appointment process for joint DASS commences Operations Service – senior appointments
• Early July	Member process agreed for AD appointment. Permanent AD in CLCH Provider AD Commissioning ADs Head of LD Services
• Late July	Appointments process started
• 4 th August	CLCH Board Meeting: Sec 75 agreed
• September	Cabinet Approval of S75 agreement with CLCH Senior appointments made Service Redesign starts (CLCH) Commissioning Implementation starts
• October	Operations Service transfers to CLCH
• December	DASS starts
• Feb 2012	Review of service redesign Cabinet reports CLCH Board reports
• April 2012	Implementation of new CLCH structure

Appendix A1



Name of Directorate: Commissioning

Name of Business Group: Complex Need and Community Services

Aims of the Business Group:

- Managing relationships with other departments and partners
- Leading user engagement
- Leading consultations especially around
 - Policy
 - Eligibility criteria
 - Closure of services / facilities
- Working to / with politicians

Roles required at tier 6 and 7 to deliver the different function for this group.

Senior Commissioners × 4

Key functions to be performed:

- Deputise for Head
- Provide knowledge and leadership on all elements of commissioning cycle
- Lead on complex, major projects
- Developing strategy
- Understanding national picture and best practice on all key areas
- Project Lead
- Cross Council work

Commissioners x 10

Key functions to be performed:

- Knowledge of all elements of commissioning cycle
- Project Management skills
- Analysis skills
- Strategic thinkers
- Relationship Managers
- Specialist in one or more areas

Commissioning Support Officers x 2

Key functions to be performed:

- Managing small projects
- Financial understanding
- Engagement with service users
- Organisational skills
- Strong administrative skills

Principles and Fundamentals of Function

- Ability to work quickly on priorities of the time
- Bring together different specialists
- The "Heads of" will need an understanding of both history and strategy
- People underneath will work on projects
- Importance of user engagement - critical in developing and maintaining goodwill

Assumptions

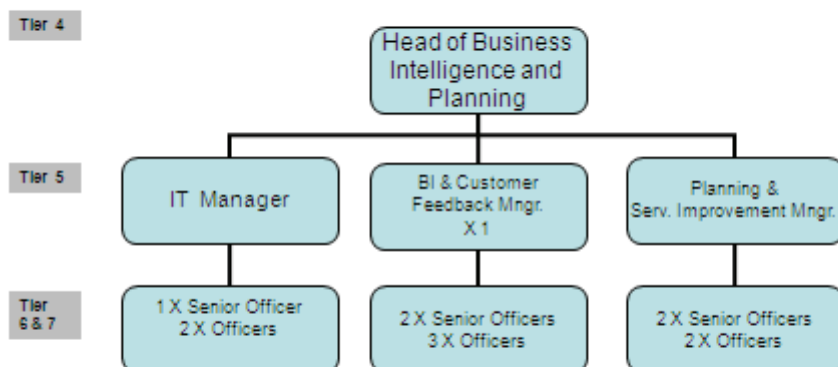
- Single Procurement Process
- Rational Decision Making Process
- Commissioning Framework Across 3 Boroughs (massive undertaking)

Financial breakdown for Commissioning

							Phasing				
	Current FTE	Commissioning Roles	Range	Mid Point	With On Costs	Total Costs plus on-cost @100%	Savings	2011/12	2012/13	2013/14	2014/15
	WCC	0 Assistant Director									
		2 Head of LD, Generic)	£55-£68k	61.5	76.875	154					
		7 Commissioners	£33-£41k	37	46.25	324					
		2 SP Commissioner	£33-£41k	37	46.25	93					
	Sub-Total	11				570					
	LBHF	0 Assisrant Director									
		1 Head of Commissioning	£55-£68k	61.5	78.72	79					
		3 Senior Commisssuioners	£42-51k	46.5	59.52	179					
		3 Commissioners	£33-£41k	37	47.36	142					
		1 Project Manager	£33-£41k	37	47.36	47					
		1 Project Support	£22k -£30k	26	33.28	33					
		0.5 Admin	£22k -£30k	26	33.28	17					
	Sub-Total	9.5				497					
	RBKC	2 Senior Commissioner	£42-51k	46.5	57.66	115					
		4 Commissioners	£33-£41k	37	45.88	184					
		1.6 SP Commissioners	£33-£41k	37	45.88	73					
	Sub-Total	7.6				372					
	Total Current	28.1				1439					
	New Merged Commissioning New FTE										
		2 Heads of	£55-£68k	61.5	78.72	157					
		4 Seniors	£42-51k	46.5	59.52	238					
		10 Commissioners	£33-£41k	37	47.36	474					
		2 Commissioning Support	£22k -£30k	26	33.28	67					
	Total New	18				936	503	-503	503	-503	503
	% Reduction					35%					

Appendix A2

Business Intelligence and Planning



Name of Directorate: Finance and Business Intelligence

Name of Business Group: Business Intelligence and Planning

Units in the Business Group is listed below.

1. Business Intelligence and Customer Feedback

Aim of the unit: Driving and supporting the Commissioning Cycle.

Key functions to be performed under this unit:

- Analysis and provision of data as evidence all commissioning contract.
- Contract Monitoring – against performance indicators so data available for negotiation and reviewing relationship management.
- Voluntary Sector Contract Monitoring
- Needs Assessment
- Value for Money reviews
- Demand Modelling
- Monitoring quality outcome and service improvement.
- Providing data for Health & Safety Care.
- Reporting to individual Boroughs/Members.
- Safeguarding – performing quality assurance.

1.1 Customer Feedback

Aim of unit: To monitor customer feedback and manage resolution of complaints from all areas of ASC services including Provider organisations.

Key functions to be performed under this unit:

- Collate customer feedback.
- User Surveys (from carer)
- Supporting consultation.
- Manage statutory complaints – Local Government Ombudsman
- Service improvement.

2. Planning and Service Improvement

Aim of the unit: Ensure national policies are practically reflected in commissioning and front line services. Furthermore undertake strategic business planning for the ASC as a whole and supporting feedback to scrutiny committees in the three boroughs.

Key functions to be performed under this unit:

- Providing position on national government policy /legislation.
- Research / Information partnership “Health well being” strategy.
- Policy implementation – overview across ASC.
- Facilitating integration and corporate partnership work (Health & Well Being Board).
- Strategic Business Planning – aligned with Business Intelligence.
- Supporting Scrutiny Teams to provide reports and feedback.

3. ASC IT Development and Support

Aim of area: Identify business needs, develop IT strategy, create implementation options, and provide support

Key functions to be performed under this unit:

- Co-ordinate IT commissioning for ASC
- Undertaking needs analysis and identify business system problems
- Co-ordinating data sharing with new emerging local NHS structures and IT relationship management.
- User acceptance of upgrades
- Partnership arrangement with corporate IT and external suppliers.
- Reporting - business object report.

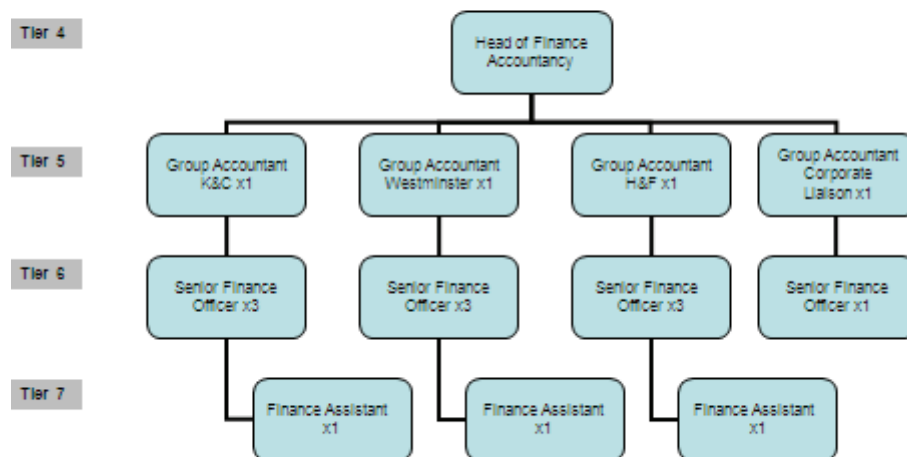
4. Breakdown of financial savings – Business Intelligence and Planning.

							Phasing				
	Current FTE	Business Intelligence and Planning	Range	Mid Point	With On Costs	Total Costs plus on-cost £'000	Saving	2011/12	2012/13	2013/14	2014/15
	16	Analysis Performance and Policy				837					
	3	Complaints				103					
	4	IT Support				178					
Total Current	23					1118					
	New FTE										
Tier 4	1	Head Of	£55-£68k	61.5	78.72	79					
Tier 5	1	IT Manager	£42-£51k	46.5	59.52	60					
Tier 5	1	Business Intelligence and customer feedback manager	£42-£51k	46.5	59.52	60					
Tier 5	1	Planning and service improvement manager	£42-£51k	46.5	59.52	60					
Sub-total of FTE	4					257					
Tier 6	1	IT Officer	£33-£38k	35.5	45.44	45					
Tier 6	2	Business Intelligence Senior	£33-£38k	35.5	45.44	91					
Tier 6	2	Planning and Service Improvement Senior	£33-£38k	35.5	45.44	91					
Sub-total of FTE	5					227					
Tier 7	2	IT Officers	£22k-£30k	26	33.28	67					
Tier 7	3	Business Intelligence Customer Feedback Officer	£22k-£30k	26	33.28	100					
Tier 7	2	Planning and Service Improvement Officer	£22k-£30k	26	33.28	67					
Sub-total of FTE	7					233					
Total New	16					717	401				401
% Reduction						36%					

Appendix A3

This diagram excludes Client Affairs and Charging as both of these areas are connected to frontline service delivery.

Finance - Accountancy



Name of Directorate: Finance and Business Intelligence

Name of Business Group: Finance

Business Unit: Accountancy

1. Accountancy

Aim of unit: Financial management support for the ASC business and fulfilling requirements delegated from the Director of Finance to the Assistant Director.

Main Functions:

- Closing Accounts
- Budget Process
- Liaise with Auditors
- Financial support to budget holders
- Budget Monitoring
- Financial Planning
- ASC unit costing
- Stats

- Information to Corporate
- Financial Appraisals
- FOI Requests
- Home Care payments (providers)
- SP payments
- Code maintenance of GL system
- Raising debt invoices
- Invoicing PCT for nursing
- Monitoring section 75 agreements
- Capital Budgets
- Open book accounting

Note:

To ensure borough finances are properly managed, it is envisaged that the (Assistant) Director of Finance (indicative 'Borough A' in table 1) would be a qualified accountant".

The savings in finance depend upon three things:

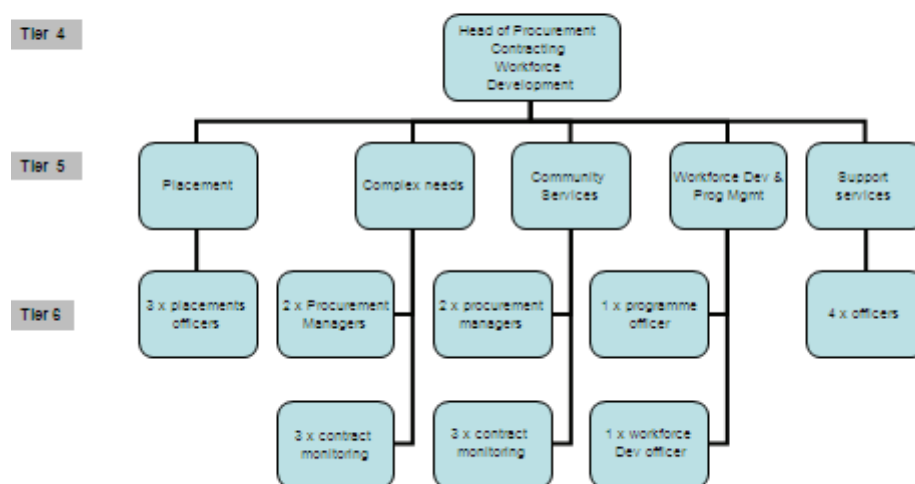
- Adopting common computer systems (e.g. general ledger, where there is a dependency on Project Athena)
- Having common policies, as far as possible (e.g. charging policies)
- Standardising business processes (e.g. budget setting, budget reporting)

2. Breakdown of financial savings - Accountancy

		Finance	Range	Mid Point	With On Costs	Total Costs plus on- cost £'000	Phasing					
							Savings	2011/12	2012/13	2013/14	2014/15	
		Accountancy - Current Structure										
	FTE											
WCC	1	Finance Manager	£61-£85k	68	85	85						
	3	Group Accountant	£42-59k	47	58.75	176						
	2	Principal Accountancy Ass	£23-46	31	38.75	78						
	4	Senior Finance Officer	£23-46	31	38.75	155						
	2	Finance Assistant	£23-46	31	38.75	78						
Sub-total	12					571						
		LBHF										
	1.75	Finance Manager	£47-72k	59	75.52	132						
	3	Group Accountant	£41-48k	45	57.6	173						
	3	Principal Accountancy Ass	£31-£41	36	46.08	138						
	2	Senior Finance Officer	£23-£32k	27	34.56	69						
	0	Finance Assistant										
Sub-total	9.75					512						
		RBKC										
	0.5	Finance Manager	£50-70	60	74.4	37						
	1	Group Accountant	£40-£50	45	55.8	56						
	3	Principal Accountancy Ass	£35-40K	37	45.88	138						
	1	Senior Finance Officer	£28-£32	30	37.2	37						
	2	Finance Assistant	£23-£27	25	31	62						
Sub-total	7.5					330						
Total Current	29.25					1413						
		Accountancy New Structure										
	FTE											
	1	Head of Finance (Accounta	£47-72k	59	75.52	76						
	4	Group Accountant	£41-48k	45	57.6	230						
	10	Senior Finance Officer	£31-£41	36	46.08	461						
	3	Finance Officer	£23-£32k	27	34.56	104						
Total New	18					870						
Current StrutureTotal	29.25					1413						
New Structure Total	18					870	543	0	0	0	543	
Reduction	38%					38%						

Appendix A4

Procurement, Contracting & workforce development



Name of Business Group: Procurement and Workforce Development

Functions for different units in the Business Group is listed below.

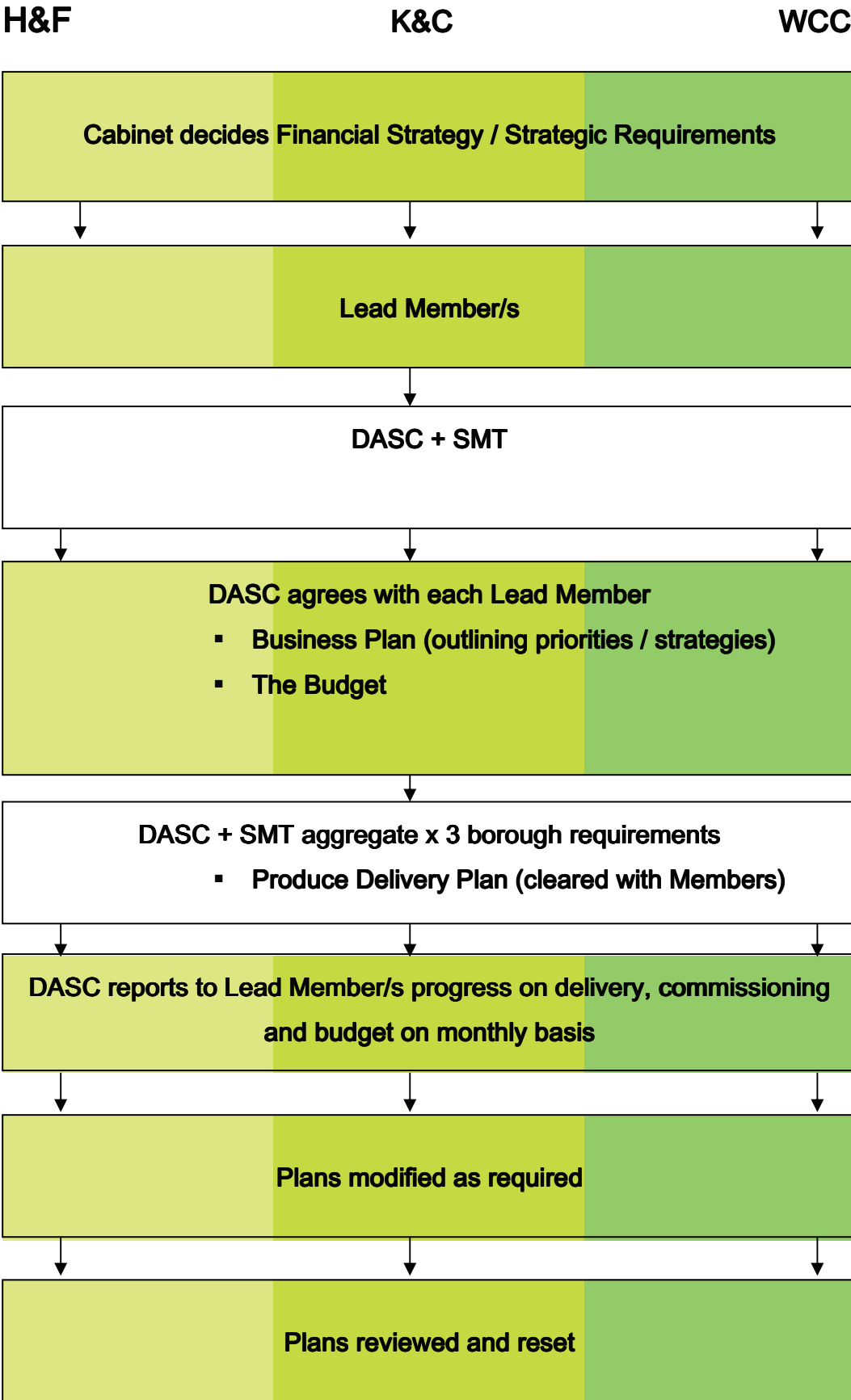
1. Main functions for Placements, Complex Needs, Community Services, Workforce Development, and Support Services.

- Spot purchasing (likely to increase with three borough working) – embedded in the team (Homecare and Residential).
- Contract and care management performance monitoring
 - In partnership with the Commissioners
 - Procurement to lead with input from other functions (e.g. client side, commissioners, others)
 - Proportionate and risk-based
- Market Development
 - social enterprise creation
 - provider forums
- Workforce Development
 - provider workforce e.g. DOLs and safeguarding – requires cross-development
 - staff development
 - supports commissioning hub development
- Strategy Development
- Procurement to contract management

2. Breakdown of financial savings – Procurement and Workforce Development.

		Procurement	Range	Mid Point	With On Costs	Total Costs plus on-cost £'000	Phasing				
							Savings	2011/12	2012/13	2013/14	2014/15
	Current Structure FTE										
WCC	1 Tier 4			64	80	80					
	6 Tier 5		£40-£43k	42.5	53.125	319					
	5 Tier 6		£33-£36	34	42.5	213					
Sub total	12					611					
LBHF	1 Tier 4			64	81.92	82					
	3 Tier 5		£40-£43k	42.5	54.4	163					
	7 Tier 6		£33-£36	34	43.52	305					
Sub total	11					550					
RBKC	1.5 Tier 4			64	79.36	119					
	3 Tier 5		£40-£43k	42.5	52.7	158					
	13 Tier 6		£33-£36	34	42.16	548					
Sub total	17.5					825					
Total Current	40.5					1986					
	New Structure FTE										
	1 Head of Proc. and Workforce Devp.			68	87.04	87					
	5 PO 5			50	64	320					
	4 PO 4			42	53.76	215					
	11 PO 2 & PO 3			35	44.8	493					
	4 PO 1			34	43.52	174					
Total New	25					1289	697	697	697	697	
Procurement % Savings						35%					

Appendix B: Adult Social Care Annual Cycle



**Integrated Tri-borough Library Service
Tri-Borough Service Plans and Proposals**

Cabinet Meeting

20 June 2011

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1. Executive summary

Business case recommendations

- To note and agree the business case and thereby agree to create an integrated library service across the three boroughs.
- To set up a joint steering group of two Members of each participating Borough to supervise further refinement and implementation of the proposals.
- To note the financial projections in the business case and to incorporate these, as amended and refined at lower levels of detail into the budget planning process for 2012/13.
- To establish and implement a procedure for appointment to the senior management structures to be effective from November 2011.
- To refer the proposals for further comment by scrutiny committees and to authorise formal consultation with Trade Unions and communication with staff.

Background

In February 2011 Hammersmith and Fulham, Kensington and Chelsea and Westminster City Council agreed a number of tri-borough proposals including exploring the creation of an integrated libraries and archives service.

The provision of public libraries is a statutory responsibility for local authorities under the 1964 Public Libraries Act. Public libraries provide access to a wide range of materials, information, knowledge and services to meet the present and future reading, learning and information needs of local communities. They are very popular and heavily used (5 million physical visits in the three boroughs last year).

As well as keeping a good stock of books and computers for customer use, modern libraries are fundamental to inspiring and enabling learning and reading. Libraries support the delivery of priorities relating to well-being and health, skills and learning, and active and sustainable communities. For many residents and visitors, the local library is the face of the council in their community.

Libraries offer a universal service that contributes to many outcomes and aspirations in the wider strategic plans of each of the boroughs, such as supporting children to enjoy and achieve, and to make a positive contribution and helping older people enjoy a better quality of life and well-being. Libraries can assist businesses, entrepreneurs, and the local economy, through information and events and they support improving health through health information programmes such as books on prescription initiative.

Libraries already work in partnership with many organisations, bringing them into the library, and taking the library service into other settings. This means that our libraries can act as an access and entry point into a wide range of other council and agency services, offering information and support to meet community needs.

What a tri-borough library service will look like

A single managed library service will provide a unique opportunity to sustain excellent frontline services and deliver customer outcomes, whilst also ensuring that local sovereignty is preserved.

The creation of a single library service will help insure the resilience and sustainability of the public library offer in each tri-borough authority.

Specific customer benefits that will be realised through the initial combined management structure and service remodelling include:

- Individual libraries becoming the gateway to a wider tri-borough service offering, enabling users to access a wider range of books and other materials including the specialist collections held by each borough. Users will also benefit from the differing specialist expertise and experience of staff.
- Consistency of service standards across the three boroughs - customers will receive a high quality customer experience regardless of geographical location or access channel (face-to-face, telephone or web).

A tri-borough library service will be delivered in four phases. Phase 1 will see the creation and approval of a detailed business case. Phase 2 will see the implementation of a single management structure and design of a single operational structure. During phase 3 a single operational structure will be implemented and during phase 4 alternatives for new delivery or trading options will be considered.

Savings proposals

This business case outlines a set of verified proposals that will provide savings opportunities for each of the tri-borough partners. A summary of savings opportunities can be found in the table below.

	Financial Savings (£)			Grand Total
	2011/12	2012/13	2013/14	
Single management structure*	-	315,934		315,934
Service efficiency	-	173,754	57,918	231,672
Integrated core service	-	420,115	140,039	560,154
Total		909,803	197,957	1,107,760

In addition to the financial savings outlined in this business case there are a number of areas where additional savings could potentially be gained following the implementation of a tri-borough library service. These areas are detailed in this business case but require further work to realise their financial benefits.

All proposals outlined in this business case do not preclude the implementation of any future delivery models, options for which will be considered as part of phase 4.

Single management structure

A single management structure will combine the strategic management of each authority's library service within one management team of four, reducing the number of existing management posts by six.

Service efficiency

Using a detailed transactional model and applying local operational and professional knowledge the number of staff required to operate each of the tri-borough libraries to the required service level can be established. Currently the model outlines that 174 posts are required to run a basic integrated tri-borough lending service (not including reference or specialist services), 8 posts less than the current combined staffing establishment.

Integrated core service

An outline target operating model for the combined service has been drafted. This model provides a basic service offer that will be implemented across all authorities. Additional services can then be commissioned locally by individual authorities.

Additional savings areas

Following the introduction of an integrated tri-borough library service a number of additional savings areas may be realised. These include savings from the provision of an integrated home library service, provision of an integrated archives service, rationalisation of office and book storage space and harmonising contracts and joint procurement.

As integrated tri-borough library service would also help to attract inward investment and provide a greater opportunity to gain external funding.

Salary harmonisation

Analysis has been carried out to identify if savings can be made through harmonising salaries across authorities. A harmonisation arrangement would provide all employees across tri-borough the same terms and conditions. £427,766 can be saved if all staff across the tri-borough library service are harmonised to the lowest salary point for their role.

Whilst salary harmonisation is a logical development it is not appropriate to do this just for libraries. Therefore it would need to be implemented in line with overall tri-borough procedures and timescales. Also there are significant risks in pursuing salary harmonisation in the absence of a proper consideration of different roles and responsibilities. These risks include reduction in quality of service, recruitment difficulties, and significant HR challenges. Therefore salary harmonisation will not be considered at the present time but will be investigated as part of Phase 4, when outsourcing options are considered.

1. Business case recommendations

- To note and agree the business case and thereby agree to create an integrated library service across the three boroughs.
- To set up a joint steering group of two Members of each participating Borough to supervise further refinement and implementation of the proposals.
- To note the financial projections in the business case and to incorporate these, as amended and refined at lower levels of detail into the budget planning process for 2012/13.
- To establish and implement a procedure for appointment to the senior management structures to be effective from November 2011.
- To refer the proposals for further comment by scrutiny committees and to authorise formal consultation with Trade Unions and communication with staff.

2. Introduction

In August 2010 as part of the government's Future Libraries Programme, Hammersmith and Fulham and Kensington and Chelsea gained project support to explore the feasibility of a shared library service to be delivered or commissioned jointly across boroughs. This included investigating alternative models for delivering library services in what could be an innovative way for both authorities, and which could provide a model for other London boroughs. In late 2010 following the announcement of the tri-borough programme Westminster City Council joined Hammersmith and Fulham and Kensington and Chelsea to identify if an integrated library service could be delivered across all three boroughs.

With the help of external project support, a number of areas where potential savings may be found were identified:

1. the creation of a single joint management structure;
2. sharing specialist and support staff;
3. wider staff rationalisation and improved productivity;
4. harmonising contracts and joint procurement;
5. achieving the move to on-line service provision in an integrated way;
6. rationalising arrangements for storage, the home library service and transport across the three boroughs;
7. adopting a tri borough perspective in relation to the use of assets and buildings

In February 2011 Hammersmith and Fulham, Kensington and Chelsea and Westminster Councils published proposals for combining services. The proposals outlined that some services could be more efficiently managed at greater scale and management structures for the delivery of services are triplicated across the boroughs, and could potentially be rationalised. The proposals included the creation of a single integrated library service across the three boroughs, with local branding and delivery in line with local community needs and requirements. It was anticipated that £1,500K - £1,820K could potentially be saved from these areas.

This business case outlines a set of verified proposals that will provide savings opportunities for each of the tri-borough partners over a three year period.

In addition to the savings outlined in this business case there are a number of areas where additional savings could potentially be gained following the implementation of a tri-borough library service. These areas require further work to realise their financial benefits and include salary harmonisation, provision of an integrated home library service, provision of an integrated archives service, rationalisation of office space and harmonising contracts and joint procurement.

All assumptions and figures used in this report are based on the position following implementation of 2011/12 budget changes. To deliver the savings outlined by this business case there is no requirement to further reduce the existing number of library buildings or change opening hours.

From April 2012 options will be considered for transferring the integrated library service to an external management organisation. This may take the form of a charitable trust, social enterprise, joint venture or through private sector management. The options outlined in this business case do not preclude the implementation of any future delivery models.

3. Background

Public library services are currently delivered across the tri-borough area from 24 library buildings open 1,197 hours a week¹.

Libraries across the area vary greatly in size and opening hours. There is one central library (Kensington); seven 'district' libraries (Marylebone, Hammersmith, Fulham, Charing Cross, Paddington, Chelsea and Victoria) and a range of mid size and small community libraries. Between 2009 and the end of 2010 three brand new libraries opened: at Church Street, NW8, Pimlico, and Shepherds Bush (as part of the Westfield shopping centre). In addition Askew Road, Brompton and Notting Hill Gate libraries underwent large scale refurbishments. Opening hours are tailored to meet the needs of the communities they serve with six being open over 60 hours a week and five open for seven days a week.

17 of the 24 sites are equipped with self service technology and 17 buildings are WiFi enabled.

Currently 4 million items are loaned to 158,000 members every year. These include books, DVDs, CDs, talking books, newspapers, magazines and PC games. An extensive range of activities to promote reading, distribute information and encourage learning are also available across the tri-borough area. Activities include outreach programmes volunteering opportunities and events for preschool children. These activities are supported by 461 PC terminals.

In addition to the 24 service points home library services deliver material across the tri-borough area to 1,098 people who are unable to visit a library. Hammersmith and Fulham also provide a service at Wormwood Scrubs prison and Westminster manages a school's library service.

¹ This figure will reduce to 21 by December 2011 following the closure of St James Library in Westminster and the handover of Barons Court and Sands End in Hammersmith and Fulham to the community.

A detailed breakdown of current service levels can be found in appendix 1. Appendix 2 shows the locations of each library

4. Scope for an integrated tri-borough library service

The assumption is that all “core offer” services will be integrated – unless there are strong arguments to the contrary. Each authority will retain sovereignty over policy-making but there is an assumption that unless there are considered reasons to set unique expectations, boroughs ought to standardise specifications because these ought to deliver better prices.

Boroughs will take the opportunity to radically redesign services, drawing on each authority’s strengths.

It is anticipated that each borough will have the capacity to locally commission services on top of the proposed core offer. Examples of the locally commissioned services include the Bengali Outreach Service, Prisons Library Services, services to children’s centres and study support. Partner organisations (such as the PCT) may also commission services across the tri-borough area e.g. Bibliotherapy. Further details of locally commissioned services are outlined in section 5.2.

Arts and Culture are not currently in scope as part of the integrated Tri-borough Library service.

5. Integrated tri-borough library service

5.1 Vision and objectives

Under the terms of the 1964 Public Libraries and Museums Act, public library provision is a statutory duty for local authorities. The duty requires authorities to provide a comprehensive and efficient library service for everyone who lives, works and studies in the area, and to take into account their general and specific needs.

Public libraries are one of the cornerstones of modern communities, providing unbiased and unparalleled access to a wide range of materials, information, knowledge and services, both on-line and during stated opening hours. They are very popular and heavily used (5 million physical visits across the tri-borough area in 2010/11).

The development of online digital information and media formats is one of the biggest challenges facing libraries, not because it threatens their existence, but because it is an integral part of a modern service; the challenge comes from keeping up to date with the technology investment and the content management.

As well as keeping a good stock of books and computers for customer use, modern libraries are fundamental to inspiring and enabling learning and reading. They also provide space for the wider range of activities and events for individuals and groups that now take place. These activities are a vital part of a modern library service, contributing directly to individual and community well-being and development. They include pre-school storytelling sessions, homework clubs, author talks, arts and creative events, PC tutorials, adult learning and skills classes for individuals or groups, sessions delivered by partner agencies, such as the National Health Service and Jobcentre plus or by community groups.

Public libraries are places where people can go to read and borrow books, and to learn. This simple but powerful statement will continue to be at the heart of the service for many years to come. Through this and other activities, libraries empower, inform and enrich the people and communities they serve through a range of services and collections delivered by well trained staff through community based buildings and online.

Libraries are freely available to everyone in the community, and aim to meet their present and future reading, learning and information needs.

Libraries have the potential to support the delivery of priorities relating to well-being and health, skills and learning, and active and sustainable communities. Most of our public libraries are located in local neighbourhoods and communities, and open when residents and others need them. They offer services targeted to meet local needs and priorities. For many residents and visitors, the local library is the face of the council and its customer services.

Libraries offer a universal service that contributes to many of the outcomes and aspirations in the wider strategic plans of each of the boroughs, such as supporting children to enjoy and achieve, and to make a positive contribution; helping older people enjoy a better quality of life and well-being; libraries can assist businesses, entrepreneurs, and the local economy, through information and events; they support improving health through health information and initiatives such as books on prescription.

We need to make sure that our libraries retain their core purpose of enriching people's lives by giving residents and users access to books and other information. Libraries can act as an access and entry point into a wide range of other council and agency services, offering information and support to meet community needs.

To achieve these outcomes, library services need to be visible, attractive and appealing, designed to increase participation and reach out to new audiences as well as retaining existing users. By sharing these ambitions for the service across the three boroughs, there is a greater opportunity to achieve economies of scale, increase income opportunities, attract inward investment, and maintain existing services.

In developing this business case, an overall vision and set of objectives have been established as shown overleaf:

Vision for the tri-borough library service

Libraries are freely available to everyone in the community, and aim to meet their present and future reading, learning and information needs. The key elements of an integrated library service are:

Reading	everything starts with reading, libraries help children and adults to become proficient readers for life and promote the love of reading for pleasure
Learning	libraries will support formal education at every stage and be a major provider of informal and self-directed learning for all
Digital	libraries will create and providing access to digital resources, and help people to bridge the digital divide through support and training
Information	libraries will provide the gateway to the world's knowledge (about anything and everything) and to local community information, with intelligent interpretation
Community	libraries will provide a physical, accessible, safe indoor presence in the heart of local communities, a meeting place for local people and organisations, a destination or venue for cultural events and activities
Access point for other services	either online or through surgeries or permanently shared location – as a trusted brand with expert staff, a natural place where people will go to seek advice and support and to transact

In addition an integrated service could provide:

Heritage/sense of place	libraries will keep the record of times gone by – the history of people and communities, helping to create identity and cohesion
--------------------------------	--

The programme objectives for an integrated tri-borough library service are:

- The creation of a single combined library service with local branding and in line with local community needs, that maximises value gained from public expenditure, strengthens the place of libraries in the community and maintains and improves the quality of core services.
- The generation of significant savings through the creation of a combined library service and to minimise the impact of budget cuts to frontline services
- To explore and determine the scope for the creation of a single combined archives service.
- To engage with commercial partners to increase income opportunities for libraries.

An integrated library service will be implemented via a phased approach further details of which can be found in section 10.

A set of design principles have been agreed to shape the structure of the new integrated tri-borough library service; these are outlined in appendix 3.

5.2 What will a tri-borough library service look like?

A tri-borough library service will deliver the following core services from 21 buildings.

Reading

- Provision of resources to support adult reading
- Selection of events to support children's literacy
- Reader development activities
- Programme of outreach to meet local need

Learning

- Provision of resources to support adult and children's learning
- Learning activities to improve adult literacy and IT skills
- Employment related learning activities

Digital

- Creation of digital content (e.g. community databases)
- Providing access to on-line digital resources
- Learning activities to improve digital literacy (getting online and navigating around)
- Access to PCs
- Access to Wi-Fi enabled buildings

Information

- Access to information resources and knowledgeable staff
- Provision of local and council information
- Improved access to special collections
- Access to local historical resources

Community

- Provision of venues for community and partner organisations to meet

A single managed library service will provide a unique opportunity to sustain excellent frontline services and deliver customer outcomes, whilst also ensuring that local sovereignty is preserved (for example each local authority will decide on the number and opening hours of libraries and the level of corporate engagement).

Specific customer benefits that will be realised through the initial combined management structure and service remodelling include:

- Individual libraries becoming the gateway to a wider tri-borough service offering, enabling users to access a wider range of books and other materials including the specialist collections held by each borough; and to benefit from the differing specialist expertise and experience of staff.
- Consistency of service standards across the three boroughs - customers will receive a quality customer experience regardless of geographical location or access channel (face-to-face, telephone or web);

Tri-borough working also offers the opportunity to exploit the joint commercial potential of library assets and services to generate additional income. Libraries across the three boroughs attract significant visitor numbers every day and many of them are in prime locations that would be attractive to retailers and other commercial outfits.

There is also potential income to be secured as a result of our knowledge and experience of pursuing a tri-borough service. Successful delivery of a combined service provides a compelling platform from which to trade both service delivery skills and capability as well as a consultancy offer.

A variety of services will be commissioned locally; examples of locally commissioned services are shown below. This is not an exhaustive list and is likely to be expanded to include services for children, families and vulnerable adults.

Service	Commissioning Authority
Chinese services	Westminster City Council
Prison services	Hammersmith and Fulham
Music Library	Westminster City Council
Business information	Westminster City Council
Bengali services	Westminster City Council
Specialist reference collections	Westminster City Council
Schools Library Service	Westminster City Council
Early years provision in community settings	Kensington and Chelsea

Whilst it is anticipated the library service may be managed as a single service with shared infrastructure and capability, the new model and associated structures will ensure that the current localised service offering and opening times provided by libraries in each of the respective boroughs will be delivered in line with the sovereignty guarantee.

An initial Equalities Impact Assessment has been carried out and this has identified no negative impacts for customer and community groups, and a number of positive benefits. For staff, there are no negative impacts in relation to the equality groups. The Equalities Impact Assessment will be repeated at various key stages during the implementation process as the new operating model and structure are developed and as other delivery options are assessed.

6. Current financial position and savings proposals

6.1 Current financial position

The table below sets out the current financial position in relation to the library service for each of the tri-borough authorities. This information is based on the budget position for 2011/12 and reflects any savings already committed by individual authorities.

2011/12 Budget	Hammersmith & Fulham	Westminster	Kensington & Chelsea	Combined
Total budget	£3,501,966	£12,155,241	£6,633,270	£22,270,477
Total uncontrollable budget	£938,900	£4,842,047	£2,195,620	£7,976,567
Total controllable budget	£2,563,066	£7,313,194	£4,437,650	£14,313,910
Total salary budget	£1,866,966	£4,946,727	£2,964,310	£9,758,503
Total full time equivalent posts	59.3	154	85	298
Total opening hours	231	687	279	1,197

6.2 Summary of savings proposals

The following table summarises the financial savings associated with each option in this business case.

	Financial Savings (£)			Grand Total
	2011/12	2012/13	2013/14	
Single management structure*	-	315,934		315,934
Service efficiency	-	173,754	57,918	231,672
Integrated core service	-	420,115	140,039	560,154
Total		909,803	197,957	1,107,760

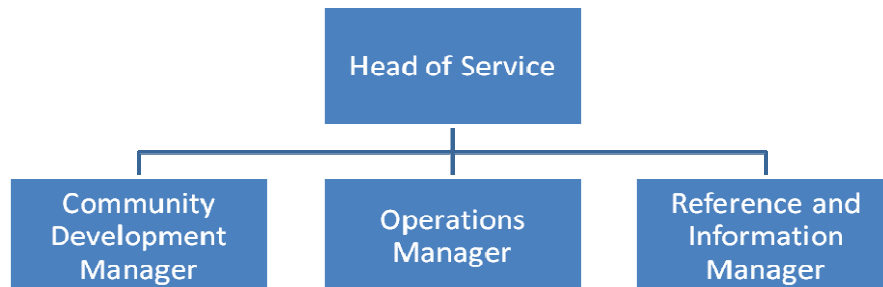
Details of how these savings are broken down by individual authorities are shown overleaf.

Each of these savings is described in detail from section 6.3 onwards. Details of how these savings and costs could be apportioned are outlined in section seven.

Financial savings (£) breakdown												
	Current cost	Post Tri-borough cost	Total savings	Hammersmith & Fulham			Westminster			Kensington & Chelsea		
				Pre tri-borough	Post tri-borough	Saving	Pre tri-borough	Post tri-borough	Saving	Pre tri-borough	Post tri-borough	Saving
Single management structure	6,15,934	300,000	315,934	71,282	100,000	-28,718	262,652	100,000	162,652	282,000	100,000	182,000
Service efficiency	5,038,866	4,807,194	231,672	1,042,524	984,606	57,918	2,577,351	2,519,433	57,918	1,418,991	1,303,155	115,836
Integrated core service	2,912,031	2,351,876	560,155	705,021	463,728	241,293	1,154,891	926,195	228,696	1,052,119	961,953	90,166
Total	8,566,831	7,459,070	1,107,761	1,818,827	1,548,334	270,493	3,994,894	3,545,628	449,266	2,753,110	2,365,108	388,002

6.3 Single management structure

A single integrated library service across all three authorities will be led by a single management structure. One Head of Service will oversee a team of 3 senior managers as outlined below.



The Management team will have the following responsibilities

Head of Service

- To set the overall strategic direction of the service
- To lead on strategic planning and development
- To hold accountability for operational performance and delivery
- To hold financial accountability for the service
- Responsibility for the business development of the service
- Member Liaison

Operations Manager

- To lead on day to day service operations to ensure delivery in line with targets and specifications
- To prioritise and deliver key initiatives
- To ensure the allocation and management of financial resources for frontline services in the team
- To provide operational leadership for library premises improvement, through identifying and meeting customer and community priorities

Community Development Manager

- To develop partnerships and joint working arrangements with both internal and external partners to help promote reading and learning.
- To lead, drive and motivate managers and staff in the Community Development team through setting targets, improving services and processes, planning work and managing costs.
- To lead the co-ordination and development of professional services to adults and children
- To lead the strategic development of stock for lending libraries.

Reference and Information Manager

- To develop, coordinate and direct Reference and Information services including physical and on-line resources, web services and digital content development.
- Develop, coordinate and direct specialist collections and services.
- To be responsible for the digital and information provision across the tri-borough area.
- To improve access to digital resources through delivery of support and training.
- To lead the strategic development of reference for lending libraries.
- Development of stock for reference and information services.

To allow the creation of single management team the following posts will be deleted.

Posts to be deleted		
Post	FTE	Salary range £ (inc oncosts)
Head of Service Total	2.05	190,820
Senior Management Total	8.00	425,114
Total deleted	10.05	615,934
Posts to be created		
Post	FTE	Salary £ (inc oncosts)
Head of Service	1.00	90,000 – 120,000
Operations Manager	1.00	50,000 – 80,000
Community Development Manager	1.00	50,000 – 80,000
Reference and Information Manager	1.00	50,000 – 80,000
Total created (based on midpoint)	4.00	300,000
Total Savings (based on midpoint)	6.05	315,934

It is intended that Westminster City Council will employ the posts in the single management structure but no decision has been made as to where they will be based. Reducing staffing numbers will create additional savings from office space and overhead costs. Further work is required to establish the level of these savings.

6.4 Service efficiency

A detailed transactional model has been used to establish the number of staff that will be required for each of the tri-borough **lending** libraries. All three authorities have had the opportunity to refine the model to ensure it reflects best practice and addresses local circumstances. Further development and analysis will be required to refine the model to ensure it works for each authority.

The model is based on a retail approach and looks at all tasks carried out in a lending library. All tasks are site based. Each task has been broken down by:

- Indicative time taken to carry out
- Frequency
- Volume

This has then been combined with a range of transactional data (including membership numbers, visitor footfall, opening hours, service points and building size and design) to predict the number of hours required to open, run basic services and close each library building. This has then been translated into full time equivalent posts.

The model assumes that the take up of self-service by customers is running at 90% or more, and that all operational processes (such as timetabling, cash management, enquiry and customer management) are at optimum efficiency, and it assumes sickness levels at 3%. These assumptions are not currently the case in all libraries but should be achievable in the longer term, building on existing best practice.

The model does not factor in specific local environmental factors, such as a high incidence of anti-social behaviour at particular sites, or an above average level of events or activities, which will require additional staff cover. Neither does it allow for peaks and troughs in demand. However, it does give a minimum base point against which staffing levels can be flexed in accordance with demand.

A summary of the output from the model is shown below. This data reflects the staffing levels generated by the model adjusted to take into account local issues and professional knowledge.

Average salary costs are based on all non management front line staff and include on costs.

Authority	Opening Hours	Existing Lending FTE	Adjusted Model Lending FTE	Difference	Cost Saving (£)
Hammersmith & Fulham	231	36	34	-2	57,918
Westminster	586	89	87	-2	57,918
Kensington & Chelsea	279	49	45	-4	115,836
Total	1,099	174	166	-8	231,672

6.5 Integrated core service

The combined existing structures across the tri-borough libraries is made up of 297 full time equivalent posts costing £9,778,003. The core service areas excluding locally commissioned services (e.g. Archives, Home Library Service, Prison Service) cost £8,566,831 and are made up of 259 full time equivalent posts.

An indicative target operating model has been drafted to show how an integrated core service could work. This model comprises **231.5** full time equivalent posts.

If all staff in the new tri-borough integrated core service are employed by Westminster the total salary cost (based on Westminster Salaries) is estimated at £7,459,070. A detailed breakdown of the salary figures for the integrated core service is shown in Appendix 4.

The difference between the cost of the indicative target operating model and existing structures (including adjustment for on-costs) is **£1,107,761** this figure includes the verified savings for the creation of a single management structure (£315,934) and the savings associated with service efficiency (£231,672). Therefore the savings associated with the creation of an integrated core service are £560,155.

This is broken down as shown in the table below.

Authority	Full Staffing budget (£)	Full Staffing FTE	Staffing budget excluding locally commissioned roles (£)	FTE posts excluding locally commissioned roles
Hammersmith and Fulham	1,866,966	58	1,818,827	53
Westminster City Council	4,946,727	154	3,994,894	127
Kensington and Chelsea	2,964,310	85	2,753,110	79
Total	9,778,003	297	8,566,831	259
Integrated core service			7,459,070	231.5
Difference / Savings			1,107,761	27.5

6.6 Additional savings areas

Archives

The archive collections of the three boroughs hold local government archival collections and local history resources. The archival collections comprise a unique and irreplaceable historical asset, being the records of the lives of the people in the boroughs and the land it occupies.

The 'archives' services across the tri-borough area are different in scale and focus. Hammersmith and Fulham have recently implemented a 'Big Society' model that sees opening hours considerably reduced and services supported largely by volunteers. Kensington and Chelsea focus primarily on the provision of local studies through the

Kensington Central Library. Westminster provides a comprehensive service housed in a purpose-built archives centre supported by considerable archive expertise.

A number of broad options have been looked at to understand if an integrated archives service could provide service improvements, improved access, consistent high quality and an improved service offer whilst providing savings. These options did not show any significant savings for the tri-borough partners.

As there are no significant savings to be gained from providing an integrated tri-borough archives this will remain as a locally commissioned service area for each authority managed through the libraries structure.

Other

Once an integrated tri-borough library service is introduced a number of additional savings may be realised. These may include savings from the provision of an integrated Home Library Service, provision of an integrated archives service, rationalisation of office space and harmonising contracts and joint procurement.

Staff harmonisation

Library service salaries currently vary widely across the three boroughs at all levels. Pay structures and employee terms and conditions are also different across each authority.

Analysis has been carried out to identify if savings can be made through harmonising salaries across authorities. A harmonisation arrangement would provide all employees across tri-borough with the same terms and conditions.

At this stage no consideration has been given to harmonisation of actual duties and responsibilities carried out, creating generic job roles where possible. At present, the salary differentials may reflect different requirements in terms of skills and responsibilities from posts with the same job title.

Analysis was carried out by grouping all posts into 11 categories. Roles were then categorised based on existing structure charts and salary bands. Front and back office roles have been separated and grouped in like for like role categories. Staff in scope for the single management structure have been excluded as savings have been calculated separately.

The effect of levelling all posts down to the lowest salary level (0%), up to the highest point (100%) and at steps in-between has been calculated and is shown in Appendix 5.

This analysis shows that savings are only achievable in the bottom 20 percentile of the salary spread.

A saving of £427,766 can be achieved if all staff in scope are levelled down to the lowest salary. This will affect 231 members of staff in total across all authorities as shown below.

	Hammersmith & Fulham	Westminster	Kensington & Chelsea
Total Staff affected	20	143	68
Percentage of Staff affected	32%	98%	85%

Whilst salary harmonisation is a logical development it is not appropriate to do this just for libraries so would need to be implemented in line with overall tri-borough procedures

and timescales. Also there are significant risks in pursuing harmonisation in the absence of a proper consideration of different roles and responsibilities. These risks include reduction in quality of service, recruitment difficulties, and significant HR challenges.

Therefore salary harmonisation will not be implemented at the present time but as part of Phase 4, when outsourcing options are considered

As part of the agreed Chief Executive's protocols, in the short term, most front line staff will still be employed on their existing borough's terms and conditions.

7. Apportionment of future costs and savings

The future costs and savings of a tri-borough library service has been apportioned in the following way:

- The cost of the single management structure going forward has been apportioned by an even split across all three authorities.
- The reductions from the service efficiency model have been apportioned to the authority that they are deleted from.
- The cost of the integrated core service has been apportioned by the number of libraries, weighted by size on a 1-4 scale.

The table below shows the costs and savings of the tri-borough library service apportioned by authority.

Apportionment of future costs and savings				
	Hammersmith & Fulham	Westminster	Kensington & Chelsea	Total
Current cost of staffing	£1,818,827	£3,994,894	£2,753,110	£8,566,831
Cost of staffing in tri-borough	£1,548,334	£3,545,628	£2,365,108	£7,459,070
Savings gained through tri-borough	£270,493	£449,266	£388,002	£1,107,761
Percentage saving on controllable budget	10.6%	6.1%	8.7%	7.7%
Percentage saving on staffing budget	14.8%	11.2%	14%	12.9%

8. Investment requirements

The following investment costs will be required to realise the savings outlined in section 6.

Item	Cost	Details	Frequency
Redundancy payments	£687,500	Based on an average of £25k per FTE X27.5	One-Off
Self service implementation	Allocated in existing capital budgets		
Project management	£103,200	Based on project resource at £400 per day for 12 months	One-Off
Capital Ambition funding	-£30,000	External funding bid	One-Off

There are no immediate IT implementation costs required. Integration of systems will be required to establish a single library card but can be done over time and when savings opportunities arise.

The table below gives details of how redundancy costs would be apportioned: Redundancies differ across each local authority, however it is only fair to share these costs in proportion to the savings derived for each local authority. This ensures the benefits match the redundancy costs, which is reflected by the Holgate adjustment.

Redundancies				
	Kensington & Chelsea	Westminster	Hammersmith & Fulham	Total
Current structure costs	£2,753,110	£3,994,894	£1,818,827	£8,566,831
New structure costs	£2,365,108	£3,545,628	£1,548,334	£7,459,070
Savings-annual	£388,002	£449,266	£270,493	£1,107,761
<i>% savings</i>	35%	41%	24%	100%
Redundancy costs	£209,387	£337,335	£140,778	£687,500
Holgate adjustment	£31,415	-£58,511	£27,096	0
Share of redundancies	£240,802	£278,824	£167,874	£687,500
<i>Share of redundancies %</i>	35%	41%	24%	100%
Current structure FTE posts	79	127	53	259

9. Return on investment

The table below shows the return on investment for an integrated tri-borough library service.

Return on investment (£)						
	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5
Cash in-flows	0	0	909,804	1,107,761	1,107,761	1,107,761
Cash out-Flows	79,200	711,500	-	-	-	-
Net Cash-flow	-79,200	-711,500	909,804	1,107,761	1,107,761	1,107,761
Cumulative cash-flow	-79,200	-790,700	119,104	1,226,865	2,334,626	3,442,387
Payback (years)	1.9					

10. Implementation

An integrated tri-borough library service will be delivered in four phases as outlined below:

2011/12												2012/13							
Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Q4	Q1	Q2	Q3	Q4					
Phase 1												Phase 3							
<ul style="list-style-type: none"> • Definition and scope of workstream agreed • Programme mobilised • Production and sign-off of business case • Approval to proceed onto Phase 2 • Planning for Phase 2 • Mobilisation for Phase 2 • Feasibility report for archives 												<ul style="list-style-type: none"> • Operating model design for the creation of a single management structure • Implementation of a single management structure • Realisation of business benefits from a single management structure • Detailed design to create a single operational structure and staff group for a combined library service • Approval to proceed to Phase 3 • Planning for Phase 3 • Mobilisation for Phase 3 • Options appraisal for new delivery/trading options 				<ul style="list-style-type: none"> • Implementation and rollout of single operational structure for a combined library service • Realisation of benefits from single combined library service • Detailed design for preferred delivery/trading option • Production and sign-off of business case for preferred delivery/trading option • Approval to proceed to implementation • Implementation and rollout of new delivery model • Realisation of benefits of new delivery model 			

11. Risks

The following are potential risks to what is a significant frontline, public facing service across all three boroughs. Actions to limit these potential risks are suggested, for inclusion in any implementation plan of a single library service.

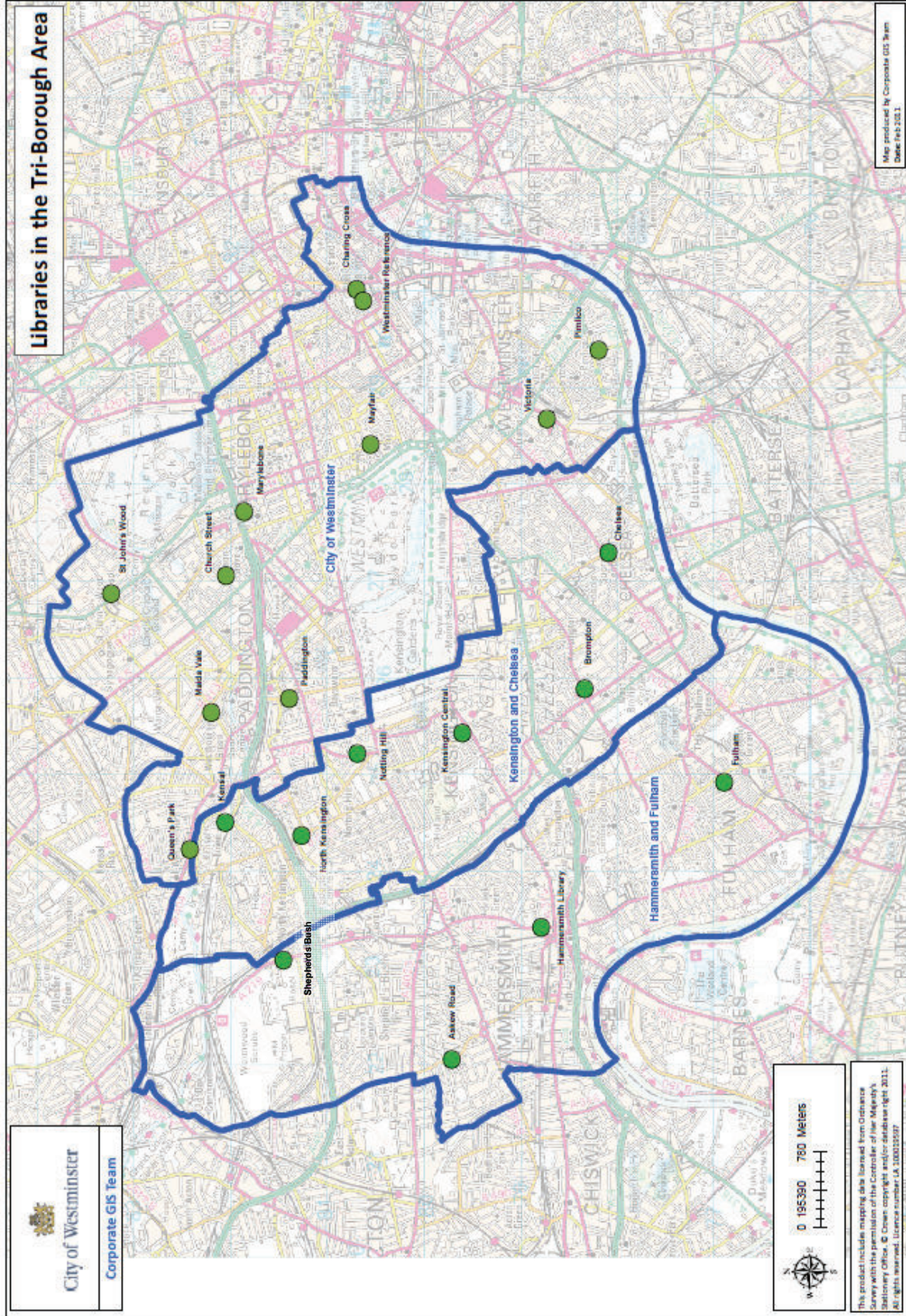
Likelihood - 1 (unlikely) – 3 (highly likely) Severity - 1 (minimal) – 3 (severe)

Risk	Impact	Action to mitigate	Likelihood	Severity of impact	Risk
Speed of implementation not sufficiently considered.	Staff morale and turnover impacted leading to a reduction in service / deterioration in quality of customer service.	Careful, planned implementation with a comprehensive stakeholder engagement plan in place to manage the period of change.	1	2	3
Not getting governance and structure right and commissioning arrangements unclear.	Single service with duplication, not realising economies of scale and inefficient service offer.	Clarity over which services are commissioned by each borough, and to what level.	1	3	3
Failure to resolve different aspirations across the three boroughs	Failure to agree core service specification and cost base leading to a delay in implementation	Establishment of robust governance arrangements from the start	2	2	4
Cost, resource, effort and time required to deliver a single service.	Cost outweighed by benefits.	Build in key milestones to agree progress to the next step, based on robust data. Thoughtful and planned implementation with clarity over potential (cashable) benefits.	1	1	2
Level of savings overestimated in business case.	Savings (or level of savings) not realised by any of the tri-boroughs.	Detailed estimation of savings required for each borough, and a plan of implementation.	1	2	3
Complexity of funding arrangements in any borough makes cashable savings difficult to realise.		Outcome of “corporate” tri-borough business case to be used in drafting full business case and implementation plan.	2	2	4
Corporate recharges insufficiently flexible.		Planning and implementation to be modelled to enable ‘variables’ to be taken into account when calculating savings.	2	2	4
Immediate action by individual authorities affects level of anticipated savings via a single service.			1	3	4

Appendix 1 – Existing library service provision

	Kensington and Chelsea	Westminster	Hammersmith and Fulham
No of library buildings	6	12 – reducing to 11 by end 2011	6 – reducing to 4 by end of 2011
Total opening hours (per week)	279	For 12 libraries 687 For 11 libraries 644	For 6 libraries 327 For 4 libraries 231
Libraries open on a Sunday	1	5	2
No of free access Public PCs	111	230	120
Home Library Service	Yes	Yes	Yes
Home Library Service members	304	619	175
Prison Library Service	No	No	Yes
Annual loans	922,054	2,400,000	670,000
Annual visits	1,185,535	2,500,000	1,100,000
Online Visits	266,000	2,500,000	257,266
Membership	40,035	86,991	30,926
No. of staff	85	167.44	69.5
Members of staff paid more than £60K	1	1	0
Self Service	3	11	2
Wi-Fi	4	12	1

Appendix 2 – Tri-borough library locations



Appendix 3 – Top 10 design principles

No.	Theme	Design Principle:
1	Sovereignty	Any design should be done so in full consideration of the Sovereignty Guarantee as laid out in the Tri-borough Proposal Report February 2011
2	Tri-borough	Departments should outline proposals for a 50% cut in managerial posts and 50% reduction in overheads and advise around any associated risks
3	Operating Model	The combined library service structure should be future-proofed as far as is possible and be agile and flexible to meet an ever changing environment.
4	Operating Model	Should have the minimum number of management tiers possible from top to bottom (say maximum of 5)
5	Operating Model	Optimum spans of control (say optimum target of 1:6 but could be more if deemed necessary/appropriate)
6	Operating Model	Back office functions to be minimised in terms of numbers and space occupancy
7	Customer	An ability to respond to local needs and circumstances, based on an assessment of local needs
8	Customer	A preference for an improved customer experience (e.g. one library card for all 3 boroughs) that may involve a change in relationship with increased self service but capable of at least maintaining the current levels of customer experience at less cost than can be delivered by the three boroughs individually
9	Finance	An ability to move to a unified set of contracts and a single property/assets strategy
10	Tri-borough	Boroughs will take the opportunity to radically redesign services drawing on each authority's strength

Appendix 4 – Staffing costs for integrated core service

Post	FTE	Cost per FTE (£)	Total cost (£)
Head of Service	1.0	105,000	105,000
Operations Manager	1.0	65,000	65,000
Reference & Information Manager	1.0	65,000	65,000
Stock Manager	1.0	50,118	50,118
Contract Manager	1.0	35,989	35,989
Stock Librarian	2.0	35,989	71,978
Cataloguer	0.5	17,995	8,997
Community Development Manager	1.0	65,000	65,000
Stock Assistants	2.0	27,184	54,368
Children's Co-ordinator	1.0	34,112	34,112
Adult Learning Co-ordinator	1.0	34,112	34,112
Health Information Co-ordinator	1.0	34,112	34,112
Bookstart Co-ordinator	1.0	27,184	27,184
Area Manager	4.0	42,810	171,240
Customer Services Manager	14.0	40,505	567,070
Librarian	18.0	35,989	647,802
Senior Customer Service Assistant Lending	78.0	30,261	2,360,358
Customer Services Assistant	9.0	28,959	260,630
Customer Services Assistant Lending	52.0	27,184	1,413,568
Reference Library Manager	1.0	42,810	42,810
Reference Librarian	1.0	35,989	35,989
Enquiry team Librarian	2.0	35,989	71,978
Reference Librarian	3.0	35,989	107,967
Online service coordinator	1.5	35,989	53,984
Senior Customer Service Assistant Reference	10.5	30,261	317,741
Customer Services Assistant Reference	5.0	27,184	135,920
Executive Assistant	1.0	30,261	30,261
Admin Assistant	3.0	30,261	90,783
Additional Posts	14.0	35,714	500,000
Total	231.5		7,459,072

Appendix 5 – Effect of Salary harmonisation

Role Category	100%	80%	60%	50%	40%	28%	20%	0%
Managers – Other	£3,318	£1,659	£0	£830	£1,659	£2,665	£3,318	£4,977
Area Manager	£20,432	£11,234	£2,036	£2,563	£7,162	£12,742	£16,360	£25,558
Site / Team / Customer Service Manager	£113,984	£77,659	£41,334	£23,172	£5,010	£17,028	£31,315	£67,639
Librarians	£162,932	£122,352	£81,772	£61,482	£41,192	£16,572	£611	£39,969
SLA / CSA Plus	£367,631	£282,109	£196,587	£153,826	£111,065	£59,179	£25,542	£59,980
Admin Manager	£4,062	£363	£3,336	£5,186	£7,035	£9,280	£10,735	£14,434
Outreach Workers	£9,779	£7,010	£4,241	£2,856	£1,471	£209	£1,298	£4,067
Admin Assistant	£31,249	£22,218	£13,187	£8,672	£4,156	£1,323	£4,875	£13,906
Library Assistant/ CSA	£388,413	£272,326	£156,238	£98,195	£40,151	£30,278	£75,937	£192,024
Weekend Assistants	£3,781	£2,279	£777	£26	£725	£1,636	£2,227	£3,729
Shelvers	£1,719	£1,079	£438	£118	£202	£591	£843	£1,483
Potential Saving / Cost	£1,107,301	£800,287	£493,274	£339,767	£186,261	£0	£120,753	£427,766

**Environment Services
Tri-Borough Service Plans and Proposals**

Cabinet Meeting

20 June 2011

ENVIRONMENTAL SERVICES PORTFOLIO

Proposals for combining the management of services provided by Kensington and Chelsea and Hammersmith and Fulham Councils.

Recommendations

1. That each council's Cabinet should agree these plans as the basis for forward planning and agree to further refine them and begin implementation.
2. That the Cabinets agree to set up a joint Member Steering Group with delegated authority to supervise further refinement and implementation of the proposals.
3. That subject to further consideration of the timing of staff departures the savings should be incorporated into projected budget plans.
4. That processes begin to appoint to the proposed revised Chief Officer positions.
5. To proceed to a formal exchange of documentation between the two boroughs by the end of March 2012.
6. To refer the plans for further comment by Scrutiny committees and for further formal consultation with trade unions.

1. SUMMARY

- 1.1 This report recommends a Bi-Borough approach between Hammersmith & Fulham (H&F) and the Royal Borough of Kensington & Chelsea (RBKC) with a new senior management structure by June 2012 and the introduction of combined services fully complete by 31 March 2014.
- 1.2 This report sets out the services, proposed structure, key borough principles, implementation and delivery vehicles, programme governance, estimated savings and timelines.
- 1.3 There are 29.5 senior management staff in scope between RBKC and H&F. This report proposes reducing senior management numbers to 15.5 over three years with a 48% reduction in the

three top tiers of senior management across the two boroughs, reducing senior management costs by £1.33m, less £175K attributed to capital and other sources in the tier three transport and highways posts at H&F. The indicative senior management savings are based on mid-point indicative figures and will vary according to the staff selected for redundancy.

	Current FTE	Current RBKC	H&F	Current cost RBKC	Current costs H&F	Proposed FTE	Cost of proposed	Share of new costs at 50%	Total savings	RBKC attribution	H&F attribution
Tier Director	2.5	1	1.5	157,297	311,829	1.5	281,475	140,737	187,651	16,560	171,091
Tier Assistant Directors	6	2.5	3.5	355,344	377,372	4	488,476	244,238	244,240	111,106	133,134
Tier Heads of Service	21	10	11	842,687	866,495	10	813,900	406,950	895,282	435,737	459,545
Total	29.5			1,355,328	1,555,696	15.5	£1,584M	791,926	1,327,173	563,403	763,770

- 1.4 This paper proposes timescales reflecting the new agreed Tri-Borough HR protocol.
- 1.5 We will continue to explore Tri-borough work where appropriate. This paper proposes that the Emergency Planning and Business Continuity Service could be a Tri-Borough service from the outset. The proposed interim management structure in this paper is designed to allow scope for Westminster City Council (WCC) to participate in joint Environment Services from 2014 (or earlier if appropriate). WCC have a range of outsourced services and currently are content to maintain their current management arrangements.
- 1.6 This report differs from previous proposals in that it includes:
- A revised implementation timetable
 - Governance proposals
 - Proposals to give staff capacity to manage service reviews without disrupting existing levels of service delivery
 - A discussion of where joint staff will be employed
 - A broad indication of possible savings from the further service reviews and from an assumption that we will want to further rationalise support functions - principally finance support staff.

2. BACKGROUND

- 2.1 Current responsibilities for the environment family of services (and others currently out of scope across the various business units and departments providing environmental services at RBKC and H&F) are as follows:

RBKC:

Transport, Environment & Leisure Services	Parks and parks police; leisure centres; sports development with adults; arts; heritage and museums; events; waste management / recycling / street cleaning; some elements of community safety; street enforcement; markets; highways; transport policy; parking; licensing; environment policy; climate change; ecology; tourism.
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Planning and Borough Development	All planning functions inc. building control
Housing, Health and Adult Social Services	Environmental health & trading standards
Family and Children's Services	Libraries
Policy and Partnerships Unit	Community safety; Emergency and Contingency Planning

H&F:

Environment Services	Planning, Building Control, Highways, Transport Policy, Parking, Environmental Health & Trading Standards, Licensing, Environment Policy, Corporate Health and Safety, Carbon Reduction/Climate Change, (plus Asset Management, Property Services, Facilities Management, Building Works and New Ways of Doing Business Corporate Transformation Programme)
Residents' Services	Libraries, Leisure and Leisure Centres, Sports development, Culture, Heritage, Arts, Events, Waste Management/Re-cycling/Street Cleaning, Street Operations (i.e. Community Safety, Wardens, Enforcement, Markets, Parks Constabulary) Emergency Planning, Corporate Resilience, Public Conveniences, Mortuary, Coroners Court, Registrars, Fleet Transport (plus Corporate Workforce, Customer Transformation Board, Market Management)

2.2 Scope of Services considered.

At earlier stages in the exercise it was decided to separate "libraries" from this set of services. Proposals for a Tri-borough Libraries services have now been developed separately.

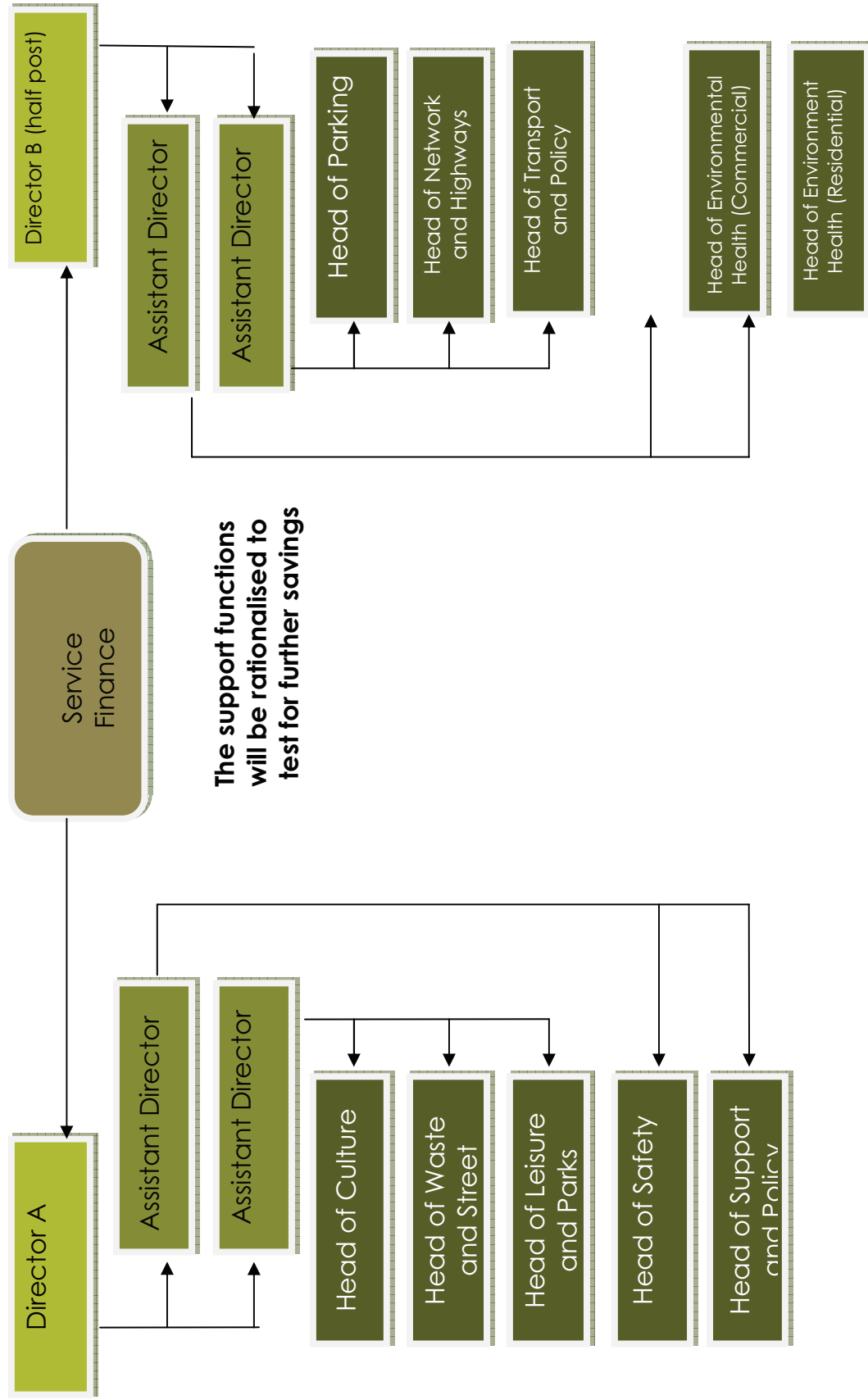
It was also decided to keep planning functions as wholly separate functions in each council.

Licensing was another service where the assumption was that each council should keep its own service but the May Progress Report re-opened that debate and this report suggests that an option to integrate the management of two distinct licensing teams might be efficient whilst capable of maintaining each council's distinct policy framework.

The current Senior Management cohort of the two councils in scope is as follows

		FTE
Tier 1	Director	2.5
Tier 2	Assistant Directors	6.0
Tier 3	Heads of Service	21.0
Total		29.5

3.0 PROPOSED SENIOR MANAGEMENT STRUCTURE



3.1 Proposed remit of Director A: (title to be confirmed)

Combined services:

Culture	Carnival, Opera, Arts, Museums and Heritage, Filming, Events
Waste and Street Enforcement	Domestic Waste, Trade waste, Street Cleaning, Recycling, Disposal, Graffiti, Clinical waste, Street Enforcement, Markets
Leisure and Parks	Sports, parks, grounds maintenance, Leisure Centres, cemeteries, ecology
Community Safety	ASB, DAT, Community Safety Policy and delivery, Parks Police/Constabulary, Neighbourhood Wardens and Policing, CCTV, Security, Coroners, Mortuary, Fleet Transport, Registrars
Support and Policy	Emergency planning, Resilience; Service delivery planning, performance management, workforce development, equalities, FOI/EIR, Data Protection, Research and Consultation, Communications, Policy Development, Finance

And also:

RBKC services	Carnival; Opera, Museums and Heritage, Ecology
H&F services	Graffiti; Neighbourhood Wardens; Fleet Transport; Registrars

3.2 Proposed remit of Director B (title to be confirmed)

Combined services:

Parking	All parking functions, operation and back of house except permits administration
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Network and Highways	All maintenance, project management, network management and construction functions
Transport and Policy	Policy, capital programme and liaison with TFL
Environmental Health Commercial	Food safety team (including infectious disease and water supplies), training services, Trading Standards, all licensing functions
Environmental Health Residential	Private sector housing, noise and nuisance, environmental quality team, pest control team

And also:

RBKC Services	Licensing, Environmental Health training
Hammersmith and Fulham	This existing set of services: Planning, Building Control, Asset Management, Property Services, Building Works, Facilities Management (subject to outcome of corporate services property work stream), Technical support, IT liaison, Business planning, Change management & Transformation activity, Licensing

3.3 More work still needs to be done to agree the appropriate home for the Community and Public Health role of RBKC Environmental Health Services, corporate climate change work and climate change staff. The model for Community Safety needs further analysis and discussion with police interests.

3.4 As discussed above, this report proposes the combined management of licensing. Although previously out of scope due to sensitivities of place, officers believe that a service tailored to the local expectations of each borough can be most efficiently delivered under common senior management. A post of Head of Licensing at level 3 could be maintained during the transitional period to allow extra capacity in this area.

3.5 The proposed Senior Management structure represents a 48% reduction in the top three tiers of Senior Management

		Current	Proposed
		FTE	FTE
Tier 1	Director	2.5	1.5
Tier 2	Assistant Directors	6	4
Tier 3	Heads of Service	21	10
Total		29.5	15.5

4. BOROUGH PRINCIPLES

4.1 There are different sovereignty priorities across RBKC and H&F and the proposed model will ensure that services are provided to meet local priorities and resident/customer expectations whilst enabling efficiency options to be explored and delivered where appropriate.

4.2 The key agreed principles which will underpin service delivery are:

- The structure will respect the sovereignty guarantee;
- Policy priorities and values for each Borough will be respected and delivered;
- The principle will be shared management charged with delivering an agreed set of services for each borough. Over time some of these services may be to a common specification but the important principle is that each council will continue to set out its own priorities, budget levels and expectations.

The proposal will create two resilient and supportive management teams reducing senior management costs by 48% by 1 April 2014.

4.3 The key values and priorities for each Borough will be as follows (but not necessarily mutually exclusive):

<p>RBKC</p> <ul style="list-style-type: none"> • Protecting and enhancing the value of the streetscape as set out in our streetscape policy • Promoting the borough’s position in London’s cultural life • Protecting and improving our parks and open spaces as places for everyone to enjoy • Improving the health of people living in North Kensington,

<p>improving and protecting the health of all through the Environmental Health Team</p> <ul style="list-style-type: none"> • Helping people feel safe • Keeping under review the balance of charges and subsidies for commercial waste, cemeteries, leisure centres, markets
<p>H&F</p> <ul style="list-style-type: none"> • Reducing crime and anti-social behaviour • Sustaining a cleaner greener borough • Reducing council tax and providing value for money <p>In addition H&F is currently working to the 3 R's as driving principles which are:</p> <ul style="list-style-type: none"> • Reforming public services without impacting on front line services and provision to residents/customers • Restructuring to reduce management • Reducing the use of assets and therefore building costs

5. TIMELINES

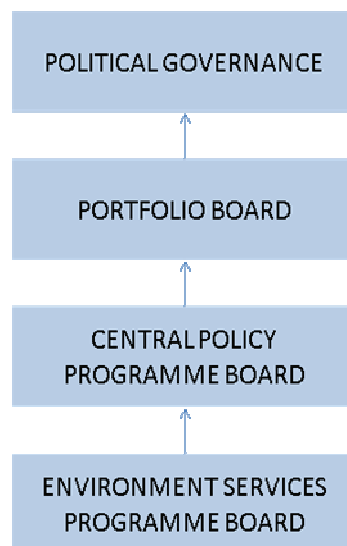
5.1 This paper proposes that the shared Directors and Assistant Directors are recruited and in post by 1 April 2012. Appointments to Heads of Service would follow as soon as practical. Some senior management staff would be retained through to a later date to provide capacity for operational senior managers to deliver services and manage change and to ensure the delivery of key responsibilities such as the Olympics. The paper proposes that the combined service then seeks to review options for further savings and service improvement by looking at how each council delivers services and how some further alignment or synergies might be achieved. The full new service would be completed by April 2014.

5.2 Earlier work suggested that such reviews of how services are delivered might yield further savings of up to £1.7m. This figure is not reliable but serves as a responsible estimate of the possible savings from the compare and contrast work possible once services are reporting to senior staff who can look across the current arrangements. Both councils need to make further reductions and both councils currently have systems in place to analyse current spend and bring forward options for reduced

expenditure for the 2012/13 budgets and beyond. These service reviews will therefore need to be seen in this context.

6. GOVERNANCE AND IMPLEMENTATION

- 6.1 This paper proposes Cabinet Member involvement in supervising the further refinement and the implementation of these plans. Meeting periodically, such a group can also consider opportunities for joint procurement or further joint posts and also ensure Cabinet Members collaborate to share learning and test out new ideas to maximise the benefits of collaboration.
- 6.2 An **Environment Programme Board** will be the officer body, chaired by Derek Myers, Chief Executive RBKC, charged with delivering the new structure.
- 6.3 The overall Tri-borough initiative will be supervised by a Board made up of the three Leaders of the three Councils.
- 6.4 An officer group will ensure we plan carefully the IT changes, HR issues and other common infrastructure issues, such as office accommodation, that will need to evolve to support the planned management integration.
- 6.5 In addition, the support of the Environment Services Programme Board ties the departmental change process into the corporate Tri-Borough programme. The diagram below sets out the wider programme management process.



- 6.7 The Environment Member Group (see paragraph 6.1 above) should not replace the current Cabinet Member meetings with senior staff, though the frequency of and attendance at such meetings will need to be realistic.

7. WHO EMPLOYS THE JOINT STAFF?

- 7.1 Of the proposed two Director posts, Director B (principally Transportation and Highways) will also continue to manage an important portfolio for H&F - including planning and a variety of other services. This confirms that this post should stay on the H&F payroll. It is assumed that for simplicity RBKC will pay half the costs.

Similarly the two Assistant Director posts and eventually the new Head of Service group of managers will be hosted for employment purposes by H&F.

We are currently evaluating the costs and benefits of where to host the second Director (principally Culture, Waste, Leisure and Safety), who also will retain responsibility for some H&F additional services. We will make a recommendation to the Member Group in due course.

- 7.2 Having the new service hosted in one council does not mean that the entire management team will work in the town hall of the host council. We should expect the general office systems to be able to connect residents, customers and councillors to the senior staff seamlessly, no matter where they are located. Any change in management remits and personnel should appear no different to customers and residents than is the case when staff leave and are replaced with new people.
- 7.3 While it might make sense to bring the Directors and Assistant Directors of the new service together in one place, Service Heads may need to be close to their teams, who may be brought together in either of the two councils, and, in any case, some staff may need to be peripatetic.
- 7.4 All other staff will stay on their current terms and conditions for at least two years. During that time we will fully examine options for standardising terms and conditions. The principle is that taxpayers

in one borough should not expect to pay more for comparable staff than those in another borough without good reason.

8 INDICATIVE COST SAVINGS

- 8.1 The current cost of the senior management teams in both councils is shown in Table One

Table One. Current management costs

	H&F	RBKC	TOTAL
	£	£	£
Tier 1	311,829	157,297	469,126
Tier 2	377,372	355,344	732,716
Tier 3	866,495*	842,687	1,709,182
TOTAL	1,555,696	1,355,328	2,911,024

* less £175K attributed to capital and other sources in the tier three transport and highways posts at H&F.

- 8.2 The proposed savings are based on the mid-point salaries, and will of course be dependent on the actual salaries and protected salaries of those appointed to the new posts. Table Two shows indicative costs for the proposed structure:

Table Two. Indicative cost of combined management

	Mid point	FTE	TOTAL
	£		£
Tier 1	187,650	1.5	281,475
Tier 2	122,119	4.0	488,476
Tier 3	81,390	10.0	813,900
TOTAL		15.5	£1,583,851

- 8.3 Costs and savings will be apportioned on the agreed protocol. Until the new senior management cohort has been appointed, alongside the transition support team, the extent and allocation of savings cannot be considered firm. We expect that the majority of senior management savings can be begun in 2012/13, though the intention is to retain some capacity until 2013/14.
- 8.4 Earlier work on the joint services has shown possible savings of £1.7m, but this needs to be tested through the examination of individual business cases. A better understanding of the individual

service savings, and the case for combining services, will emerge through future work.

- 8.5 At present there are 14.5 service based finance staff across the three existing departments in the two councils. Initially IT and finance systems will stay separate. It might be possible to reduce this number by say 30%, saving approximately £270K. The business case for staffing reductions in service finance staff will be tested and shaped through the service review process, but at the end of the timetabled period, to ensure there is sufficient financial capacity in the new service to manage the demands of transformation. These figures do not include finance staff who will be the subject of review inside the parking services review.
- 8.6 Developing joined up operational IT systems for the new service is included in the work of the corporate work stream. No proposals or savings have been identified in this report as they will be included in the Corporate Services proposals.
- 8.7 Table Four indicates the possible savings deliverable between 2012 and 2014.

Table Four. - Environment Savings

	Up to £
Management -Assured	1,330,000*
Services - Possible	1,700,000
Support - Possible	270,000
Total	3,300,000

*less £175K attributed to capital and other sources in the tier three transport and highways posts at H&F

9.0 SCRUTINY ARRANGEMENTS

- 9.1 If Cabinet agrees these plans then they will be referred to Scrutiny arrangements in each borough for further consideration.
- 9.2 They will also be the subject of further consultation with trade unions.
- 9.3 Public consultation on the principles of Tri-borough working has already been completed.

- 9.4 The plans will benefit from further refinement and it is recognised that the implementation of these plans will require further decisions to be made, issues resolved and new protocols developed.
- 9.5 Insights and suggestions from Scrutiny committees will therefore be valuable as we proceed.

10. AREAS WHERE FURTHER DECISIONS WILL BE NEEDED.

1. How to resolve the hosting arrangements for senior management team A.
2. How to allocate savings across the projected budget years 2012/13, 2013/14 and 2014/15.
3. Work on confirming each borough's particular expectations - called in other Tri-borough Services the "mandate".
4. How to rationalise support service costs whilst ensuring sufficient staff are retained to ensure good financial control of separate budgets.
5. How revised Member briefing and accountability diaried meetings are to be scheduled.

11. HANDLING POSSIBLE CONFLICTS OF INTEREST

- 11.1 Keeping planning functions separate will help ensure conflicts of interest on land use issues are not ignored or fudged.
- 11.2 It is conceivable that other issues may arise where the two councils are either seeking to achieve different objectives or are competing for a scarce resource.
- 11.3 It will be for politicians in both councils to ensure such clear local interests are not compromised and for the joint Chief Executive to ensure that both councils are not in want of sufficient independent advice on how to secure their objectives.

- 11.4 The separate Monitoring Officer, in each council is an additional safeguard to ensure each council can continue to make proper decisions, based on local merits.
- 11.5 If necessary, and on the request of either Cabinet, additional external advice can be sought. It is recognised that such costs can be seen as an off-set to the savings achieved from joint management but it is argued that any such costs would be exceptional.

12. RISKS

	Risk	Level	Mitigation
1	Failure to achieve savings	M	Savings levels in this report are indicative, more or less may be achieved within a range of +- 10%. Management savings are dependent on the individual salaries of the new management team, and the extent of the allocation to other funding sources for highways staff in H&F. The figures shown for service reductions need to be tested in business cases and by scrutiny through the review process described in this report.
2	Failure to meet timetable	M	Building capacity into the process by delaying some staff departures helps ensure that the timetable in this report can be delivered.
3	Service quality reductions	M	Retaining some capacity frees up the new Management team to concentrate on the demanding business of understanding Bi-Borough service delivery and ensuring that service quality and standards do not deteriorate during the transition period.

4	Loss of local knowledge in the officer group	M	Building in support capacity for the change programme will give senior staff time to acquire local knowledge held by Councillors and their officer colleagues.
5	Conflicts of interest arise	L	See mitigation strategies at paragraph 11.



Monitoring Officer's Report to Council

29 JUNE 2011

REVIEW OF THE COUNCIL'S CONSTITUTION - ESTABLISHMENT OF A JOINT APPOINTMENTS PANEL AND TERMS OF REFERENCE

WARDS

All

Summary

CONTRIBUTORS: The Council at its meeting on 25 May 2011 agreed revisions to the Constitution and re-adopted the document for the 2011/12 Municipal Year.

ADLDS

This report proposes some in year amendments to reflect changes to terms of reference to the Appointments Panel.

Recommendations

That the Council establishes a joint Appointments Committee and agrees the terms of reference of the Joint Appointments Panel to reflect tri-borough arrangements as outlined in paragraph 2 of the report.

1. Introduction

- 1.1 Part of the Tri-borough initiative is a proposal to appoint joint Chief Officers and Deputy Chief Officers for the Royal Borough of Kensington and Chelsea, City of Westminster and the London Borough of Hammersmith and Fulham. These officers will be shared as Tri-borough arrangements are implemented. This will serve to strengthen the combined services managerial relationships and minimise the risks of the tri-borough benefits not being fully realised. It will also further reduce the senior management costs of all councils.
- 1.2 In order to appoint joint Chief Officers and Deputy Chief Officers, it is necessary to establish a joint committee of all three authorities and agree the terms of reference of the joint Appointments Panel.

2. Proposed Changes to the Appointments Panel Terms of Reference

- 2.1 For the appointment of Chief Officers with responsibility for shared services covering more than one Council a joint panel shall be convened comprising three members from each relevant authority. Other appointments, other than at Chief Officer level, may be conducted by members where all relevant authorities agree that the appointment should be made by members.
- 2.2 The membership of the panel will comprise three Council members from each relevant authority (to include one Cabinet member from each relevant authority) split in the ratio of administration to opposition members in each Council. The sovereignty guarantee ensures that the Council cannot be forced to accept an appointment in relation to Hammersmith and Fulham.

3. Comments of the Director of Finance and Corporate Services

- 3.1 There are no direct financial implications for the purposes of this report.

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

- 4.1 The Authorities have the power to share officers under s.113 of the Local Government Act 1972. They also have the power to establish joint committees for the joint discharge of non-executive functions, such as appointments, under s. 102 of the 1972 Act.

**LOCAL GOVERNMENT ACT 2000
BACKGROUND PAPERS**

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	Review of the Constitution Working papers/file	Kayode Adewumi Head of Governance and Scrutiny, Ext 2499	First Floor, Hammersmith Town Hall, Room 133a



Report to Council

29 June 2011

LEADER
Councillor Stephen Greenhalgh

Cabinet Member for Resident Services
Councillor Greg Smith

SHEPHERD’S BUSH AREA – ADOPTION OF A SPECIAL LICENSING POLICY

SUMMARY

A cumulative impact study carried out in the Shepherd’s Bush area has indicated that the area is suffering stress due to the concentration of licensed premises adversely affecting the objectives under the Licensing Act 2003.

A draft special licensing policy for the Shepherd’s Bush area has been developed and been consulted upon.

This report considers the need for adoption of a special licensing policy and the results of the consultation carried out.

Wards
Addison

Shepherd’s Bush Green

Askew

Hammersmith Broadway

Ravenscourt

Wormholt and White City

CONTRIBUTORS

Environmental Services

Legal and Democratic Services

Financial and Corporate Services

RECOMMENDATIONS:

Council is asked to :

- (1) Approve and adopt the draft special licensing policy for the proposed area in Shepherd’s Bush, at Appendix A to this report.
- (2) If adopted, agree that the draft special licensing policy be incorporated into the Council’s Statement of Licensing Policy 2011.

1. BACKGROUND

- 1.1 In October 2010 as a result of concern over problems with crime and disorder and public nuisance, a project was initiated to establish if the Shepherd's Bush area was suffering stress as a result of the cumulative impact of a concentration of licensed premises. The project objectives were to assess the level of evidence in favour of or against the creation and adoption of a special licensing policy.
- 1.2 "Cumulative impact" is not mentioned specifically in the Licensing Act 2003 (LA2003). It is however mentioned in the guidance issued by the Secretary of State under section 182. It is defined as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 1.3 Fulham Town Centre was previously identified as an area where the number, type and density of premises providing licensable activities after 11pm was having a serious negative impact on the local community and local amenities. For this reason a special licensing policy was consulted on and adopted in that area in January 2010.
- 1.4 The Council's Statement of Licensing Policy 2011 outlines 'Cumulative Impact' under section 6 and states "Where there is sufficient evidence that another particular area has reached a point where existing licensing activity is at such levels that if by granting a licence, it would contribute to the negative impact in the area, the council may adopt a further special licensing policy in relation to that area."
- 1.5 Section 13.29 of the Secretary of State's guidance states the following: 'The effect of adopting a special licensing policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. However, a special licensing policy must stress that this presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation.
- 1.6 Whilst special licensing policies have usually been adopted to address the impact of a concentration of licensed premises selling alcohol for consumption on the premises, statutory guidance does not prohibit the adoption of a special licensing policy on the basis of a concentration of all licensed premises from being included. Several authorities have successfully introduced cumulative impact policies that include both on and off licences and premises that sell late night refreshments.

2. REPORT

2.1 Introduction

- 2.1.1 The Borough has over 900 premises licensed under the Licensing Act 2003; with 140 currently in the boundaries of the proposed cumulative impact area within Shepherd's Bush. This figure includes all premises such as pubs, restaurants, nightclubs, off-licences, late night refreshment venues (those selling hot food and drink after 11pm), cinemas and hotels.

The table below provides further details of the percentage ratio of different types of licensed premises in the proposed area:

Premises Type	Number of premises	% of premises
Off licences	40	29%
Clubs/bars/pubs	31	22%
Restaurants	29	21%
Late night refreshments venues	19	13%
Supermarkets	12	9%
Other	9	6%
Total	140	100%

2.1.2 The types of activities authorised under the premises licences within the proposed area can be seen in the following table. Some premises are authorised to carry out more than one type of licensable activity. From the 140 licensed premises, 119 of those sell alcohol, and 57 provide late night refreshments.

Licensable Activities	Number of Premises authorised
Late night refreshment	57
Alcohol off supply only	53
Alcohol on and off sales	36
Alcohol on supply only	30

2.1.3 The tables below details the closing times and the terminal hours for alcohol sales in the proposed area. Over 50% of the premises close between 11pm and 1am and over 30% close between 1am and 4am.

2.1.4 119 premises are permitted to sell alcohol, of which over 70% have a licence to sell alcohol between the hours of 11pm and 1am with a further 27% permitted to sell alcohol between 1am and 4am, with 2 premises having 24 hours licences.

Premises Closing Times	Number of premises	% o
Before 7pm	7	5%
Between 7pm to 8pm	0	0%
Between 8pm to 9pm	1	1%
Between 9pm to 10pm	2	1%
Between 10pm to 11pm	6	4%
Between 11pm to 12am	43	31%
Between 12am to 1am	30	21%
Between 1am to 2am	19	14%
Between 2am to 3am	18	13%
Between 3am to 4am	5	4%
Between 24 Hours	9	6%
Total	140	100%

2.2 Research, Monitoring and Consultation Process

- 2.2.1 A responsible authority working group was established in October 2010 with representatives from Environmental Health, Metropolitan Police, Planning, Fire Service, Trading Standards, Drug and Alcohol Action Team (DAAT), Community Safety, and Licensing. Data in relation to, crime and disorder issues, anti social behaviour, service requests (noise complaints relating to licensed premises) licensing statistics, and hospital admissions was provided by the group members for analysis to determine the level of the cumulative effect on the Shepherd's Bush area. In addition, data was obtained from the Performance and Information Team in relation to crime and disorder issues in the Shepherd's Bush area.
- 2.2.2 The geographical boundary of the proposed special licensing policy was agreed by the working group and based upon historic complaint mapping and intelligence from the Metropolitan Police and Responsible Authorities. The area covered by the proposed special licensing policy can be seen at Appendix A.
- 2.2.3 A survey was sent to all existing premises licence holders in the Shepherd's Bush and surrounding areas to seek their views on the potential effects that a special licensing policy would have.
- 2.2.4 A further wider survey was then conducted with residents, resident associations, and businesses in the proposed and surrounding areas to seek their views on the impact that licensed premises and the night time economy was having and to receive feedback about the perception and possible impact of the proposed special licensing policy for the proposed area in Shepherd's Bush.
- 2.2.5 Following the results of the surveys and statistical data provided, observational studies of the night time economy were undertaken by officers and an independent specialist to monitor the activities and anti social behaviour taking place.
- 2.2.6 In light of the evidence, a draft Special Licensing Policy was sent out for a formal 12 week consultation. The proposed policy can be seen at Appendix A. The consultation was undertaken with;
- Residents, businesses and Councillors;
 - Responsible Authorities: Police, Fire Authority, Environment Protection Team, Commercial Services Team, Trading Standards Team, Planning Team, and the Area Child Protection Committee;
 - Trade Associations;
 - Resident groups, tenants associations and societies;
 - Health service including PCT, Accident and Emergency and the London Ambulance service;
 - Transport for London;
 - Neighbouring authorities;
 - Drug and alcohol action team; and
 - Crime and Disorder Reduction Partnership.

2.3 Summary of Key Responses

The complete analysis of the responses can be seen in the Shepherd's Bush Cumulative Impact Study which is listed as a background document.

2.3.1 Initial survey of the Licensed Trade

The consultation took place between 23 November 2010 and 7 December 2010. In total 427 letters were sent out and 7 responses were received.

There was a concern from some licensed premises who already had extended hours that the policy would force them to decrease their hours.

Respondents overall felt that the proposed area was reasonable, however one respondent felt it would simply displace/shift the issues to other parts of the Borough.

A few respondents suggested that the Licensing Authority should use other powers under the Licensing Act 2003 to deal with those licensed premises who failed to meet the four licensing objectives and call for further reviews.

Generally respondents felt that the policy was necessary and would result in a positive outcome.

2.3.2 Wider survey of Residents and Businesses

In total over 8,000 questionnaires were sent out in the post and it was also made available on the internet. The consultation took place between 7 December 2010 and 11 February 2011.

The service received a total of 584 completed questionnaires of which 531 (91%) of the responses were from local residents and 53 (9%) from businesses and other organisations in the following wards:

Ward	Number of respondents
Wormholt and White City	3 (1%)
Addison	5 (1%)
Hammersmith Broadway	5 (1%)
Ravenscourt Park	11 (2%)
Others	40 (7%)
Shepherd's Bush Green	153 (26%)
Don't Know	155 (26%)
Askew	212 (36%)

257 (44%) lived 0-50 metres, and 113 (19%) lived 51-200 metres from the closest licensed premises. Only 44 (4%) of the consultees lived beyond 200 metres from the closest licensed premises.

241 (41%) of the consultees visited licensed premises on a weekly/monthly basis with 106 (18%) visiting these premises twice weekly.

279 (48%) of the consultees reported seeing littering everyday, and 170 (29%) reported seeing fighting less often.

183 (31%) of consultees reported they had difficulties sleeping as a result of these activities and 122 (21%) have been woken weekly/twice weekly as a result of these activities.

221 (38%) consultees felt that there were too many licensed premises within the vicinity of their home or business.

Overall 329 (56%) consultees supported the policy with 132 (23%) being unsure and 123 (21%) of the consultees were against the policy. 280 (48%) of the consultees agreed with the boundaries, and 49 (8%) of the consultees did not agree. Of those 49 who said they did not agree with the boundaries, 42 (86%) commented that the boundaries should be extended.

Consultees were asked which types of licensed premises they thought should be covered if a policy was proposed. The results can be seen on the table below which shows that Pubs, Night Clubs, Bars, and Off Licences were the most popular selections:

Number of people	Licensed Premises Type
269	Pubs
256	Night Clubs
254	Bars
241	Off Licences
230	Late Night Refreshments Houses
162	Social Clubs
85	Restaurants

132 (23%) of the consultees stated that they were not sure whether there should be a special licensing policy in the area based on their experiences, but of these 26 (20%) consultees stated that they have had problems sleeping and 52 (40%) consultees had been woken as a result of activities they believed to be linked to licensed premises, with 17 (13%) who felt that there were too many licensed premises within the vicinity.

2.3.3 Observational Studies

Licensing Team

The observational study took place between November 2010 and March 2011 on 14 occasions during Friday and Saturday nights.

The licensing data showed that 88 (91%) of the premises within the proposed area were open during the hours of 8pm and 2am. In addition from the 119 premises within the proposed area, who were permitted to sell alcohol, 91% were authorised to sell during the hours of 8pm to 2am. For this reason the observational study took place during those hours.

The proposed area was divided into 10 sections, and officers located themselves at various points. Each point was observed continuously during the hours of 8pm and 2pm.

The details of the anti social behaviour by location has been summarised at Appendix B, Table One.

The most recorded behaviours included littering at 22%, followed by street drinking at 21%, rowdy behaviour at 15% and noise from customers leaving premises at 13%.

Vomiting, criminal damage and fighting was less frequently observed at less than 1%. Other anti social behaviours recorded included excess noise from licensed premises, intimidation and urination.

Officers observed the street drinking activities and found that some patrons leaving some licensed premises continued drinking in the street and that there was also evidence of 'pre-loading' with cheaper alcoholic drinks purchased from off licences before entering on premises.

The data shows that whilst the majority of observed incidents occurred to the eastern and central sections, the west did account for 17% of the behaviours which included littering, noise from customers leaving premises, excess noise from licensed premises, rowdy behaviour and street drinking.

The times when the incidences of anti social behaviour occurred can be seen at Appendix B, Table Two. 77% of the incidents occurred between the hours of 9pm and 1am with the lowest recorded instances between the hours of 8pm and 9pm and 1am and 2am.

In comparison to the closing hours of the licensed premises detailed in sub-section 2.1.4 above, 57% of the premises in the proposed area are open during the times where most incidents were reported.

The full results for the observational study conducted by the licensing team can be seen in the Shepherd's Bush Cumulative Impact Study which is listed as a background document.

Independent Specialist

The observational study took place between February 2011 and April 2011 on 8 occasions from Thursday to Sunday between the hours of 8pm and 3am. One expert, from MAKE Associates, covered all 10 sections at 30 observation points during this period and each point was observed once.

The average number of incidents recorded by area can be seen at Appendix B, Table Three. The most recorded incidents were in the eastern and central area which was observed for a total of 29 hours. The western area was only observed for 11.5 hours and accounted for 6% of the incidents.

71% of the incidents occurred between the hours of 10pm and 2am with the lowest recorded instances between the hours of 8pm and 9pm and 2am and 3am. Incidents recorded on a Saturday and Sundays equated to 85% with 13% on a Friday.

The times when the incidents on anti social behaviour occurred can be seen at Appendix B Table Four, and the days when the incidents occurred can be seen at Table Five.

Finally the details of the anti social behaviour by location has been summarised at Appendix B, Table Six. The data shows that the most recorded behaviours included noise from customers leaving premises at 18%, public drinking at 18%, and littering at 18%. Vomiting, criminal damage, intimidation and fighting were less frequently observed. Other behaviours recorded included urination, swearing, rowdy behaviour and excess noise from licensed premises.

The full report, which is part of the Cumulative Impact Study, highlighted the following:

- Littering, specifically linked to takeaways is a major problem in terms of 'street scene' and levels of litter get much worse as the night progresses.
- The density of off-licences appears to contribute directly to street drinking as people are often observed buying drink from these stores, opening bottles and cans and then drinking while walking.
- The majority of incidents are located around Shepherd's Bush Green and the more easterly ends of Goldhawk and Uxbridge roads. Limited problems were noted at the more westerly extremes of these two roads and Askew Road, which connects them.
- There are few more serious incidents, such as fighting, intimidation or criminal damage. Of the latter, what does occur tends to be smashed windows.

2.3.4 Summary – Data Analysis

In summary the results from the survey to residents and businesses who reported anti social behaviour was compared against the observational findings which are detailed below:

Top 7 anti social behaviour incidents witnessed	No. of responses/recorded incidents		
	Consultation	MAKE	LBHF
Littering	474	118	359
Noise – From customers leaving premises	296	119	216
Street Drinking / Drinking in the street	Not asked*	119	342
Public Urination	425	88	46
Swearing	412	38	178
Rowdy Behaviour	410	35	249
Vomiting	413	9	5

Overall the data was consistent and it can be seen in the table above that street drinking, noise from customers leaving premises rowdy behaviour and littering were of main concern.

*Respondents were not asked whether they had witnessed street drinking. However the respondents expressed their concerns in relation to street drinking under the final comments section where one respondent commented that "During the summer there are often people drinking on the street here who have clearly bought alcohol cheaply at the nearby shops".

The evidence appears to show a link between the hours for licensed premises in the proposed area and increased levels of anti social behaviour.

In summary:

- The **Council's observational study** shows that instances of anti social behaviour reached their peak between 00:00 and 01:00 (453 instances - almost double the 245 instances recorded between 21:00 and 22:00). The most

common types of behaviours recorded by officers were street drinking, littering and rowdy behaviour. Street drinking was observed by patrons leaving licensed premises and there was evidence of pre-loading taking place.

- Littering and public urination were the top two types of anti social behaviour reported by residents.
- The report by the **independent specialist** shows a similar peak of instances (235) between 23:00 and 00:00 hours with 40% of observations being carried on a Sunday. Street drinking and littering were recorded within their top three most common behaviours recorded.
- Information received from the **Council's Performance and Information Team** shows that the number of alcohol related instances to which the Ambulance service respond peaks in a similar way between 21:00 and 23:59.
- The **Police** data on crime and disorder statistics showed that 36 licensed premises in the proposed zone accounted for 1095 reported incidents between 2007 and 2011, equating to an average of 252 reported incidents a year. Furthermore, two of the licensed premises accounted for 57% of the reported incidents. The Police response can be seen at Appendix C.

The crime and disorder incidents recorded, included the following:

- Bag Snatches
 - Possession of drugs
 - Drug Trafficking
 - Common Assault
 - Theft and pick pocketing
 - Violence
 - Sexual offences
 - Harassment
 - Grievous Bodily harm (GBH) and Actual Bodily harm (ABH).
- The **Safer Neighbourhoods Division** reported that:
 - Shepherd's Bush Green has the highest rate of crime and antisocial behaviour in the borough for this reason the Council has funded the only 24 hour, 7 day a week police Safer Neighbourhood Team (SNT) in the Country, comprising of five times the number of officers of a normal SNT.
 - There has been an increase by 21% of notifiable offences in 2010/11 which have been linked with the night time economy.
 - Shepherd's Bush has the highest numbers of street drinking complaints in the borough.
 - Users of pubs often migrate to premises who offer late night refreshments which means that the safe and quiet dispersal of these groups is made more difficult.
 - The **Trading Standards team** reported that from 107 premises visited in the proposed area, there have been 32 sales of age restricted products such as alcohol and cigarettes resulting in a failure rate of 29.9% in comparison to 18.8% in other areas of the Borough.

- **Waste and Street Services** reported that the cleaning problems associated with this area are urination, vomiting, and staining of the pavement. They also reported that there are problems with overproduction from businesses, and raised complaints regarding events venues generating litter which could add to additional costs for the Council.
- **Environment Protection Team** statistics shows that from 2005 – 2010 they received a total of 419 complaints (average of 70 a year), and conducted 238 inspections (average of 40 a year) at the licensed premises in the proposed area. The complaints were relating to noise and other public nuisance relating to licensed premises with the area indicated and were often exacerbated by the concentration and nature of licensed premises in the area.

2.3.5 Formal Consultation

A draft Special Licensing Policy for the Shepherd's Bush area went out for a 12 week consultation between 14 March 2011 to 10 June 2011. All residents and businesses in the proposed and surrounding area were consulted. In addition all of the bodies listed at Section 2.2.6 of this report were notified. The consultation pack is listed as a background document with the full consultation responses.

Consultees were invited to comment on the proposed draft policy and proposed area and provide any additional evidence in support of or against the need for such a policy. The consultation questionnaire contained the policy and a copy of the proposed area, however following the data analysis, the proposed area was broken down into three zones (east, central and west). Residents and businesses were given the opportunity to advise which zones, if any, they would like the special licensing policy to be implemented in.

The consultation was made available on the Council's consultation portal and a letter was sent to over 8,400 consultees. The questionnaire was also available by post upon request and was advertised with H&F News, on the Council's website, through the libraries, and in the Shepherd's Bush newsletter. In addition, officers attended local pub watch meetings, and residents meetings encouraging them to provide their views.

The service received a total of 162 completed questionnaires. From 124 online responses 107 (86%) of the responses were from local residents and 3 (2%) from Councillors. Only one response was received from someone who worked in or managed licensed premises. The other responses came from other businesses, representative bodies, responsible authorities and other organisations.

Out of 123 online responses, 57 (46%) of the respondents live 0-50 metres away from the closest licensed premises, 54 (43%) who live between 51 – 200 metres away, 6 (4%) lived more than 200m away and 6 (4%) did not know the distance.

Out of 122 online responses, 108 (88%) of the respondents felt that the draft special licensing policy was clearly written and easy to understand and 104 (85%) felt that the length of the policy was 'About Right'. However one consultee suggested that the policy could be made clearer by detailing what the four licensing objectives were. This has been inserted in the proposed policy at Appendix A.

Out of 122 online responses, 56 (45%) visited licensed premises on a weekly basis, with 32 (26%) who visited licensed premises on a monthly basis. 12 (9%) visited

every three months, seven (5%) visited every six months and five (4%) visited daily. Only ten (8%) respondents stated they never visited licensed premises.

When asked about the proposed area, from the 130 online responses, 76 (58%) felt that the policy should apply to all Zones with ten (7%) against the proposed area. 18 (13%) felt it should apply to only Zone 1, 18 (13%) felt it should apply to only Zone 2 and eight (6%) felt it should apply to only Zone 3.

Consultees were asked which types of licensed premises they felt the policy should cover, the results of which can be seen in the table below, which are based on 112 online responses:

Types of Premises	Number of responses	% of responses
Night Clubs	87	78%
Off Licences	84	75%
Bars	82	73%
Pubs	77	69%
Late Night Refreshments	74	66%
Social Clubs	58	52%
Restaurants	35	31%
Other	17	15%

It is clear from the results that respondents felt the policy should cover nightclubs, off licences, bars, pubs, and late night refreshments venues, with social clubs and restaurants at the bottom of the list.

Other premises respondents felt should be covered by the policy included, shisha bars and football clubs. If any shisha bars or football clubs provide any licensable activities, they would be included under the proposed policy, however traditionally shisha bars do not carry out any licensable activities so in normal circumstances would fall outside the remit of the Licensing Act 2003.

Respondents were given the opportunity to provide further comments. Full formal consultation responses are listed as a background document. Overall the responses were in favour of the policy and some had concerns about restricting the policy to include reduced zones as they felt the problem may relocate into other zones.

2.4 Comments

2.4.1 Environment and Residents Services Select Committee

The introduction of a special licensing policy was considered at the Environment and Residents Services Select Committee with invited trade and resident representatives on 5 April 2011. It was resolved that: the proposals to establish a Special Licensing Policy in Shepherd's Bush be endorsed.

3. RISK MANAGEMENT IMPLICATIONS

- 3.1 The licensing authority can only consider matters within the scope of the Licensing Act and statutory guidance documents and cannot become involved in the moral issues relating to licensing.
- 3.2 Considerations must be given to the four licensing objectives, as well as providing the necessary protection to residents, whilst promoting greater choice and flexibility to businesses and their customers. The four licensing objectives are:
- The prevention of crime and disorder
 - The prevention of public nuisance
 - Public safety
 - The protection of children from harm
- 3.3 The policy will only affect new and variations of licence applications and there will be further onus on the licensees and applicants to show their business will uphold the four licensing objectives.

The Licensing Authority will be empowered to reject new applications and restrict changes to existing licences when a valid representation is received in relation to an application.

- 3.4 Each application will be considered on its own merits and the presumption of refusal in this policy is not absolute.
- 3.5 There will not be a fixed limit on the number of premises in the proposed zone, nor will the policy impose fixed trading hours.

4. CONCLUSION

- 4.1 Based on the evidence and observational data, it was clear a considerable amount of negative activity associated with the night time economy of the Shepherd's Bush area within the proposed boundaries was identified. Overall consultees during the survey and formal consultation were in favour of adopting the policy to cover the whole of the proposed area.
- 4.2 It was evident that the cumulative impact is being caused not only by on-licensed premises but also that off licences and late night refreshment venues contributed to the impact. During the observational study and review of all the data, specific problems relating to the impact of off licence premises and late night refreshment venues was highlighted. This included street drinking, "pre-loading", and underage sales, all of which was apparent in the proposed area. In addition, overall consultees during the survey and 12 week consultation were in favour of including the range of licensed premises. For this reason the proposed policy has been amended to cover all licensed premises.
- 4.3 In view of the evidence obtained, the special licensing policy for the proposed Shepherd's Bush area is both necessary and appropriate in order to strengthen and support the promotion of the four licensing objectives.

5. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 5.1 There are approximately 140 licence premises affected by this special licensing policy in the Shepherd's Bush area. The total estimated income from annual licence fees due on the anniversary of the initial grant of licence is approximately £24,200.
- 5.2 The additional workload for officers will not be a significant burden and can be offset by the saving for costs associated with policing and reactive inspections. Adopting the policy could potentially give rise to more appeals from applicants if their applications are not granted based on the "cumulative Impact". However, experience from the Fulham town centre scheme indicate that all costs can be contained within current budgets.

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

- 6.1 Any special licensing policy has to be adopted at a meeting of the full Council. In making any decision to adopt such a policy the Council has to do so with the object of promoting the four licensing policies of (i) the prevention of crime and disorder; (ii) public safety, (iii) the prevention of public nuisance and (iv) the protection of children from harm.
- 6.2 Once approved the special licensing policy will create a rebuttable presumption that applications for new and variations of existing premises licences that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

LIST OF APPENDICES

- **APPENDIX A** Proposed Special Licensing Policy for Shepherd's Bush and proposed area.
- **APPENDIX B** Observational Study summary results
- **APPENDIX C** Metropolitan Police response

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

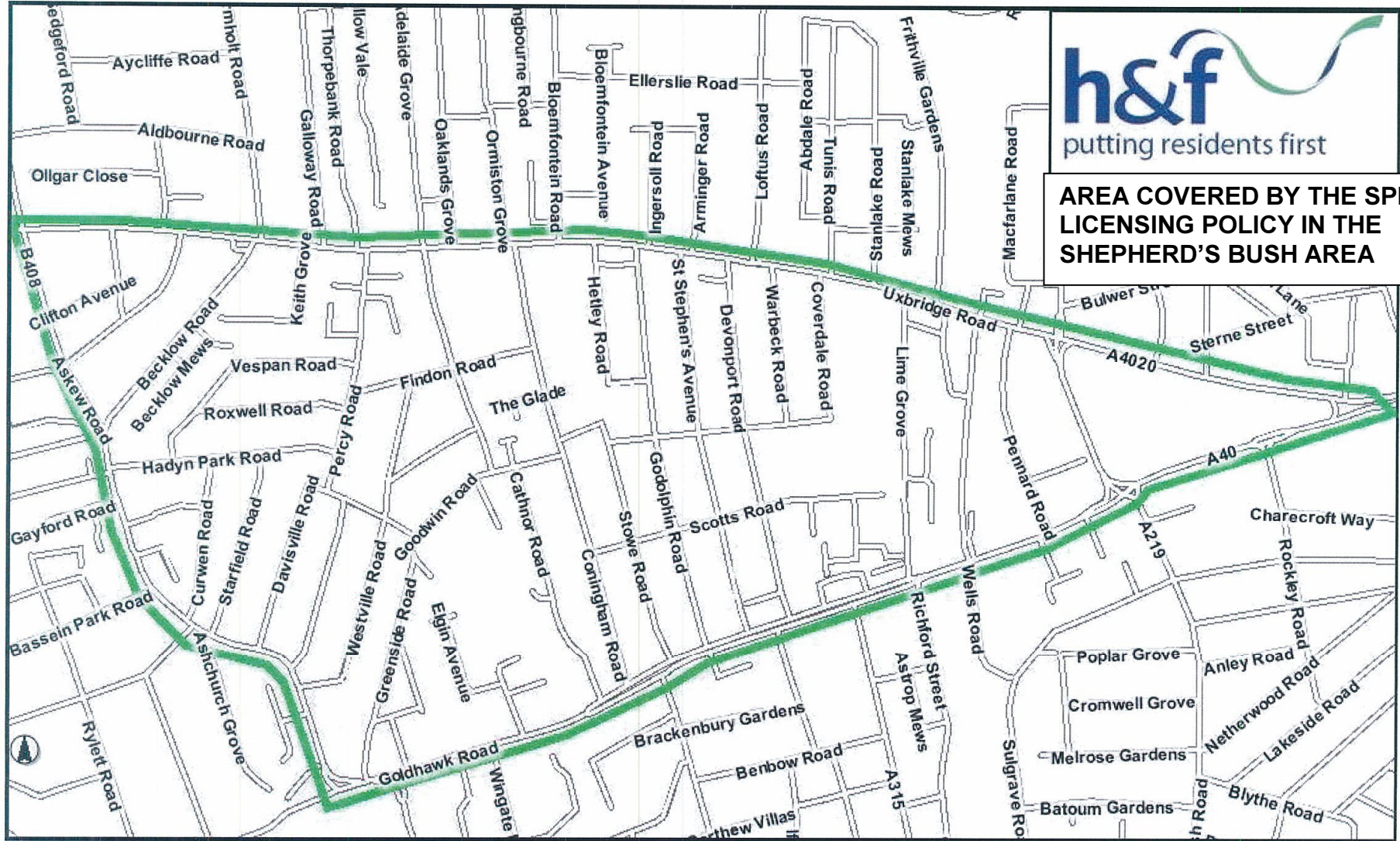
No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	Shepherd's Bush Cumulative Impact Study	S Manji, ext 3392	ENV-PPS/ HTHX
2.	List of Consultees	S Manji, ext 3392	ENV-PPS/ HTHX
3.	Formal Consultation Pack	S Manji, ext 3392	ENV-PPS/ HTHX
4.	Formal Consultation Responses	S Manji, ext 3392	ENV-PPS/ HTHX

5.	Press Articles	S Manji ext 3392	ENV-PPS/ HTHX
6.	Statement of Licensing Policy 2011	S Manji, ext 3392	ENV-PPS/ HTHX
7.	Licensing Act 2003	S Manji, ext 3392	ENV-PPS/ HTHX
8.	Guidance Issued under section 182 of the Licensing Act 2003	S Manji, ext 3392	ENV-PPS/ HTHX
9.	Equality Impact Assessment	S Manji, ext 3392	ENV-PPS/ HTHX
Responsible officer: Miss Sanju Manji, 6 th Floor, Hammersmith Town Hall Extension, Tel; 020 8753 3392 sanju.manji@lbhf.gov.uk			

**London Borough of Hammersmith and Fulham
Special Licensing Policy for
Shepherd's Bush Area**

1. The Council has decided to introduce a special policy relating to cumulative impact (as provided by the Secretary of State in the Guidance issued under section 182 of the Licensing Act 2003 (paragraphs 13.24 to 13.39) and the Council's own Statement of Licensing policy dated January 2011 (paragraph 6.1 to 6.7) to the Shepherd's Bush Area (being the area outlined and all premises which have a principal form of access onto the outlined area as shown on the attached map).
2. "Cumulative impact" means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
3. The four licensing objectives are:-

 - The prevention of Crime and Disorder
 - Public Safety
 - The prevention of Public Nuisance
 - The protection of Children from Harm
4. This policy will apply to all licensed premises as the Shepherd's Bush Area has been identified as being adversely affected in terms of the licensing objectives because of the cumulative impact of the concentration of licensed premises.
5. There is evidence that the cumulative impact includes serious problems of crime, disorder and public nuisance. Having regard to the evidence, the Licensing Authority has been satisfied that it is appropriate and necessary to include an approach to cumulative impact. The evidence for this special policy may be viewed on request at the Council Offices.
6. Applications for new premises licences, club premises certificates or any variations within the Shepherd's Bush Area that are likely to add to the existing cumulative impact will normally be refused where a relevant representation has been made, unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the four licensing objectives. Accordingly, the presumption of refusal in this policy is not absolute and the circumstances of each application will be considered where a relevant representation has been made.
7. The presumption of refusal does not relieve responsible authorities or interested parties of the need to make a relevant representation. Applicants will need to address the special policy issues in their operating schedules. If there are no representations the licensing authority must grant the application in terms consistent with the operating schedule submitted.
8. The cumulative impact policy will be kept under review by the Licensing Authority.



AREA COVERED BY THE SPECIAL LICENSING POLICY IN THE SHEPHERD'S BUSH AREA

Observational Study ResultsLicensing Team – Summary of Observational Data

TABLE ONE: Recordings of Anti Social Behaviour by location

Anti Social Behaviours	Proposed Area										
	East		Central East		Central		West			Total	
Littering	65	37	97	51	23	33	20	2	22	9	359 (22%)
Street Drinking	49	34	42	40	51	54	19	14	17	22	342 (21%)
Rowdy Behaviour	20	44	66	17	41	10	12	18	16	5	249 (15%)
Noise – customers leaving premises	8	30	63	26	13	53	2	11	7	3	216 (13%)
Swearing	25	37	23	23	29	19	2	5	10	5	178 (11%)
Excess noise from licensed premises	0	16	42	2	1	25	0	15	0	7	108 (7%)
Intimidation	12	29	10	4	28	12	2	0	5	3	105 (6%)
Urination	19	0	8	4	0	9	0	1	3	2	46 (3%)
Other	0	3	2	0	0	1	6	3	0	1	16 (1%)
Criminal damage/vandalism	5	1	0	0	2	0	0	0	0	0	8 (0.5%)
Fighting	1	0	2	0	1	2	0	1	0	1	8 (0.5%)
Vomiting	2	0	2	0	0	0	0	0	0	1	5 (0.2)
Total by location	206	231	357	167	189	218	63	70	80	59	

TABLE TWO: Recordings of total number of incidences by time

Between	Total No. of Incidences recorded
8pm to 9pm	180 (11%)
9pm to 10pm	245 (14%)
10pm to 11pm	273 (16%)
11pm to 12am	335 (20%)
12am to 1am	453 (27%)
1am to 2am	201 (12%)

Independent Specialist – Summary of Observational Data

TABLE THREE: Recordings of incidences by area.

Incidences by Area								
	East		Central East	Central	West			Total
No. Incidences	125 (19%)	51 (8%)	384 (59%)	54 (8%)	2 (1%)	17 (3%)	9 (2%)	654
No. Hours	14	9	6	8	4	4	3.5	52
Av. Incidences	9	6	64	7	1	4	3	13

TABLE FOUR: Recordings of number of incidences by time

Incidences by Time			
Between	Total No. of Incidences recorded	No. Hours	Average Incidences
8pm to 9pm	61 (9%)	8	8
9pm to 10pm	47 (7%)	8	6
10pm to 11pm	87 (13%)	8	11
11pm to 12am	235 (36%)	8	29
12am to 1am	83 (13%)	8	10
1am to 2am	124 (19%)	8	16
1am to 2am	17 (3%)	4	4
Total	654	52	84

TABLE FIVE: Recorded incidences by day

Incidences by Day			
Day	Total No. of Incidences recorded	No. Days	Average Incidences
Thursday	5 (1%)	1	5
Friday	86 (13%)	2	43
Saturday	293 (45%)	2	147
Sunday	270 (41%)	3	90
Total	654	8	82

TABLE SIX: Recordings of behaviour by location

Incidences by Type	
Behaviour	Incidences
Noise – customers leaving premises	119 (18%)
Public Drinking	119 (18%)
Littering	118 (18%)
Other	99 (15%)
Urination	88 (13%)
Swearing	38 (6%)
Rowdy Behaviour	35 (5%)
Vomiting	9 (1%)
Excess noise from licensed premises	9 (1%)
Fighting	9 (1%)
Intimidation	6 (1%)
Criminal damage/ vandalism	5 (1%)
Total	654



Adrian Overton

Licensing Officer

Hammersmith and Fulham Borough Council
Hammersmith Town Hall Extension
King Street
W6 9JU

**FH - Hammersmith & Fulham
Borough**

Fulham Police Station
Heckfield Place
London
SW6 5NL

Telephone: 02082462886
Facsimile:
Email: Stuart.Ratcliffe@met.police.uk
www.met.police.uk

Your ref:

Our ref:

9th June 2011

Dear Mr Overton,

I am writing in my position as Licensing Sergeant for Hammersmith and Fulham Borough Police in response to your consultation for a Cumulative Impact Policy for the area of Shepherds Bush and its environs. Police fully support the Licensing Authorities proposals in introducing this policy and believe that it will have a positive impact on the reduction of crime and disorder in the Shepherds Bush Area. This is based on the following key areas.

Shepherds Bush Geographical Area

The area of Shepherds Bush is geographically centred around Shepherds Bush Green. This area is a landmark on the borough. This area has historically provided the borough of Hammersmith and Fulham with its most challenging policing neighbourhood. This neighbourhood has a broad spectrum of policing concerns which range from street drinking, drug issues, the policing of a Queens Park Rangers Football Club and the arrival of Europe's largest shopping centre. Within this tapestry of policing issues there lies the issue of alcohol related crime and disorder. The area has 36 premises that can be described as pubs/bars/clubs and a further 114 premises that account for off licence, restaurants and take away food outlets. This forms a considerable network of licensed premises that cater for most preferences. Police believe that there is no further need for alcohol led premises in Shepherds Bush.

Police Crime Data

Shepherds Bush Green is a borough 'hotspot' for crime. The area is lined by licensed premises that provide both on and off sales. Police are of the opinion that the number of premises in this area is sufficient to meet the needs of patrons.

Police data regarding crime in licensed premises has been provided to the licensing authority. Police data shows crime linked to 36 licensed premises across the last five years. The data shows the following points that are relevant to the licensing objectives. The data demonstrates that the key type of offences committed in licensed premises relate to theft and assault.

In terms of theft, this has largely been theft of unattended personal property from patrons of establishments. From viewing a cross section of crime reports these offences generally involve drunken victims having their property removed from their person or taken whilst left unattended in the premises. This contributes to a considerable number of total offences across the borough.

In terms of assaults, these range from common assaults through to grievous bodily harm. These are serious offences where victims have been attacked within premises. This data does not account for incidents of assault that have occurred directly after persons leaving premises.

The data demonstrates that a large proportion of offences occur between 1900 and 0400 hours. These are the time periods when licensed premises are at their busiest. These are also the time periods when police resources are most stretched. Any addition to the number of premises would increase the demand on police resources.

Off licence Sales

During the Crime Summit in March 2011 key feedback was provided to police regarding licensing issues around off licences in Shepherds Bush. There were clear community concerns raised about the sale of alcohol to street drinkers in Shepherds Bush and the after hours unlicensed sale of alcohol. These concerns are corroborated by recent police proactive action and intelligence received. The impact of this on crime and disorder is significant in the Shepherds Bush area.

By operating late hours off licences continue to provide alcohol to customers who continue to drink after the closure of on licensed premises. These persons continue to drink without the limitations and the safety measure provided by on licensed premises. This is witnessed and dealt with on a regular basis by the local safer neighbourhood team. There are a considerable number of off licences premises in the Shepherds Bush area. In an area where the re-occurring community complaint is that of street drinking on Shepherds Bush Green and its environs, police believe it would be responsible to include off sales within this policy. This would also assist with the successful policing of the premises that already exist.

Take Away Food outlets

The area of the proposed Cumulative Impact Policy contains a considerable number of take away food outlets. Police believe that it would be reasonable for premises with a late night refreshment licence to be included within the Cumulative Impact Policy. These premises contribute to crime and disorder in the area and nuisance behaviour. The premises provide for the sale of food stuffs after licensed premises close. This encourages persons to remain in the area rather than dispersing. As a result, flashpoints occur between drunk people. These flashpoints occur in premises which are generally small in size, short in staff numbers and without regulated security staff. As a result the area around Shepherds Bush Green, Uxbridge Road and Goldhawk Road is considerably affected by crime and nuisance behaviour associated with these premises. Local residents regularly complain to police regarding issues surrounding take away food outlets in this area. Police believe that to include this type of premises within the Cumulative Impact Policy would be both timely and reasonable.

Police Resources

Hammersmith and Fulham Borough Police have a dedicated Safer Neighbourhood Team in Shepherds Bush. This team works with the community and take their priorities from the community. Street drinking and alcohol led crime is one of the ward priorities. The local policing team deals with this proactively through the use of controlled drinking legislation and proactive patrolling. This stretches police resources. It takes police officers away from dealing with other ward and borough issues. Any increase, in any form, of licensed premises will continue to put pressure on police resources. By limiting the growth of licensing activity in this area the cumulative impact policy would in turn provide an effective safe guard against any unnecessary and further increase of crime and it's associated nuisance behaviour. Police resources are committed to deal with the boroughs licensing issues as they are, any further increase will begin to undermine results achieved to date.

Fulham CIP

In August 2010 police responded to the Licensing Authorities *Statement of Licensing Policy*. In this response police welcomed the possibility of a Cumulative Impact Policy being developed in the Shepherds Bush Area. Police are supportive of the proposal for Shepherds Bush. The benefits of a Cumulative Impact Policy on the borough can be seen in the Fulham Broadway area. In Fulham the benefits have been significant. The policy works alongside the controlled drinking zone and safer neighbourhood policing in order to prevent any further saturation of the area, allowing police and partner agencies to effectively deal with the issues that already exist without the addition or complication of further issues. This has been applied to both on and off licenses. The policy has contributed to a reduction in alcohol related offences in the area. Furthermore, it has contributed to a change in the style of drinking in the vicinity of Fulham Broadway. Police would note that premises are now largely food led rather than led by vertical drinking considerations. In the opinion of police this has contributed to a change in the character of patrons using Fulham Broadway and assisted in a reduction in crime.

In summary, Police fully support the introduction of a Cumulative Impact Policy in the Shepherds Bush Area. Police regard this as a policy, which alongside controlled drinking legislation and Safer Neighbourhood policing, has the potential to have a positive effect on the reduction of crime in the Shepherds Bush area. A CIP has been proven to work in other parts of the borough, and police would argue that any introduction of this policy in Shepherds Bush would have a greater impact than in Fulham. Police Crime data demonstrates that drink related offences in Shepherds Bush are of a considerable quantity and timing to justify the police support of this policy. Police resources are currently stretched in dealing with the amount of premises that are already licensed in the Shepherds Bush area. Any further saturation of the area would reasonably be expected to increase crime and disorder and have a negative effect on residents, visitors, workers and businesses that are already present in the area.

Submitted for your information and consideration

Stuart Ratcliffe

Licensing Sergeant

Hammersmith and Fulham Borough Police



Report to Council

29 JUNE 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 adopt a new set of byelaws based on the 'Model Set 2'.

CONTRIBUTORS

RSD - Parks and Culture
FCS- Legal Services

RECOMMENDATIONS:

That Council resolves to:

- (1) adopt the new byelaws for pleasure grounds, public walks and open spaces (as set out in Appendix 1);
- (2) authorise the Assistant Director (Legal and Democratic Services) to apply for confirmation of the byelaws by the Secretary of State upon the expiry of at least one month following the publication of a notice in a local newspaper of the Council's intention to do so; and
- (3) upon the new byelaws coming into effect to revoke the existing byelaws made by the Council on 20 April 2000 and confirmed by the Secretary of State for the Home Office on 29 June 2000.

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 and address the local issues in the borough.
- 1.3 These draft byelaws were the subject of a public consultation in 2010. The draft byelaws were taken to the full Council in January 2011 for a resolution to apply to the SoS for provisional approval. Approval has now been obtained from the SoS subject to the deletion of one byelaw, details for which see paragraph 6.6 below. A decision by full Council is now required to adopt the byelaws in their current form and to apply for confirmation by the SoS after the statutory one month period of advertising of the Council's intention to do so.

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
 - 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.
- 3.4 The Local Government and Public Involvement in Health Act 2007 introduced new provisions in the Local Government Act 1972 in respect of byelaws. One of those related to the issue of Fixed Penalty Notices (FPNs). The provision enables the Council to issue FPNs in respect of offences under certain byelaws prescribed by regulations made by the Secretary of State. The provision (section 130 of the 2007 Act) came into force on 27 January 2010. The regulations are yet to be made and until they are, FPNs cannot be issued by authorised Council officers or police officers for offences against byelaws

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, kites, metal detectors, and public shows and performances (respectively byelaws numbered 4 -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 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.

6.6 In March 2011, the Council submitted its application to the DCLG for provisional approval of its draft set of byelaws. Provisional approval has now been obtained, subject to the deletion of one byelaw which related to the fouling or polluting of waterways. The DCLG has stated that this byelaw is not necessary as it duplicates existing legislation (The Water Act 2003), something which byelaws must not do. This requirement is now reflected in the present set of byelaws to be adopted by the Council.

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 our 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 and adopted 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. Provisional approval by the Secretary of State for the Department of Communities and Local

Government has been sought and obtained. The Council now needs to make a resolution to adopt the byelaws before the Council can apply to the Secretary of State for confirmation.

- 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

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

PART 6
MODEL AIRCRAFT

34. Interpretation of Part 6
35. Model aircraft - General prohibition
36. Model aircraft permitted in certain grounds on specified days and at specified
times
37. Model aircraft permitted in designated areas

PART 7
OTHER REGULATED ACTIVITIES

38. Provision of services
39. Excessive noise

40. Public shows and performances

41. Kites

42. Metal detectors

PART 8
MISCELLANEOUS

43. Obstruction

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45. Removal of offenders

46. Penalty

47. 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.

PART 6
MODEL AIRCRAFT

Interpretation of Part 6

34. 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

35. 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

36. Byelaw 35 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

37. 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

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

Excessive noise

39. (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 39(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

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

Kites

41. 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

42. 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

43. 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

44. (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

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

Penalty

46. 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

47. 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:

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

Novetel 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
Vicarage Gardens at All Saints Church Gardens, London SW6
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
GROUNDS REFERRED TO IN CERTAIN BYELAWS
PART 1
OPENING TIMES (BYELAW 3(1))

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
Vicarage Gardens at All Saints Church Gardens, London SW6
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 36)

<i>Name or description of ground</i>	<i>Days and times at which use of model aircraft is permitted</i>
Wormwood Scrubs – designated area	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 received from the public.

Issue	Comments	Actions
Cycling	Cyclists should (or not) 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 the Council is implementing more shared cycling routes (with pedestrian priority) where required and reducing others if there are significant conflicts.
	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 weekends are when the Scrubs are most used.
	Quiet electric model aircraft should (or 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 (or not) 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.

Agenda Item 7.1

SPECIAL MOTION NO. 1 – HAMMERSMITH ACADEMY, WEST LONDON FREE SCHOOL AND ARK CONWAY PRIMARY SCHOOL

Standing in the names of:

- (i) Councillor Peter Graham
- (ii) Councillor Harry Phibbs

“This Council:

1. Welcomes the unprecedented opening of three new schools in the borough in September 2011.
2. Congratulates all those involved with the establishment of the three schools, including:
 - Gary Kynaston, The Mercers’ Company, the Information Technologists’ Company and the governors, staff and parents of the Hammersmith Academy;
 - Toby Young, Thomas Packer and the governors, staff and parents of West London Free School, and;
 - Damian McBeath, ARK Schools and the governors, staff and parents of ARK Conway Primary School.
3. Believes that:
 - Parents should have a genuine choice of good schools for their children;
 - A traditional, academic education should be available to all children in the Borough, regardless of financial status;
 - Choice improves standards and increases opportunities, and;
 - Free schools and academies are of enormous benefit to the borough and should be allowed to flourish.
4. Resolves to:
 - Support and protect the free schools and academies in the borough and to respect their independence from the local authority;
 - Oppose politically motivated attempts to force the closure of our free schools or academies;
 - Work with our existing schools to continue the strong improvements in their performance;
 - Encourage suitable proposals for further free schools in the borough, and;
 - Support any of our existing schools that wish to convert to academy status.”

SPECIAL MOTION NO. 2 – SCHOOL PERFORMANCE

Standing in the names of:

- (i) Councillor Helen Binmore
- (ii) Councillor Marcus Ginn

“This Council notes:

1. All LBHF nurseries are rated as “outstanding” by Ofsted.
2. 80% of LBHF special schools are rated as “outstanding” by Ofsted.
3. 76% of LBHF primary schools are judged to be “good” or “outstanding”.
4. All LBHF secondary schools are judged to be “good” or “outstanding”.
5. LBHF is ranked first in inner London in the new English Baccalaureate measure.
6. LBHF is ranked second highest in inner London for the percentage of pupils achieving 5 or more GCSEs grades A*-C (or equivalent) including English and mathematics GCSEs.
7. The gap between pupils eligible for free school meals and their peers achieving the expected level at Key Stages 2 and 4 has reduced from 22% in 2006 to 10% in 2010.
8. This year over 65% of LBHF secondary school places will be taken up by children resident in the borough.

This Council:

1. Congratulates head teachers, teachers, governors, parents and students alike on the tremendous achievements this year.
2. Looks forward to working with our schools to raise standards further and give all our children access to a first class education in the borough.”

Agenda Item 7.3

SPECIAL MOTION NO. 3 – SUPER SEWER

Standing in the names of:

- (i) Councillor Steve Hamilton
- (ii) Councillor Ali de Lisle

“This Council:

1. Notes the current proposals by Thames Water to use a site at Carnwath Road as the main construction access for the Thames Tideway Tunnel/Super Sewer;
2. Notes the disastrous effects on residents and homes in South Fulham this will have over the next 20 years;
3. Reaffirms its opposition to the Super Sewer passed at the Ordinary Council Meeting on 17 September 2008;
4. Supports residents in Sands End in their campaign against the Super Sewer;
5. Calls on Thames Water immediately to withdraw proposals to use the Carnwath Road site as access to the Super Sewer.”

SPECIAL MOTION NO. 4 – OLYMPIC BOROUGH

Standing in the names of:

- (i) Councillor Mark Loveday
- (ii) Councillor Victoria Brocklebank-Fowler

“This Council

1. Notes the historical position of Hammersmith as hosts for the 1908 Olympic Games and the 1934 British Empire Games;
2. Notes the return of the Olympic events to the area in 2012, with the cycling road race at Fulham and volleyball at Earls Court, and;
3. Welcomes the Olympic family to Hammersmith and Fulham in 2012.”

Agenda Item 7.5

SPECIAL MOTION NO. 5 – CRIME AND ANTI SOCIAL BEHAVIOUR

Standing in the names of:

- (i) Councillor Stephen Cowan
- (ii) Councillor Michael Cartwright

“This Council recognises that in 2006 the then Cabinet Member for Crime and Anti Social Behaviour said that the Conservative Administration would cut crime by between 60% to 80%. He said that Mayor Boris Johnson would provide funding to expand the two policing pilots and would institute a New York City styled “zero tolerance” approach to policing that would reduce everything from broken windows to serious crime.

The Administration has failed in all of these aims. It has failed to provide sufficient resources to the police and to those services that tackle the causes of crime. Mayor Boris Johnson has cut police numbers. The Administration has at no point kept up with the previous Labour Administration’s 10% fall in crime.

In 2006, the then Cabinet Member for Strategy described his Administration’s approach to reducing crime as “a bit of a gamble”. That gamble has not paid off. Earlier this year, the former Cabinet Member for Housing told a Cabinet Meeting that the Administration are now selling off affordable homes because of the Administration’s failure to deal with crime and anti-social behaviour.

We call for an immediate review of this failure and a new approach that genuinely seeks to cut crime and makes Hammersmith and Fulham a safer place for people of all ages.”



Report to Council

29 JUNE 2011

LEADER

*Councillor Stephen
Greenhalgh*

**SPECIAL URGENCY DECISIONS –
MONITORING REPORT**

The attached report presents details of decisions taken by the Leader or Cabinet Members under the special urgency provisions of the Constitution (very urgent decision not in the Forward Plan). The report covers the period 1 June 2010 to 31 May 2011.

WARDS

All

CONTRIBUTORS

DFCS
ADLDS

RECOMMENDATIONS:

That the report be noted.

1. SPECIAL URGENCY PROVISIONS OF THE CONSTITUTION

- 1.1. Rule 16 of the Access to Information Procedure Rules in the Council's Constitution allows for specially urgent key decisions which are not in the Forward Plan to be taken without giving the prescribed public notice of five clear working days, provided the relevant Scrutiny Committee Chairman agrees that the decision cannot reasonably be deferred.
- 1.2. Rule 17.3 requires the Leader to submit reports to the Council on Executive decisions taken under Rule 16 during the preceding quarter. The reports must include the number of decisions so taken and a summary of the matters in respect of which those decisions are taken. There have been two Rule 16 decisions during the last quarter.

2. SPECIAL URGENCY DECISIONS TAKEN BY THE LEADER IN THE PERIOD 31 JUNE 2010 TO 31 MAY 2011

Decision taken and date	Reason for urgency
Relocation of Cambridge School to Bryony Centre – 4 March 2011	The delivery plan for the relocation project needs to be in place by 9 March 2011 to enable the Council to formally respond to the WLFS consultation with its alternative proposal. A tender process would need to be commenced by "Urgent Decision" under delegated powers to enable the works required to deliver the co-location of Cambridge School with Phoenix High School on the Bryony site to be completed before the end of the summer term so Cambridge School can move to its new site by the end of term in preparation for a clean start at the beginning of the academic year 2011/12. This would allow a September 2011 start for both Cambridge School on the Bryony site and the WLFS on the Cambridge site.
Notting Hill Housing Group leased properties – 3 May 2011	The leases have all now expired (subject to possible statutory security of tenure in respect of Park Court) and technically Notting Hill Housing Group (NHHG) could serve notice on the Council requiring the return of the properties after which they could evict the Council's tenants. NHHG have agreed to take the properties back and give all current tenants NHHG assured tenancies, but they want the properties returned on 4 July 2011. Formal consultation therefore needs to commence with the tenants by the end of April 2011.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Documents	Name/ext. of holder of file/copy	Department
1	Council Constitution	David Viles Ext. 2063	Finance and Corporate Services, Legal and Democratic Services