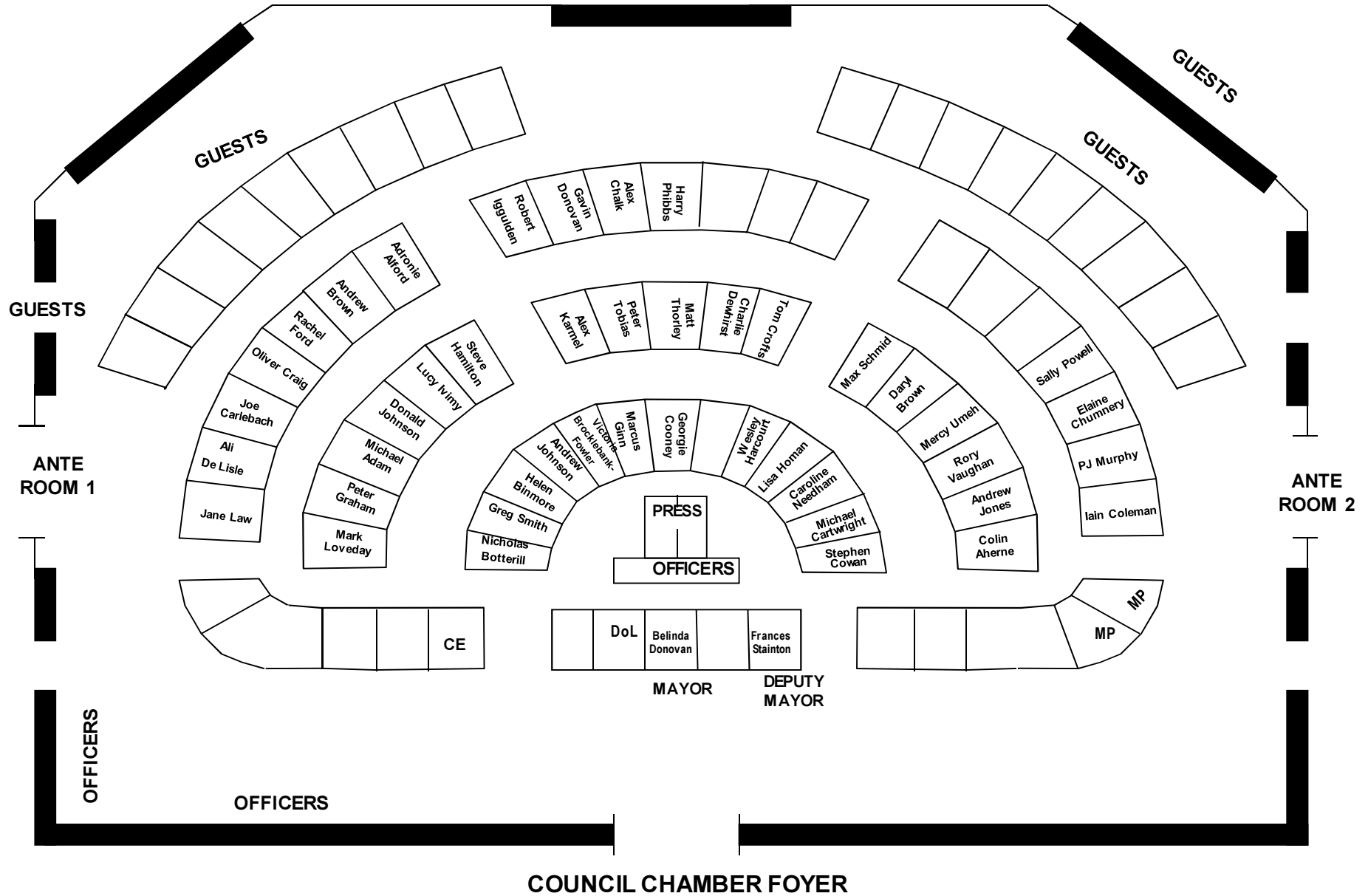


COUNCIL AGENDA

(Annual Council Meeting)

Wednesday 29 May 2013

COUNCIL CHAMBER SEATING 2013/14





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

ADDISON

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

HAMMERSMITH
BROADWAY

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

RAVENSCOURT PARK

Charlie Dewhurst (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 Chumnery (L)
Wesley Harcourt (L)

PALACE RIVERSIDE

Marcus Ginn (C)
Donald Johnson (C)

TOWN

Andrew Brown (C)
Oliver Craig (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)
Dame Sally Powell (L)
Max Schmid (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
Annual Meeting of the Council on
Wednesday 29 May 2013
at Hammersmith Town Hall, W6

The Council will meet at 7.00pm.

20 May 2013
Town Hall
Hammersmith W6

Derek Myers
Chief Executive

Full Council Agenda

29 May 2013

<u>Item</u>		<u>Pages</u>
1.	ELECTION OF MAYOR	
	To receive nominations for the election of a Mayor for the 2013/14 Municipal Year.	
	To appoint a Deputy Mayor for the 2013/14 Municipal Year.	
2.	MINUTES	1 - 18
	To approve and sign as an accurate record the Minutes of the Budget Council Meeting held on 27 February 2013 and the Extraordinary Council Meeting held on 19 March 2013.	
3.	APOLOGIES FOR ABSENCE	
4.	MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS (IF ANY)	
5.	DECLARATIONS OF INTERESTS	
	<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant 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.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p>	

Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.

6. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

6.1 PARTY APPOINTMENTS FOR 2013/14 MUNICIPAL YEAR 19

To note the Chief Executive's report on the various appointments made by the Party Groups on the Council for the 2013/14 Municipal Year.

6.2 REVIEW OF THE CONSTITUTION 20 - 38

To approve and re-adopt the Council's Constitution for the 2013/14 Municipal Year and to approve the establishment of the Wormwood Scrubs Charitable Trust Committee.

6.3 ESTABLISHMENT OF A HEALTH AND WELLBEING BOARD: GOVERNANCE ARRANGEMENTS 39 - 45

This report sets out the background to the establishment of a statutory Health and Wellbeing Board for the London Borough of Hammersmith & Fulham and recommends the terms of reference, membership and other governance arrangements that will apply.

6.4 APPOINTMENT OF AN INDEPENDENT PERSON 46 - 47

This report seeks the appointment of Ms Johanna Holmes as the second Independent Member.

6.5 MEMBERS' ALLOWANCES SCHEME 48 - 54

This report provides an update to the Councillors' Allowances Scheme approved by Council at its meeting on 27 February 2013.

6.6 PETITIONS: ANNUAL REPORT 2012/13 55 - 58

To receive the annual report to Council on the operation of the Petitions Scheme.

7. SPECIAL MOTIONS

To consider and determine any Special Motions:

7.1 SPECIAL MOTION 1 - APPOINTMENT BY THE LEADER OF THE DEPUTY LEADER AND CABINET MEMBERS AND THEIR RESPECTIVE PORTFOLIOS 59 - 85

7.2	SPECIAL MOTION 2 - APPOINTMENT OF CHAIRMEN AND MEMBERSHIP OF REGULATORY, SCRUTINY AND OTHER COMMITTEES 2013/14	86 - 90
7.3	SPECIAL MOTION 3 - COUNCIL APPOINTMENTS TO LOCAL GOVERNMENT ORGANISATIONS 2013/14	91 - 92
8.	INFORMATION REPORTS - TO NOTE	
8.1	TO RECEIVE THE LEADER'S ANNUAL REPORT (ORAL)	
8.2	OVERVIEW AND SCRUTINY ANNUAL REPORT 2012/13	93 - 117



COUNCIL MINUTES

(BUDGET COUNCIL MEETING)

WEDNESDAY 27 FEBRUARY 2013

PRESENT

The Mayor Councillor Belinda Donovan
Deputy Mayor Councillor Frances Stainton

Councillors:

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

36. MINUTES

The minutes of the Ordinary Council Meeting held on 30 January 2013 were confirmed and signed as an accurate record.

37. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Oliver Craig, Donald Johnson and Peter Tobias. Apologies for lateness were received from Councillor Jane Law.

38. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS

The Mayor's Announcements were circulated and tabled at the meeting.

39. DECLARATIONS OF INTERESTS

There were none.

40. PUBLIC QUESTIONS (20 MINUTES)

There were no public questions received.

41. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

41.1 Wormholt and White City Ward By-Election

7.03pm - The Council noted that Councillor Max Schmid, the Labour Party candidate, was elected Ward Councillor to the vacancy in Wormholt and White City Ward at the By-election held on 7 February 2013. The Mayor welcomed Councillor Max Schmid to the chamber.

41.2 Party Appointment for the Remaining Part of the 2012/13 Municipal Year

7.04pm - The Council noted the appointment of Councillor PJ Murphy as the Deputy Opposition Whip, made by the Opposition Party on the Council.

41.3 Committee Membership

7.05pm **RESOLVED:**

That Councillor Max Schmid be appointed to the Transport, Environment and Residents Services Select Committee effective from the day after the Council meeting.

41.4 Transfer of Public Health Functions - Officer Scheme of Delegations and Other Minor Changes to the Constitution

7.06pm - The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Nicholas Botterill.

The report and recommendations were put to the vote:

FOR	unanimous
AGAINST	0
NOT VOTING	0

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

7.06pm **RESOLVED:**

- (1) That the amendment to the Constitution to incorporate the Schedule of Delegations attached as Appendix A of the report for the Tri Borough Director of Public Health, be approved; and
- (2) That the minor changes made to the constitution by the Monitoring Officer, be noted.

41.5 Revenue Budget and Council Tax Levels 2013/14

7.07pm - The report and recommendations were moved for adoption by the Leader of the Council, Councillor Nicholas Botterill.

An addendum was circulated which included some changes to the figures in the report.

In accordance with Council convention, the Leader of the Council, Councillor Nicholas Botterill, and the Leader of the Opposition, Councillor Stephen Cowan, were then given unlimited time to speak on the Budget report. Speeches on the report were made by Councillors Marcus Ginn, Helen Binmore and Andrew Johnson (for the Administration) and Councillors Max Schmid, Andrew Jones and PJ Murphy (for the Opposition).

Councillor Nicholas Botterill (for the Administration) made a speech winding up the debate. The report and recommendations were put to the vote and a roll-call was requested:

FOR

ADAM
ALFORD
BINMORE
BOTTERILL
BROCKLEBANK-FOWLER
BROWN (A)
CARLEBACH
CHALK
COONEY
CROFTS
DE LISLE
DEWHIRST
DONOVAN (G)
FORD
GINN
GRAHAM
HAMILTON
IGGULDEN
IVIMY
JOHNSON (A)
KARMEL
LAW
LOVEDAY
PHIBBS
SMITH
STANTON
THORLEY

NOT VOTING

AHERNE
BROWN (D)
CARTWRIGHT
CHUMNERY
COWAN
HARCOURT
HOMAN
JONES
NEEDHAM
POWELL
SCHMID
UMEH
VAUGHAN

FOR	27
AGAINST	0
NOT VOTING	13

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

8.34pm **RESOLVED:**

- (1) To approve a Council Tax reduction of 3% for the Hammersmith & Fulham element for 2013/14.
- (2) The council tax be set for 2013/14 for each category of dwelling, as calculated in accordance with Sections 31A to 49B of the Localism Act 2011, as outlined below and in full in Appendix A of the addendum:
 - (a) The element of council tax charged for Hammersmith & Fulham Council will be £757.90 per Band D property in 2013/14.
 - (b) The element of Council Tax charged by the Greater London Authority will be confirmed on the 25 February and is expected to be £303.00 per Band D property in 2013/14. A reduction of 1%.
 - (c) The overall Council Tax to be set will be £1,060.90 per Band D property in 2013/14.

Category of Dwelling	A	B	C	D	E	F	G	H
Ratio	6/9 £	7/9 £	8/9 £	1 £	11/9 £	13/9 £	15/9 £	18/9 £
A) H&F	505.27	589.48	673.69	757.90	926.32	1,094.74	1,263.17	1,515.80
b) GLA	202.00	235.67	269.33	303.00	370.33	437.67	505.00	606.00
c) Total	707.27	825.15	943.02	1,060.90	1,296.65	1,532.41	1,768.17	2,121.80

- (3) The Council's own total net expenditure budget for 2013/14 set at £181.944m, be approved.
- (4) That fees and charges are approved as set out in paragraph 5.2 of the report.
- (5) That the budget projections made by the Executive Director of Finance and Corporate Governance to 2015/16 be noted.
- (6) That the statement made by the Executive Director of Finance and Corporate Governance under Section 25 of the Local Government Act 2003 regarding the adequacy of reserves and robustness of estimates be noted (section 14 of the report).
- (7) That the Executive Director of Finance and Corporate Governance be authorised to collect and recover National Non-Domestic Rate and Council Tax in accordance with the Local Government Finance Act 1988 (as

amended), the Local Government Finance Act 1992 and the Council Schemes of Delegation.

- (8) That all Chief Officers be required to report monthly on their projected financial position compared to their revenue estimates (as part of the Corporate Monitoring Report).
- (9) That all Chief Officers be authorised to implement their service spending plans for 2013/14 in accordance with the recommendations within this report and the Council's Standing Orders, Financial Regulations and relevant Schemes of Delegation.

41.6 Four Year Capital Programme 2013/14 to 2016/17

8.35pm - The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Nicholas Botterill.

Speeches on the report were made by Councillor Stephen Cowan (for the Opposition) and Councillor Nicholas Botterill (for the Administration), before being put to the vote:

The report and recommendations were put to the vote:

FOR	27
AGAINST	0
NOT VOTING	13

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

8.42pm **RESOLVED**:

- (1) To approve the draft General Fund Capital Programme budget at £65.0m for 2013/14.
- (2) To approve a Debt Reduction target of £20m for 2013/14 which will reduce underlying debt – based on current forecasts and as measured by the Capital Financing Requirement (CFR)¹ - to £71.4m.
- (3) To approve 25% of receipts generated for the Decent Neighbourhoods programme continue to be used to support general capital investment or debt reduction in 2013/14 to 2016/17, subject to future review and potential regulatory changes.
- (4) To approve the following proposed capital receipts funded initiatives within the General Fund capital programme 2013/14 (Table 5 of the report):
 - The continuation of the rolling programmes for repairs to Carriageways and Footways £2.03m;
 - Corporate Buildings Planned Maintenance £2.5m;
 - Private Sector Housing Grant (Disabled Facilities) £0.45m;
 - Parks Improvements £0.5m;

¹ Refer to Appendix 6 for CFR definition

- Contributions to the Invest to Save Fund £0.75m; and
This totals £6.23m.

To note existing capital receipts funded schemes (approved for 2012/13) but now scheduled for 2013/14 as follows:

- The Schools Capital Programme £8.906m;
- The Corporate Buildings Planned Maintenance £1.84m
This totals £10.746m.

The overall total use of capital receipts for General Fund capital schemes in 2013/14 is £16.976m.

- (5) To approve the level of resource forecast (Table 2 of the report) and indicative capital expenditure budget 2013/14 of £27.6m for the Decent Neighbourhoods programme, funded fully by capital receipts, as detailed in Appendix 2 of the report.
- (6) To approve the 2013/14 HRA capital programme of £37.0m as set out in Table 7 (Appendix 4 of the report) and approve the use of £15.212m of Decent Neighbourhoods' capital receipts in support of this programme for 2013/14.
- (7) To approve the annual Minimum Revenue Provision for 2013/14 (Appendix 7 of the report).
 - For debt which is supported through Formula Grant this authority will calculate the Minimum Revenue Provision in accordance with current regulations (namely 4% of the Capital Financing requirement net of adjustment A).
 - For debt which has arisen through prudential borrowing it should be written down in equal instalments over the estimated asset life. The debt write-off will commence the year after an asset comes into use.
- (8) To approve the CIPFA² prudential indicators as set out in Appendix 8 of the report.

41.7 Treasury Management Strategy

8.44pm - The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Nicholas Botterill.

The report and recommendations were put to the vote:

FOR	27
AGAINST	0
NOT VOTING	13

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

² Chartered Institute of Public Finance & Accountancy (CIPFA)

8.44pm **RESOLVED:**

- (1) That the future borrowing and investment strategies as outlined in the report be approved and that the Executive Director of Finance and Corporate Governance be authorised to arrange the Council's cashflow, borrowing and investments in 2013/14.
- (2) That in relation to the Council's overall borrowing for the financial year the comments and the Prudential Indicators as set out in the report be noted.
- (3) To pay the HRA investment income on unapplied HRA receipts and other HRA cash balances calculated at the average rate of interest earned on temporary investments with effect from 1 April 2013.
- (4) That the Money market Funds set out in Table 1 of Appendix B of the report are approved for use as part of the Council's investment strategy.

(Councillor Rory Vaughan did not declare an interest but he withdrew from the meeting during discussion of the matter without speaking or voting thereon, as he worked for the financial regulator.)

41.8 Councillors' Allowances Scheme: Annual Review

8.45pm - The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Nicholas Botterill.

Speeches on the report were made by Councillors Lisa Homan and Stephen Cowan (for the Opposition) and Councillor Mark Loveday (for the Administration), before being put to the vote:

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

FOR	AGAINST	NOT VOTING
ADAM	AHERNE	DONOVAN (G)
ALFORD	BROWN (D)	
BINMORE	CARTWRIGHT	
BOTTERILL	CHUMNERY	
BROCKLEBANK-FOWLER	COWAN	
BROWN (A)	HARCOURT	
CARLEBACH	HOMAN	
CHALK	JONES	
COONEY	MURPHY	
CROFTS	NEEDHAM	
DE LISLE	POWELL	
DEWHIRST	SCHMID	
FORD	UMEH	
GINN	VAUGHAN	

GRAHAM
HAMILTON
IGGULDEN
IVIMY
JOHNSON (A)
KARMEL
LAW
LOVEDAY
PHIBBS
SMITH
STANTON
THORLEY

FOR	26
AGAINST	14
NOT VOTING	1

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

8.55pm **RESOLVED:**

That the Councillors' Allowances Scheme 2013 – 14 as set out in Appendix 1 of the report be adopted.

41.9 Pay Policy of the London Borough of Hammersmith and Fulham

8.56pm - The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Nicholas Botterill.

Speeches on the report were made by Councillor PJ Murphy (for the Opposition) and Councillor Nicholas Botterill (for the Administration).

The report and recommendations were put to the vote:

FOR	27
AGAINST	0
NOT VOTING	14

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

9pm **RESOLVED:**

- (1) That Council approve the pay policy and endorse the pay schemes attached at Appendices 1, 2 and 3 of the report.
- (2) That Council notes the Council's Pensions Policy attached as Appendix 4 of the report and the Councillors' Allowances scheme, submitted to this meeting as a separate item, which will constitute Appendix 5 of the report.

42. INFORMATION REPORTS - TO NOTE

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

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

Meeting started: 7.00 pm
Meeting ended: 9.01 pm

Mayor

COUNCIL MINUTES

(EXTRAORDINARY COUNCIL MEETING)

TUESDAY 19 MARCH 2013



PRESENT

The Mayor Councillor Belinda Donovan
Deputy Mayor Councillor Frances Stainton

Councillors:

Colin Aherne	Oliver Craig	Andrew Jones
Adronie Alford	Tom Crofts	Alex Karmel
Helen Binmore	Charlie Dewhirst	Jane Law
Nicholas Botterill	Gavin Donovan	Mark Loveday
Andrew Brown	Rachel Ford	PJ Murphy
Daryl Brown	Marcus Ginn	Caroline Needham
Joe Carlebach	Peter Graham	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	Andrew Johnson	Rory Vaughan
Stephen Cowan	Donald Johnson	

43. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Michael Adam, Victoria Brocklebank-Fowler, Ali de Lisle, Lucy Ivimy, Max Schmid and Peter Tobias.

Apologies for lateness were received from Councillors Georgie Cooney, Gavin Donovan and Jane Law.

44. DECLARATIONS OF INTERESTS

Councillor Joe Carlebach declared a significant interest in respect of the special motion as he was a Trustee, Director and member of the Finance Committee of Arthritis Research UK (ARUK). ARUK owned land on the Charing Cross Hospital site. Councillor Carlebach considered that in the circumstances it would be unreasonable to participate in the matter and therefore left the room during the discussion without speaking or voting thereon.

Councillor Frances Stainton declared a significant interest in respect of the special motion as she was a member of the London Committee of ARUK which raised money for the research; she was not a trustee. Councillor Stainton considered that

this did not give rise to a perception of a conflict of interests and, in the circumstances it would be reasonable to participate in the discussion and vote thereon.

45. SPECIAL MOTION

45.1 Special Motion 1

7.04pm – Councillor Rory Vaughan moved, seconded by Councillor Stephen Cowan, the special motion standing in their names:

“This Council deplores the fact that the Administration has negotiated a deal with Government Health chiefs that will see:

- The A&E at Hammersmith Hospital close;
- The closure of the A&E and most other acute health facilities at Charing Cross Hospital, which will be reduced to 13% of its current size; and
- 60% of the Charing Cross site turned over to property speculators.

It notes that, despite this, the Administration has spent thousands of pounds of taxpayers’ money putting out leaflets and other PR telling people it has saved Charing Cross Hospital. This statement is strongly disputed by local residents, the campaign to Save Our Hospitals and the Opposition.

This Council therefore agrees to commission an independent assessment of these proposals.”

Speeches on the special motion were made by Councillors Rory Vaughan and Stephen Cowan (for the Opposition) and Councillor Nicholas Botterill (for the Administration).

Under Standing Order 15(e) (vi), Councillor Mark Loveday moved, seconded by Councillor Marcus Ginn, an amendment to the motion as follows:

“Delete all after “This Council” and replace with:

1. Recognises that H&F clinicians and the Council have succeeded in influencing the NHS to make radical enhancements to its ‘Shaping a Healthier Future’ proposals for the borough, so that:
 - Charing Cross will be re-built at a cost of £90m and continue to treat 85% of current patients
 - Charing Cross will retain 70% of its A&E capacity and 24/7 admissions
 - Charing Cross will be a consultant led, specialist hospital with vital cancer and social care specialisms
 - Charing Cross will remain an important teaching hospital, with potentially a ‘leading role in Europe’ teaching integrated healthcare
 - Hammersmith Hospital will remain a Specialist Hospital serving 90% of current patients

2. Notes that:

- Clinicians support the concentration of acute services at fewer, better-resourced centres
- Change was inevitable and the new model was the best achievable consultation outcome for Charing Cross and Hammersmith Hospitals
- The reorganisation is expected to save around 130 lives per year

3. Resolves to lobby the NHS to achieve maximum benefits for borough residents from the new model, including:

- The co-location of a range of health providers at Charing Cross Hospital
- The 24/7 emergency department to be appropriately specified and staffed
- Additional investment in the ambulance service to maintain current response times
- The development of supported housing for elderly and disabled residents on the Charing Cross site.”

Speeches on the amendment were made by Councillors Marcus Ginn, Andrew Brown, Georgie Cooney, Harry Phibbs and Peter Graham (for the Administration) and Councillors Elaine Chumnerly, Iain Coleman, Caroline Needham, Michael Cartwright, Lisa Homan and Stephen Cowan (for the Opposition) before it was put to the vote and a roll-call was requested:

FOR

ALFORD
BINMORE
BOTTERILL
BROWN (A)
CHALK
COONEY
CRAIG
CROFTS
DEWHIRST
DONOVAN (G)
FORD
GINN
GRAHAM
HAMILTON
IGGULDEN
JOHNSON (A)
JOHNSON (D)
KARMEL
LAW
LOVEDAY
PHIBBS
SMITH
STANTON
THORLEY

AGAINST

AHERNE
BROWN (D)
CARTWRIGHT
CHUMNERLY
COLEMAN
COWAN
HARCOURT
HOMAN
JONES
MURPHY
NEEDHAM
POWELL
UMEH
VAUGHAN

FOR	24
AGAINST	14
NOT VOTING	0

The amendment was declared **CARRIED.**

Under Standing Order 15(e) (vi), Councillor Michael Cartwright moved, seconded by Councillor PJ Murphy, a further amendment to the motion as follows:

“Delete all after ‘This Council’ and insert:

“calls on the Secretary of State for Health to hold a public inquiry into the deal proposed for the Borough’s hospitals by the Council’s Conservative Administration.””

Speeches on the amendment were made by Councillors Michael Cartwright, PJ Murphy and Stephen Cowan (for the Opposition) and Councillors Mark Loveday and Marcus Ginn (for the Administration), before it was put to the vote and a roll-call was requested:

FOR	AGAINST
AHERNE	ALFORD
BROWN (D)	BINMORE
CARTWRIGHT	BOTTERILL
CHUMNERY	BROWN (A)
COLEMAN	CHALK
COWAN	COONEY
HARCOURT	CRAIG
HOMAN	CROFTS
JONES	DEWHIRST
MURPHY	DONOVAN (G)
NEEDHAM	FORD
POWELL	GINN
UMEH	GRAHAM
VAUGHAN	HAMILTON
	IGGULDEN
	JOHNSON (A)
	JOHNSON (D)
	KARMEL
	LAW
	LOVEDAY
	PHIBBS
	SMITH
	STANTON
	THORLEY

FOR	14
AGAINST	24
NOT VOTING	0

The amendment was declared **LOST**.

Under Standing Order 15(e) (vi), Councillor Stephen Cowan moved, seconded by Councillor Rory Vaughan, a further amendment to the motion as follows:

“Delete all after ‘This Council’ and insert:

“recognises that there is little public support for the deal agreed by the Conservative Administration and agrees to re-open negotiations with Government health chiefs to get a better health deal for Hammersmith and Fulham residents.”

Speeches on the amendment were made by Councillors Stephen Cowan and Andrew Jones (for the Opposition) and Councillor Marcus Ginn (for the Administration), before it was put to the vote and a roll-call was requested:

FOR	AGAINST
AHERNE	ALFORD
BROWN (D)	BINMORE
CARTWRIGHT	BOTTERILL
CHUMNERY	BROWN (A)
COLEMAN	CHALK
COWAN	COONEY
HARCOURT	CRAIG
HOMAN	CROFTS
JONES	DEWHIRST
MURPHY	DONOVAN (G)
NEEDHAM	FORD
POWELL	GINN
UMEH	GRAHAM
VAUGHAN	HAMILTON
	IGGULDEN
	JOHNSON (A)
	JOHNSON (D)
	KARMEL
	LAW
	LOVEDAY
	PHIBBS
	SMITH
	STANTON
	THORLEY

FOR	14
AGAINST	24
NOT VOTING	0

The amendment was declared **LOST**.

Speeches on the substantive motion as amended were made by Councillor Peter Graham (for the Administration) and Councillor Rory Vaughan (for the Opposition) before it was put to the vote and a roll-call was requested:

FOR	AGAINST
ALFORD	AHERNE
BINMORE	BROWN (D)
BOTTERILL	CARTWRIGHT
BROWN (A)	CHUMNERY
CHALK	COLEMAN
COONEY	COWAN
CRAIG	HARCOURT
CROFTS	HOMAN
DEWHIRST	JONES
DONOVAN (G)	MURPHY
FORD	NEEDHAM
GINN	POWELL
GRAHAM	UMEH
HAMILTON	VAUGHAN
IGGULDEN	
JOHNSON (A)	
JOHNSON (D)	
KARMEL	
LAW	
LOVEDAY	
PHIBBS	
SMITH	
STANTON	
THORLEY	

FOR	24
AGAINST	14
NOT VOTING	0

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

9.25pm – **RESOLVED:**

This Council:

1. Recognises that H&F clinicians and the Council have succeeded in influencing the NHS to make radical enhancements to its 'Shaping a Healthier Future' proposals for the borough, so that:

- Charing Cross will be re-built at a cost of £90m and continue to treat 85% of current patients
- Charing Cross will retain 70% of its A&E capacity and 24/7 admissions
- Charing Cross will be a consultant led, specialist hospital with vital cancer and social care specialisms
- Charing Cross will remain an important teaching hospital, with potentially a 'leading role in Europe' teaching integrated healthcare
- Hammersmith Hospital will remain a Specialist Hospital serving 90% of current patients

2. Notes that:

- Clinicians support the concentration of acute services at fewer, better-resourced centres
- Change was inevitable and the new model was the best achievable consultation outcome for Charing Cross and Hammersmith Hospitals
- The reorganisation is expected to save around 130 lives per year


3. Resolves to lobby the NHS to achieve maximum benefits for borough residents from the new model, including:

- The co-location of a range of health providers at Charing Cross Hospital
- The 24/7 emergency department to be appropriately specified and staffed
- Additional investment in the ambulance service to maintain current response times
- The development of supported housing for elderly and disabled residents on the Charing Cross site.

(Councillor Carlebach had declared a significant interest in respect of this item and left the room during discussion of the matter without speaking or voting thereon.)

Meeting started: 7.00 pm
Meeting ended: 9.25 pm

Mayor

 <p>h&f the low tax borough</p>	<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">COUNCIL</p> <p align="center">29 MAY 2013</p>
<p>PARTY APPOINTMENTS FOR THE 2013/14 MUNICIPAL YEAR</p>	
<p>Report of the Chief Executive</p>	
<p>Open Report</p>	
<p>Classification - For Information</p> <p>Key Decision: No</p>	
<p>Wards Affected: None</p>	
<p>Accountable Director: Tasnim Shawkat – Monitoring Officer</p>	
<p>Report Author: Kayode Adewumi, Head of Governance and Scrutiny</p>	<p>Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1 The Council is asked to note the following Party appointments that have been made for the Municipal Year 2013/14:

ADMINISTRATION

Leader – Councillor Nicholas Botterill
Deputy Leader – Councillor Greg Smith
Chief Whip – Councillor Mark Loveday
Deputy Whip – Councillor Jane Law


OPPOSITION

Leader – Councillor Stephen Cowan
Deputy Opposition Leader – Councillor Michael Cartwright
Opposition Whip – Councillor Colin Aherne
Deputy Opposition Whip – Councillor PJ Murphy

2. RECOMMENDATION

- 2.1 That the appointments made by the Party Groups on the Council be noted.

Agenda Item 6.2

 the low tax borough	London Borough of Hammersmith & Fulham COUNCIL 29 MAY 2013
REVIEW OF THE CONSTITUTION	
Report of the Leader of the Council – Councillor Nicholas Botterill	
Open Report	
Classification - For Decision	
Key Decision: No	
Wards Affected: All	
Accountable Director: Tasnim Shawkat, Monitoring Officer	
Report Author: Kayode Adewumi, Head of Governance and Scrutiny	Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. The Council's Monitoring Officer is required to review the Council's Constitution each year to ensure that its aims and principles are given full effect in accordance with Article 15 of the Constitution. A report on this subject is therefore included on the Annual Council Meeting agenda each year.
- 1.2. The Council's Constitution is based on a model published by the Government following the introduction of the Local Government Act 2000. The Council adopted a new style Constitution in May 2002, with a Leader, Cabinet and Overview and Scrutiny Committees.
- 1.3. In-year amendments were approved by the Council in October 2012 to reflect the making of new Regulations related to private and public meetings of the Executive, and publication of documents and access to them by the public, Councillors and Overview and Scrutiny Committee members. In addition, there were minor changes to the Officers' schemes of delegation and revised titles of posts.
- 1.4. The Constitution was last reviewed at the Annual Council on 30 May 2012.

2. RECOMMENDATIONS

- 2.1. That the Council's Constitution be approved and re-adopted for the 2013/14 Municipal Year.

- 2.2. That the establishment of the Wormwood Scrubs Charitable Trust Committee, be approved.

3. REASONS FOR DECISION

- 3.1. The Council's Monitoring Officer is required to review the Council's Constitution each year to ensure that its aims and principles are given full effect in accordance with Article 15 of the Constitution.

4. INTRODUCTION AND BACKGROUND

- 4.1. Each Local Authority is required to publish the arrangements it has made to discharge its functions in a "constitution" prepared in accordance with Section 37 of the Local Government Act 2000.
- 4.2. The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure business is conducted in an efficient, transparent, and accountable manner. Some of the content of the Constitution is required by law; the remainder is for the Council itself to determine.
- 4.3. Annually the Constitution is reviewed to ensure it continues to promote timely, effective, transparent and lawful decision making reflecting the arrangements Members have put in place for the running of the Council.
- 4.4. The Monitoring Officer has a duty to keep the Constitution under review and has delegated authority to amend the Constitution where there has been a change in law, job title, structure, rearrangement of job responsibilities or for general administrative convenience. All extensive changes to the Constitution, however, must be approved by Full Council.

5. PROPOSALS AND ISSUES

Annual Review

- 5.1. Over the past 12 months, changes have been made to the Constitution to reflect the making of new Regulations relating to private and public meetings of the Executive, and the publication of documents and access to them by the public, Councillors and Overview and Scrutiny Committee members. The Monitoring Officer is satisfied that the Council's Constitution continues to fulfil its stated purposes, as set out in Article 1 of the Constitution.
- 5.2. The Council's Executive and Scrutiny processes have continued to operate as intended and as laid out in the Constitution over the past year.

Establishment of Committees - Terms of Reference

- 5.3. There is a report later on this agenda on the establishment of the Health and Well Being Board. This report is requesting the establishment of the Wormwood Scrubs Charitable Trust Committee. At present, the Audit, Pensions and Standards Committee ("APSC") receive an annual governance report regarding the Wormwood Scrubs Trust and are invited to approve the Trust's annual accounts on

behalf of the Council. The Council is the sole trustee of the Trust and is obliged to carry out its duties in accordance with the relevant provisions of the Charities Act 2011 ("the Act").

- 5.4. Further to due consideration of the Act, guidance published by the Charity Commission, and in particular a guidance note prepared between the Local Government Association and the Charity Commission entitled "Councillors Guide: to a Council's role as charity trustee", it is proposed that a committee be constituted to oversee the Trust and ensure that the Council complies with its duties under the relevant legislation.
- 5.5. The Committee will:
 - a. provide greater assurance to the Charity Commission that the Council accepted their recommended way of carrying out its duties as a sole trustee,
 - b. afford greater time for Councillors to oversee the Trust and how it is run, and
 - c. afford local residents and supporters of the Trust greater opportunity to be part of the decision making process when decisions are being taken by the Council acting as sole Trustee.
- 5.6. Attached as **Appendix 1** are the Terms of Reference for the Wormwood Scrubs Charitable Trust Committee which details both the composition and decision making powers proposed for the Committee.

Financial Regulations

- 5.7. As part of the transition to Managed Services across the Tri Borough in 2013-14, it is proposed that the three boroughs try to align the roles, responsibilities and sign off delegations of officers as much as possible, to simplify processes and workflows for services. It is planned that this work will be completed by autumn 2013. It is not envisaged that there will be any changes or re-alignments of Cabinet sign off limits or responsibilities, and all officers will be expected to ensure that they have complied correctly with the financial regulations of each borough before approving decisions on the Managed Services system.

Ethical Governance and Standards

- 5.8. The current ethical governance arrangements were introduced in July 2012. A separate report will be submitted to the Audit, Pensions and Standards Committee in September 2013 outlining the activity undertaken over the previous 12 months. Council will be informed at a later date of any proposals from the Audit, Pensions and Standards Committee.

Contract Standing Orders

- 5.9. Revisions to the Council's Contract Standing Orders are necessary to reflect current legislation, support tri borough working, accommodate best practice and underpin the Council's financial regulations. The main changes include more robust procedures on varying and extending contracts, clearer rules governing social care spot contracts and energy procurement and tri borough procurement

and a reordering of the information to tie in with the procurement cycle. A full list of the changes are attached as **Appendix 2**.

6. EQUALITY IMPLICATIONS

6.1. There are none.

7. LEGAL IMPLICATIONS

7.1. It is important to note that the Local Government Act 2000 requires the Council to have and maintain a Constitution. The Monitoring Officer is satisfied that the Council's Constitution continues to fulfil its stated purposes, as set out in Article 1 of the Constitution.

7.2. Implications verified by: Tasnim Shawkat, Director of Law 020 8753 2700

8. FINANCIAL AND RESOURCES IMPLICATIONS

8.1. There are no direct financial implications.

8.2. Implications verified/completed by: Kayode Adewumi, Head of Governance and Scrutiny 020 8753 2499

9. RISK MANAGEMENT

9.1. There are no significant risk management implications for this report.

10. PROCUREMENT AND IT STRATEGY IMPLICATIONS

10.1. There are no procurement of IT strategy implications.

10.2. Implications completed by Alan Parry, Procurement Consultant, Telephone: 020 8753 2581

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	None		

Wormwood Scrubs Charitable Trust Committee

<p>Wormwood Scrubs Charitable Trust Committee Council has determined that the Wormwood Scrubs Charitable Trust Committee shall be constituted and shall have delegated authority for the discharge of the Council's functions as set out below.</p>	
<p>Appointed by: The Council</p>	<p>Quorum: Two</p>
<p>Membership and Political Proportionality:</p> <ol style="list-style-type: none"> 1. 3 Councillors: 2/1 2. The Committee may co-opt non-voting independent members as appropriate. 3. The Bi-Borough Director of Finance and Resources (Transport and Technical Services and Environment, Leisure and Residents Services) will attend the Committee as an advisor. 	
<p>Decision Making Powers:</p> <ol style="list-style-type: none"> 1.1 To discharge the Council's role as Corporate Trustee for the Wormwood Scrubs Charitable Trust, in line with Charities Commission guidance. 1.2 To agree the Trust's annual budget and business plan. 1.3 To approve the use of any reserves. 1.4 To agree the Trust's annual accounts. 1.5 To receive and respond to the audit findings relating to the annual accounts. 1.6 To receive reports on the effective day to day management and financial performance of the Trust. 1.7 To allow interested parties to give their view on the performance and direction of the Trust. 	

SUMMARY OF CHANGES TO CONTRACT STANDING ORDERS 2013

Section & paragraph	Changes	Reason/observation
<p>Whole document</p>	<p>Reorganisation of sections</p> <p>Section 1: Scope of Contract Standing Orders</p> <ol style="list-style-type: none"> 1. Basic principles 2. Officer responsibilities 3. Waivers and exemptions 4. Relevant contracts 5. Prevention of corruption 6. Declarations of interest <p>Section 2: Preparing for tendering</p> <ol style="list-style-type: none"> 7. Steps prior to purchase 8. Pre-tender market research & consultation 9. Procurement Principles 10. Standards & Award Criteria <p>Section 3 Starting the procurement</p> <ol style="list-style-type: none"> 11. Procurement processes, advertising & approved lists 12. Competition requirements for purchase, disposal & partnership arrangements 13. Shortlisting 14. Invitations to tender/quote (no change) 15. Submission, receipt and opening of tenders 16. Clarification procedures and post tender negotiations 17. Evaluation and award of contract 18. Records and debriefing of candidates 	<p>No change in heading (title)</p> <ul style="list-style-type: none"> - no change in sequential order - no change in sequential order - no change in sequential order - no change in sequential order - relocated previously found in section 5 - relocated previously found in section 5 <p>Renamed - previously Common Requirements</p> <ul style="list-style-type: none"> - no change in sequential order - no change in sequential order - (new section based upon texts previously contained in “Procurement processes, advertising and approved lists” - relocated - previously found in section 3 <p>Previously called “Conducting a Purchase & Disposal”</p> <ul style="list-style-type: none"> - moved from section 2 - no change in sequential order - no change in sequential order - no change in sequential order - no change in sequential order - no change in sequential order - moved from Section 2

Section & paragraph	Changes	Reason/observation
	<p>Section 4 Contract & other formalities</p> <p>19. Contract documents 20. Extensions & variations 21. Parent company guarantees and bonds</p> <p>Section 5: Special procedures</p> <p>22. Consultants and Council 23. Spot contracts (ASC and Children's Services)</p> <p>Section 6: Contract management</p> <p>24. Managing contracts 25. Risk assessment and contingency planning 26. Post contract monitoring, evaluation & review</p>	<p>Formerly section 5</p> <ul style="list-style-type: none"> - no change in sequential order (para. 17) - no change in sequential order (para. 18) - no change in sequential order (para. 19) <p>Previously section 4</p> <ul style="list-style-type: none"> - no change previously paragraph 16 - new paragraph <p>No change to heading</p> <ul style="list-style-type: none"> - no change (was paragraph 22) - no change (was paragraph 23) - no change (was paragraph 24) <p>Change of title of post holder</p>
Whole document	Director of Legal & Democratic Services to Bi-borough Director of Law	
Whole document	Head of Internal Audit to Bi-borough Director of Audit	Change of title of post holder
Whole document	Internal cross-referencing where paragraph numbering has been moved around.	(e.g. CSO 9.4.1 has become CSO 12.5.1)

Changes		Reason/observation
Section & paragraph 1.2	Where financial thresholds are mentioned they should be cross-referenced with the Council's Financial Regulation and in the event of any inconsistency between the two documents Financial Regulations shall take precedence.	New paragraph. Resolve any anomalies/conflicts between the 2 documents.
1.3	Throughout these CSOs where reference is made to "estimated values" that means the total estimated spend and not the annualised estimated value of the proposed contract.	New paragraph. Resolve any anomalies/conflicts between FR & CSO.
1.4	For the avoidance of doubt, and subject to specific exemptions contained within these CSOs, a Cabinet Member Decision (CMD) is required for the approval of all contracts that have a total value of £20,000 and greater, but less than £100,000 and a Cabinet Key Decision (KD) for all contracts that have a total value of £100,000 or greater	New paragraph. Resolve any anomalies/conflicts between FR & CSO.
1.5 (previously 1.4)	In the last bullet point deleted "Market Testing Toolkit" and added the word "and" after strategy.	The Market Testing Toolkit now forms part of the purchasing guides.
1.7	Where there is an inconsistency or ambiguity in these CSOs, the Director for Procurement & I T Strategy will advise.	New paragraph. Resolve any issues that need interpretation
1.9.2	Insert reference to "Tri-borough Procurement Code"	Joint working with the Royal Borough of Kensington and Chelsea and Westminster City Council.
2.2	Deleted <i>"to make appropriate arrangements for the opening of written quotations and their secure retention, so as to protect the integrity of the tendering process (see CSO 9.2)";</i> (j) to keep proper records of all contract awarded (using the	No longer applicable all tendering must be conducted through the Council's e-tendering system Added "or any other approved system" as there are planned

Section & paragraph	Changes	Reason/observation
	<p><i>London Councils</i> Contracts Database or any other approved system where these have a total value of £20,000 and over);</p>	<p>changes to procurement systems during 2013-14. Decreased the £50,000 limit to £20,000 to record contracts as part of the Council's commitment to transparency (e.g. Spotlight on Spend).</p>
3.4	<p>New CSO</p> <p>Each Chief Officer shall take immediate action in the event of breach of these CSOs by reporting this breach to the Executive Director of Finance and Corporate Governance. It will be the responsibility of the Executive Director of Finance and Corporate Governance to determine the nature of the breach and if it is deemed to be serious (e.g. involving a Key Decision) to refer the matter to the Head of Internal Audit for investigation with view to identifying the steps to be taken to avoid a reoccurrence.</p>	<p>Resolve any issues relating to breaches in the CSOs that may arise</p>
7.4 (footnote removal)	<p>The removal of the following wording: The Corporate Passenger Transport Unit in Children's Services Department is responsible for making travel arrangements for all Members and officers.</p>	<p>Removed as no longer applicable</p>
7.6	<p>New CSO – proposed wording:</p> <p>The TAP will be chaired by a senior service manager in the client department (or where there are several departments involved, in the department with the highest spend), with a senior sponsor, and include relevant stakeholders (e.g. contract manager). It will consult and engage relevant professional officers in legal, finance, procurement, IT and HR as required and commission additional expertise where this is warranted. It will be responsible for</p> <ul style="list-style-type: none"> ensuring a contract is put in place in accordance with 	<p>Defining the role of a Tender Appraisal Panel.</p>

Section & paragraph	Changes	Reason/observation
	<p>legal requirements,</p> <ul style="list-style-type: none"> • that it meets required deadlines and service requirements and • represents value for money. <p>The TAP will keep accurate records of all meetings, retain appropriate documentation and maintain proper records for transparency and audit purposes. The TAP will undertake post project reviews where required. It will implement any corporate or tri-borough shared service requirements including supporting arrangements around any agreed Gate proposals and participating in any audits.</p>	
11.1	Officers will use the methods for selecting potential bidders for either quotations or tenders as set out in Table 11.1 immediately below.	Avoidance of doubt
Table 11.1	Increase of the threshold from £50,000 to £100,000	To align with other thresholds in Contracts Standing Orders.
12.2 New CSO	Chief Officers shall be responsible for planning all tendering exercises. However, the appropriate Cabinet Member shall be responsible for approving the relevant Business Case/Procurement Strategy at the beginning of the procurement process for all tenders regarding services where the estimated value exceeds £1,000,000. Such Business Cases/Procurement Strategies will set out the frequency of interim reports to Cabinet Members on the procurement process.	The current arrangement is for a Cabinet Member Decision half way through a procurement exercise where the estimated value is greater than £1m or involves a potential in-house TUPE transfer. This can delay a procurement exercise whilst the CMD is being signed off and the recommendation is to move the control to the beginning of the procurement exercise rather than keeping it in the middle.

Table 9.2 (2012) revised table 12.3 (2013): Simplification of requirements

2012 Contracts Standing Orders Table 9.2				Proposed changes 2013 Table 12.3			
Maximum total value	Award Procedure	Shortlisting	Contract Award Procedure	Maximum Total estimated Value	Competition requirement	Shortlisting	Contract Award Procedure. (total contract value threshold)
Not more than £5,000	One Quotation (confirmed in writing using a designated electronic system), although the duty to obtain value for money still remains.	Officer	Chief Officer's responsibility (may be delegated).	Not more than £5,000	One Quotation (confirmed in writing using a designated electronic system), although the duty to obtain value for money still remains.	Not applicable	Less than £20,000. Chief Officer's responsibility (may be delegated).
£5,000 to below £20,000	Invitation to Quote as set out in CSO 12.2. A minimum of 3 written quotations should be sought (using a designated electronic system)	Officer & line manager	Chief Officer's responsibility (may be delegated)	£5,000 to below £20,000	Invitation to Quote as set out in CSO 14.2. A minimum of 3 written quotations should be sought (using a designated electronic system)	Officer & Line Manager	
£20,000 to below £100,000	Invitation to Quote as set out in CSO 12.2. A minimum of 3 quotations (or tenders) should be sought (using a designated electronic system).	TAP	Cabinet Member(s), subject to the exemptions set out in CSO 9.4 below.	£20,000 to below £100,000	Invitation to Quote as set out in CSO 14.2. A minimum of 3 written quotations (or tenders) should be sought (using a designated electronic system).	TAP	£20,000 or greater but less than £100,000 ----- Cabinet Member(s) responsible for award.
£100,000. or more (except those listed below)	Invitation to Tender as set out in CSO 12.2. A minimum of 5 tenders should be sought.		Cabinet responsible for award, subject to the exemptions set out in CSO 9.4 below	£100,000. or more but less than £173,934	Invitation to Tender as set out in CSO 14.2. A minimum of 3 tenders should be sought.	TAP	£100,000 ----- Cabinet responsible for award, subject to the exemptions set out in CSO 12.5 below
£173,934 or more (EU)	Invitation to Tender as set out in CSO 12.2.	TAP	Cabinet responsible for	£173,934 or greater	Invitation to Tender as set out in CSO 14.2.	TAP	

2012 Contracts Standing Orders Table 9.2				Proposed changes 2013 Table 12.3			
Maximum total value	Award Procedure	Shortlisting	Contract Award Procedure	Maximum Total estimated Value	Competition requirement	Shortlisting	Contract Award Procedure. (total contract value threshold)
Threshold: Supplies & Services only)	A minimum of 5 tenders should be sought, if the <i>Restricted Procedure</i> is used		award, subject to the exemptions set out in CSO 9.4 below		A minimum of 5 tenders should be sought, if the <i>Restricted Procedure</i> is used		
£1,000,000 and above	Invitation to Tender as set out in CSO 12.2. A minimum of 5 tenders should be sought.	TAP providing advice to the appropriate Cabinet Member and Leader	Cabinet responsible for award, subject to the exemptions set out in CSO 9.4 below.				
£4,348,350 (or more EU Threshold: Works only)	Invitation to Tender as set out in CSO 12.2. A minimum of 5 tenders should be sought, if the <i>Restricted Procedure</i> is used.	Appropriate Cabinet Member and Leader	Cabinet responsible for award				
Market testing of In-house (DSO) services	Invitation to Tender as set out in CSO 12.2.. A minimum of 5 external tenders should be sought.	Strategy and invitation to tender approved by Leader & Appropriate Cabinet Member.	Cabinet responsible for award				

CSO 15.5	<p>The person responsible for authorising those officers who can open tenders has been changed from Executive Director of Finance & Corporate Governance to the Director for Procurement & I.T. Strategy.</p> <p>The requirement to open tenders has been changed from 2 witnesses to an independent witness.</p>	<p>The use of electronic tendering system is more secure that when the Council operated a paper-based tendering arrangement. Tenders received through the system cannot be tampered with so having 3 people present at the unlocking of the “electronic vault” is no longer necessary.</p>
Table 19.6.1	<p>2nd line 2nd column wording changed to Contract or agreement to be signed by the Chief Officer (or their nominated deputy in accordance with CSO 2.3), otherwise to follow the procedure below. The words in the bracket were previously (or Assistant/Deputy Chief Officer in accordance with CSO 2.3)</p>	<p>Minor consequential change.</p>
CSO 20 (previously CSO 18)	<p>Section on variations and extensions completed replaced. Current wording:</p> <p>18.1 Except for minor variations to projects (which are covered by contingency sums within the contract value – e.g. Contract Administrator Instructions or Variation Orders), and subject to any statutory restrictions and compliance with Financial Regulations and EU Procedures, a Chief Officer may authorise the following extensions and variations to an existing contract:</p> <p>(a) Either:</p> <ul style="list-style-type: none"> (i) an extension for a particular period provided for within the terms of the contract, but subject to satisfactory outcomes of contract monitoring; or (ii) a single extension of the contract by up to six months or half the contract term, whichever is 	<p>The change is required to clarify the requirement and to align with the Council’s Financial Regulations.</p>

<p>CSO 20 (continued)</p>	<p>less; and</p> <p>(b) any other major or significant variation, and if relevant a consequent change in price, determined in accordance with the contract terms.</p> <p>18.2 In any other circumstances the Cabinet may vary or extend a contract providing that to do so is in accordance with current legislative provisions and consistent with the Council's Financial Regulations.</p> <p>To be replaced with the following wording –</p> <p>20.1 <u>Options to extend.</u></p> <p>20.1.1 Providing that the original award report contains no provision relating to exercising an optional extension provision, these may be authorised by the</p> <p>(a) relevant Chief Officer where the total value of extension or extensions is below £20,000 (subject to appropriate budgetary provision);</p> <p>(b) relevant Cabinet Member where the total value of the extension or extensions is £20,000 or greater but does not exceed £100,000 (subject to appropriate budgetary provision); or</p> <p>(c) the Cabinet where the total value of the extension or extensions is £100,000 or greater.</p> <p>20.2 <u>Variations to a contract</u></p> <p>20.2.1 Where minor variations are required to</p>	
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<p>CSO 20 (continued)</p>	<p>construction or highways related works that are covered by contingency sums within a contract sum they may be authorised by a Chief Officer subject to compliance with Financial Regulations.</p> <p>20.2.2 Where a variation to a contract is to be made that will have service delivery impacts to users or residents then this may be agreed by a Chief Officer providing that there are no increased costs to the contractual value. Where there will be an increase in the contract value then the decision is reserved to the</p> <ul style="list-style-type: none"> (a) relevant Chief Officer where the total value of extension or extensions is below £20,000 (subject to appropriate budgetary provision); or (b) relevant Cabinet Member where the total value of the extension or extensions is £20,000 or greater but does not exceed £100,000 (subject to appropriate budgetary provision); or (c) the Cabinet where the total value is £100,000 or greater <p>20.2.3 Providing that there is no breach of the Public Contracts Regulations 2006 (as amended) a variation may be made to the term of a contract that has no options to extend or where those options have already been exhausted. Any decision to extend the contractual term by way of a variation must be approved before the contract expires by</p> <ul style="list-style-type: none"> (a) relevant Chief Officer where the total value of extension or extensions is below £20,000 (subject to appropriate budgetary provision); or
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CSO 20 (continued)	<p>(b) relevant Cabinet Member where the total value of the extension or extensions is £20,000 or greater but does not exceed £100,000 (subject to appropriate budgetary provision); or</p> <p>(c) the Cabinet where the total value is £100,000 or greater.</p> <p>20.2.4 The report recommending a variation to the term of a contract shall include reasons for the proposed extension which demonstrate the need for the extension is genuinely exceptional.</p>	
Section 22	<p>ENERGY PROCUREMENT</p> <p>22.1 The procurement of energy related services is undertaken by Kent County Council (trading as LASER Energy Buying Group) on behalf of the Council.</p> <p>22.2 Due to the volatility of the energy market, prices of electricity, gas, oil & petroleum fluctuate on a daily basis and the sums quoted require immediate acceptance. In order to achieve the best value for the Council all decisions relating to energy procurement including the award and/or the variation of contracts may be approved by the Executive Director of Finance & Corporate Governance and the Director for Building & Property Management. All decisions relating to the award of or variation of energy related contracts will be reported to the Cabinet for information purposes only.</p>	<p>New section to deal with the procurement of energy bought through the spot markets.</p>

<p>Table 23.1 (previously table 16.1)</p>	<p>Redefining the requirements of the 4 bands</p> <ul style="list-style-type: none"> • Less than £5,000 the requirement is for 1 written quotation • £5,000 but less than £100,000 the requirement is for 3 written quotations. • £20,000 but less than £100,000 the requirement is for 3 quotations. • £100,000 to the EU threshold the requirement is for 3 tenders • Above the EU threshold the requirement of the Public Contracts Regulations 2006 (as amended) will apply. 	<p>Consistency with other controls contained elsewhere in the CSOs.</p> <p>Removal of the need to seek prior from Chief Officers or Cabinet Members for seeking the use of consultancies.</p>
<p>Section 24</p>	<p>Completely new section dealing with Spot Contracts for Adult Social Care and Children's Services. Set out as follows –</p> <p>24 SPOT CONTRACTS – ADULT SOCIAL CARE & CHILDREN'S SERVICES</p> <p>24.1 Contracts that relate to “social care” are not regulated under the Public Contracts Regulations 2006 (as amended) and can be let under slightly different, but no less rigorous arrangements; rather than using traditional tendering methodologies.</p> <p>24.2 Specific rules and guidelines for these contracts will be issued by the relevant Chief Officer following consultation with the Bi-borough Procurement Board and approval from the relevant Cabinet Member. These rules and guidelines must be reviewed not less than every two years.</p> <p>24.3 Following the approval of these rules and guidelines the relevant Chief Officer will agree a scheme of delegation for their departments for the</p>	<p>To regularise an area of uncertainty, previously dealt with as a result of a number of Cabinet Decisions going back several years.</p>

<p>Section 24 (continued)</p>	<p>Spot Purchasing of these services where they may be required based on the maximum weekly number of care hours that may be authorised by certain officers.</p> <p>24.4 The relevant Chief Officers are responsible for ensuring that any specific rules and guidelines are adhered to. The provision of CSO 2.3 will apply to contracts let under this section of CSOs.</p> <p>24.5 For the purposes of this section of these CSOs, social care contracts may be defined as those (including supporting people services) under which the Council provides, or arranges to provide, practical help or care services to individuals within the community or in a residential setting.</p> <p><u>24.6 Spot Purchasing of Domiciliary Care and Residential and Nursing Care</u></p> <p>24.6.1 The Chief Officer of Social Services will maintain information on Domiciliary Care Providers and Providers of Residential and Nursing Care placements that can be used for the spot purchase of care services. Such providers will have met the minimum national standards laid down by the Care Quality Commission.</p> <p>24.6.2 Domiciliary care services and residential and nursing care may be spot purchased for people whose needs cannot be met through the commissioned services or service directly provided by the Department itself.</p>
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25.1 (previously 22.1)	<p>Removal of last sentence - “Details of named contract managers will be reviewed on a regular basis by the Competition Board.”</p> <p>Revised paragraph now reads – “Chief Officers and/or Heads of Service in sponsoring departments are to name contract managers for all new contracts. All contracts must have a named Council contract manager for the entirety of the contract.”</p>	Reviewing managers is impracticable.
27.2 (previously 24.1)	<p>Revision of previous paragraph</p> <p>Current wording- 24.2 For all contracts with a value higher than the EU Threshold limits, or which are High Risk, an annual report must be submitted to the Competition Board.</p> <p>Proposed wording- 27.2 In relation to all contracts that are considered to be with a value higher than the EU Threshold limits and/or which are considered to be of High Risk, the <i>Borough Procurement Strategy Board</i> may review them with a view to an audit to be undertaken in relation into their management.</p>	Change in emphasis to audit major contracts.
Appendix	Cross-referencing with paragraph numbering within the main text of the CSOs.	
Appendix	Definition of Chief Officer . Addition of Executive Director for Housing & Regeneration	Correction of an omission.
Appendix	Tri-borough Protocol for Joint Contracts	New definition
Appendix	Tri-borough Procurement Code	New definition

 <p>h&f the low tax borough</p>	<p>London Borough of Hammersmith & Fulham</p> <p>COUNCIL</p> <p>29 MAY 2013</p>
<p>ESTABLISHMENT OF A HEALTH AND WELLBEING BOARD: GOVERNANCE ARRANGEMENTS</p>	
<p>Report of the Leader of the Council – Councillor Nicholas Botterill</p>	
<p>Open Report</p>	
<p>Classification - For Decision</p> <p>Key Decision: No</p>	
<p>Wards Affected: All</p>	
<p>Accountable Executive Director: Jane West, Executive Director of Finance and Corporate Governance</p>	
<p>Report Author: Kayode Adewumi, Head of Governance & Scrutiny</p>	<p>Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

1.1 This report sets out the background to the establishment of a statutory Health and Wellbeing Board for the London Borough of Hammersmith & Fulham and recommends the terms of reference, membership and other governance arrangements that will apply.

2. RECOMMENDATIONS

2.1 The Council is recommended to:

- (i) Establish a Health and Wellbeing Board for the London Borough of Hammersmith & Fulham and agree the proposed membership on the basis set out in the report;
- (ii) Appoint Councillor Marcus Ginn, Cabinet Member for Community Care, as the Chairman of the Health and Wellbeing Board; and
- (iii) Consult the Health and Wellbeing Board on the proposal to make a direction on the entitlement of the Council's non-Councillor representatives to vote as set out in paragraph 4.4 of the report.

3. REASONS FOR DECISION

3.1 The Health and Social Care Act 2012 requires that every upper-tier local authority (or London Borough) establish a Health and Wellbeing Board (HWB). The Act establishes and treats HWBs as though they are committees appointed by the Council in accordance with s102 of the Local Government Act 1972¹.

4. INTRODUCTION AND BACKGROUND

Background

4.1 The NHS White Paper *'Equity and Excellence; Liberating the NHS'* was published in July 2010. This document and the accompanying consultation paper *'Local Democratic Legitimacy in Health'* outlined significant changes to local health and wellbeing governance structures, including the creation of local statutory health and wellbeing boards.

4.2 The Health and Social Care Act 2012 requires that every upper-tier local authority (or London Borough) establish a Health and Wellbeing Board (HWB). The Act establishes and treats HWBs as though they are committees appointed by the Council in accordance with s102 of the Local Government Act 1972. However, whilst councils have a clear leadership role, the Government's intention is that Boards should not be council 'owned' committees but rather, as HWBs involve an interplay of powers and responsibilities, as forums for shared leadership across the health, care and wellbeing sectors. Although HWBs are established as Council committees the statutory powers exercised by them are executive functions.

Key Issues Arising from the Legislation

4.3 It has always been the explicit policy intention that HWBs will, as a forum for collaborative local leadership, be very different to a normal local authority committee appointed under S.102. The Act therefore enables regulations to be made to provide that any enactment relating to a committee appointed under S.102 of the 1972 Act does not apply in relation to an HWB or applies in relation to it with such modifications as may be prescribed in the regulations.

4.4 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 make the following key changes to the normal requirements regulating the operation of Council committees which will apply to the HWB:

- The disapplication of S.13 of the Local Government and Housing 1989 Act, to provide that non-Councillor members of the HWB **can** vote alongside the Councillors on the Board unless the Council, having consulted the Board, directs otherwise. It is proposed that the Council considers making a direction that the

¹ Although HWBs will be set up as committees of local authorities, the Health and Social Care Act 2012 has a clause that enables the disapplication of legislation that relates to those committees - such as legislation covering the voting processes and terms of reference of membership, among other issues. This recognises that HWBs are unusual in comparison to normal s102 committees in having officers, clinical commissioning groups, PCTs and local Healthwatch representatives sitting on them.

members of the Board who are entitled to vote alongside the Councillors are the representative of Local Healthwatch and one of the CCG representatives but not the Council officers on the Board.

- The disapplication of S.15 to S.17 of, and Schedule 1 to, the 1989 Act which impose political balance requirements on relevant local authorities and committees in relation to allocation of seats on committees and sub-committees. The disapplication of these provisions accords with the Board being a strategic body across organisations in the public health sector and the emphasis should be on the organisations represented rather than reflecting the political balance of the Council. Members of the minority parties will be invited to stakeholder meetings and are also represented on the Health Scrutiny Committee.

Purpose

- 4.5 The purpose of the HWB is to improve the health and wellbeing of residents by promoting integration and partnership working between H&F Clinical Commissioning Group (CCG), London Borough of Hammersmith & Fulham, Local Healthwatch and the NHS Commissioning Board.
- 4.6 The HWB will exercise three main functions;
- (i) To assess the needs of the local population and lead the statutory joint strategic needs assessment.
 - (ii) To promote integration and partnership across areas, including through promoting joined up commissioning plans across the NHS, social care and public health.
 - (iii) To support joined commissioning and pooled budget arrangements where appropriate.

5. PROPOSAL AND ISSUES

Terms of Reference

- 5.1 In accordance with the statutory duties and powers given to the HWB by the Health and Social Care Act 2012 it is proposed that the terms of reference of the Board are as follows:
- (i) To provide organisational leadership by agreeing the vision and strategic priorities for health and wellbeing in Hammersmith & Fulham, as part of the Joint Health & Wellbeing Strategy.
 - (ii) To ensure commissioning decisions are based on clear evidence for improving outcomes and integrating services.
 - (iii) To drive the development and implementation of the Joint Health & Wellbeing Strategy (JHWS) and take joint action to facilitate progress.

- (iv) To oversee the development and use of the Joint Strategic Needs Assessment (JSNA) by the Council and H&F CCG.
- (v) To oversee the development and maintenance of the Pharmaceutical Needs Assessment (PNA).
- (vi) To ensure effective public and patient engagement and involvement in the development and provision of health and wellbeing services.
- (vii) Wherever possible, to promote the effective integration of health and social care services across the three boroughs of Hammersmith & Fulham, Kensington & Chelsea and Westminster.

Membership

5.2 The core membership of the HWB, which is set out below, is compliant with the Health & Social Care Act, 2012:

- Cabinet Member for Community Care
- Chair of H&F CCG
- Cabinet Member for Children’s Services
- Tri-borough Executive Director of Adult Social Care
- Tri-borough Executive Director of Children’s Services
- Director of Public Health
- A Local Healthwatch representative

5.3 The HWB also has the power to appoint additional persons to the Board.

5.4 Each nominating body will be asked to nominate a primary representative and a deputy, both of whom will be permanent appointments and will be expected to understand the business of the Board and the deputy would have the authority to make decisions in the event that the Board member is unable to attend a meeting.

5.5 The legislation requires that the councillor members of the Board are nominated by the Leader.

Table:

Nominating organisation	Nominee position	Reason for proposal	Nominated deputy
London Borough of Hammersmith & Fulham	Cabinet Member for Community Care Councillor Marcus Ginn	Councillor nomination from the Leader as per Health and Social Care Act 2012	Councillor Georgie Cooney
London Borough of Hammersmith & Fulham	Cabinet Member for Children’s Services Councillor Helen Binmore	Councillor nomination from the Leader as per HSCA 2012	

London Borough of Hammersmith & Fulham	Tri-borough Executive Director for Adult Social Care	Statutory member as per HSCA 2012.	H&F Borough Director
London Borough of Hammersmith & Fulham	Tri-borough Executive Director for Children's Services	Statutory member as per HSCA 2012.	Tri-borough Director for Commissioning (Children's Services)
London Borough of Hammersmith & Fulham	Tri-borough Director of Public Health	Statutory member as per HSCA 2012.	Deputy Director of Public Health
Healthwatch	To be confirmed	Statutory member as per HSCA 2012.	To be confirmed
Hammersmith & Fulham Clinical Commissioning Group	Chair	Statutory member as per HSCA 2012.	Deputy Chair

- 5.6 The Chairman shall be appointed by Full Council.
- 5.7 Members shall elect a Vice-chairman from among the Board's membership.
- 5.8 The Act provides that the NHS Commissioning Board must appoint a representative for the purpose of participating in the preparations of JSNAs and the development of JHWSs, and to join the HWB when it is considering a matter relating to the exercise, or proposed exercise, of the NHS Commissioning Board's commissioning functions in relation to the area and it is requested to do so by the HWB.
- 5.9 The HWB will meet five times during the municipal year. During 2013/2014, the HWB will meet on:
- 17 June 2013
9 September 2013
4 November 2013
13 January 2014
24 March 2014
- 5.10 The Board's meetings will be subject to the normal access to information rules and therefore, unless exemptions apply which allow for business to be conducted in private, will be held in public.

Other Governance Issues

Quorum

- 5.11 It is proposed that the quorum for meetings will be three voting members.

Decision-making: consensus and voting

- 5.12 The Board will seek to work by consensus. Nevertheless, on occasions there may be differences between partner organisations represented on the Board. It is envisaged that where possible these will be discussed and resolved in advance of the meeting. Any unresolved difference will, where possible, be noted in the HWB report in question. Furthermore if, at the meeting when the matter has to be determined, consensus cannot be reached, the decision will be made by a vote (in accordance with the provisions in the Council's standing orders).
- 5.13 Unless the Council directs otherwise following consultation with the Board, officer and non-councillor members of the Board will also be entitled to vote.

Interests

- 5.14 Members must declare any conflicts of interest at appropriate times. Non-councillor members of the HWB will be subject to the Council's Code of Conduct and the requirements to register and declare disclosable pecuniary interests.

Developing understanding and embedding best practice

- 5.15 The Board will endeavour to learn and understand the business of other Board members' organisations and build in opportunities to establish roving meetings and site visits where appropriate.
- 5.16 The Board will ensure all local, regional and national best practices is taken into consideration when developing plans and services for the borough.

Communication

- 5.17 The Board will endeavour to communicate the aims and business of the Board to all stakeholders, communities and populations, and establish robust two way communication channels for all.

Review

- 5.18 A review of membership and terms of reference will take place following the set up of the Board, then annually.

Accountability

- 5.19 Accountability of HWB Members will depend on their relevant parent organisation:
- Accountability of the Council will come through Scrutiny Committees, Local HealthWatch and the democratic process.
 - Accountability of the CCGs will come through assessment by the NHSCB, lay people on the CCG Board, and the duties to involve, consult and publish an annual report.
 - Accountability of HealthWatch will be to the Council, and to the local community.

Relationships and Interdependencies

- 5.20 There are a number of key relationships the Board will need to develop, foster and understand. Locally, the Board will develop effective mechanisms to link to the Scrutiny Committees, the Pharmaceutical Needs Assessment (PNA) Working Group and any JSNA Working Groups, tri borough HWBs, the Commissioning Support Unit (CSU), other local statutory groups, the Voluntary and Community sector and the community itself.
- 5.21 Regionally and nationally key relationships will be fostered with NHSCB, Public Health England (PHE), and an understanding developed of the business of the Care Quality Commission (CQC), Monitor, Healthwatch England, and others.
- 5.22 An understanding of where business is done, and what statutory boards and other decision making bodies exist across the borough, will allow the HWB to function more efficiently and effectively.
- 5.23 Regionally and nationally key relationships will be fostered with NHSCB, Public Health England, and an understanding developed of the business of the Care Quality Commission, Monitor, Healthwatch England and others.

6. EQUALITY IMPLICATIONS

- 6.1. Not Applicable.

7. LEGAL IMPLICATIONS

- 7.1. The legal implications for this report are contained in the body of the report.

Implications verified by: LeVerne Parker, Chief Solicitor, 020 7361 2180.

8. FINANCIAL AND RESOURCES IMPLICATIONS

- 8.1. There are no financial implication arising.


9. RISK MANAGEMENT

- 9.1. Not applicable.

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	None		

Agenda Item 6.4

	London Borough of Hammersmith & Fulham COUNCIL 29 MAY 2013
APPOINTMENT OF AN INDEPENDENT PERSON	
Report of the Monitoring Officer	
Open Report	
Classification - For Decision	
Key Decision: No	
Wards Affected: None	
Accountable Director: Tasnim Shawkat – Monitoring Officer	
Report Author: Kayode Adewumi, Head of Governance and Scrutiny	Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. The Localism Act 2011 abolished the Standards regime and introduced a new framework for the regulation of Member conduct. Part of the new arrangements requires the appointment of Independent Members to consider complaints against Members and to offer their impartial views on each case, including any investigations undertaken. This report seeks the appointment of Ms Johanna Holmes as the second Independent Member.

2. RECOMMENDATION

- 2.1. That Ms Johanna Holmes be appointed, in conjunction with the Royal Borough of Kensington and Chelsea, as an Independent Person to consider complaints against Members and to offer her impartial views on each case, including any investigations undertaken.

3. REASONS FOR DECISION

- 3.1. The Localism Act 2011 requires an authority to appoint at least one Independent Person whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.

4. INTRODUCTION AND BACKGROUND

- 4.1. Council at its meeting on 4 July 2012 agreed that the Royal Borough of Kensington and Chelsea and Hammersmith and Fulham Councils each appoint a single Independent Person separately but jointly to “form” a pool. Either of them could be called upon to act. The pool would ensure that there are sufficient numbers to be consulted by any of the parties involved in the process.
- 4.2. Two Independent Members, Ms Sophia Lambert CBE and Ms Janis Cammel OBE, in conjunction with the Royal Borough of Kensington and Chelsea, were appointed as Independent Persons to consider complaints against Members and to offer their impartial views on each case, including any investigations undertaken under these arrangement.
- 4.3. Ms Sophia Lambert CBE resigned on 17 April 2013. The Royal Borough of Kensington and Chelsea Members Panel has appointed Ms Johanna Holmes as their Independent Person at their Council meeting on 17 April 2013. Council is requested to appoint Ms Johanna Holmes, in conjunction with the Royal Borough of Kensington and Chelsea as an Independent Person.

5. FINANCIAL AND RESOURCES IMPLICATIONS

- 5.1 There are no financial implications to this report.


6. LEGAL IMPLICATIONS

- 6.1 The comments of the Director are contained within this report.

LOCAL GOVERNMENT ACT 2000 **BACKGROUND PAPERS**

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
	None		

Agenda Item 6.5

 <p>h&f the low tax borough</p>	London Borough of Hammersmith & Fulham COUNCIL 29 MAY 2013
MEMBERS' ALLOWANCES SCHEME - REVISIONS	
Report of the Leader of the Council – Councillor Nicholas Botterill	
Open Report	
Classification - For Decision	
Key Decision: No	
Wards Affected: All	
Accountable Executive Director: Jane West – Executive Director Finance and Corporate Governance	
Report Author: Kayode Adewumi, Head of Governance and Scrutiny	Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 This report provides an update to the Members' Allowances Scheme approved by Council at its meeting on 27 February 2013.

2. RECOMMENDATIONS

- 2.1 That the revisions to the Members' Allowances Scheme 2013/14 as set out in the report and attached as Appendix 1, be approved.

3. REASONS FOR DECISION

- 3.1. The Council is required under the Local Government Act 2000 and the Local Authorities (Members' Allowances) (England) Regulations 2003 to undertake an annual review of its Members' Allowances scheme and approve any amendments to the scheme.

4. MEMBERS' ALLOWANCES SCHEME UPDATE

- 4.1 Council approved the 2013/14 Members' Allowances scheme at its meeting in February. Subsequently, the Administration has nominated an Executive consisting of eight Cabinet Members increasing the current number by one. The Cabinet Member portfolios have been changed to reflect the new responsibilities.

4.2 The new Cabinet consists of the following Members:-

LEADER (+REGENERATION, ASSET MANAGEMENT AND IT)	Councillor Nicholas Botterill
DEPUTY LEADER (+ RESIDENTS SERVICES)	Councillor Greg Smith
CABINET MEMBER FOR CHILDREN'S SERVICES	Councillor Helen Binmore
CABINET MEMBER FOR COMMUNICATIONS (+CHIEF WHIP)	Councillor Mark Loveday
CABINET MEMBER FOR COMMUNITY CARE	Councillor Marcus Ginn
CABINET MEMBER FOR EDUCATION	Councillor Georgie Cooney
CABINET MEMBER FOR HOUSING	Councillor Andrew Johnson
CABINET MEMBER FOR TRANSPORT AND TECHNICAL SERVICES	Councillor Victoria Brocklebank-Fowler

4.3 The Leader has split the former Cabinet Member for Children's Services portfolio into Education and Children's Services portfolios due to the increasing workload. The new Children's Services portfolio has been designated as the "Statutory Lead Member and Cabinet Member" for "Children's Services". The post holder will discharge the education and children's social services functions of the local authority as set out in section 18(2) of the Children Act 2004. A further Cabinet Member for Education post has been created to oversee the schools functions. This post is not a statutory lead Member role. In respect of the schools and children's services areas, the Cabinet Member for Education will work to the overall direction set by the Cabinet Member for Children's Services.

4.4 Five Cabinet Assistant posts have also been appointed to cover specific areas of strategic policy input into the Administration's priority area as follows:-

Councillor Harry Phibbs (Communications)
Councillor Belinda Donovan (Culture)
Councillor Adronie Alford (Housing)
Councillor Frances Stainton (Parks)
Councillor Ali de Lisle (Street Scene)

None of these post holders will be in receipt of a Special Responsibility Allowance.

4.5 It is proposed that a Lead Member for Crime and Anti Social behaviour post be created to coordinate Neighbourhood Watch activities and work with the Deputy Leader on the Council's Crime and Anti Social Behaviour priority. Councillor Belinda Donovan has been appointed to this position which will attract a special responsibility allowance.

5. LEGAL IMPLICATIONS

5.1 The legal implications for this report are contained in the body of the report.

Implications verified by: Tasnim Shawkat, Director of Law 020 8753 2700

6. FINANCIAL AND RESOURCES IMPLICATIONS

6.1 The new allowances can be accommodated within the existing budget.

Implications verified by: Jane West, Executive Director of Finance and Corporate Governance 020 8753 1900

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

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	None		
CONTACT OFFICER		NAME: Kayode Adewumi EXT. 2499	

APPENDIX 1

Members' Allowances Scheme 2013-14 (Annual Review)

[Effective from 30st May 2013]

This scheme is made in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the Regulations") for 2012 –2013 and subsequent years. The allowances scheme has been prepared having regard to the report of the Independent Panel on the Remuneration of Councillors in London established by London Councils on behalf of all London Councils, co-authored by Rodney Brooke, Drew Stevenson and Jo Valentine, and published in May 2010.

1. Basic Allowance

1.1 The Independent Remunerator's report suggests a flat-rate basic allowance be paid to each member of the authority of £9964 per annum to be paid in 12 monthly instalments on the 15th of each month.

1.2 The Council has taken into account the independent remunerator's recommendation but has decided to retain its own basic rate allowance frozen at the 2008 – 09 level.

The basic rate allowance for all LBHF Councillors will therefore be:

- £8,940 - to be paid in 12 monthly instalments on the 15th of each month.

Councillors only receive an allowance for the period of their term of office in cases where it is less than the whole financial year.

2. Special Responsibility Allowances

2.1 Regard has been had to the recommendations in the independent remunerator's report for differential banding in relation to the payment of special responsibility allowances (sras), but in the interest of maintaining a low council tax and the current economic conditions, it has been decided to freeze the council's own scheme of sras at the same level approved for 2008/09 and not to follow the independent remunerator's recommendations which would have proved considerably more costly to local council taxpayers.

2.2 The following Special Responsibility Allowances shall therefore be paid to Councillors holding the specified offices indicated:

The Leader	£35,763
Deputy Leader	£29,796
Other Cabinet members (6)	£23,838
Chief Whip (where not a member of Cabinet)	£23,838
Deputy Chief Whip	£5,000
Chairmen of Overview & Scrutiny Committees/Select Committees (4)	£6,183
Leader of the Opposition	£17,874

Deputy Leader of the Opposition	£6,183
Opposition Whip	£6,183
Chairmen of Planning Applications Committee, Audit, Pensions and Standards Committee, Licensing Committee, and Councillor Member on Adoption Panel	£6,183
The Mayor	£11,922
Deputy Mayor	£6,183
Cabinet Assistants (5)	£0
Lead Member - Crime and Anti Social behaviour	£3,000

Councillors only receive an allowance for the period of their term of office in cases where it is less than the whole financial year. A Special Responsibility Allowance would cease where the SRA entitled post ceases to exist during year.

3) Other Allowances

a) *Dependent Carer Allowance*

Dependant carer allowance is payable in respect of expenses incurred for the care of a Councillor's children or dependants in attending meetings of the authority, its Executive, Committees and Sub-Committees and in discharging the duties set out in paragraph 7 of the Regulations.

(1) £4.18 per half hour before 10 p.m.; £5.31 per half hour after 10 p.m. (not payable in respect of a member of the councillor's household).

b) *Travel & Subsistence*

Allowances are payable (at the same rates as employees) for duties undertaken away from the Town Halls when discharging duties under paragraph 8 of the Regulations. In addition, the cost of travel after late evening meetings from the Town Hall would be paid.

(1) Public Transport

Actual travel costs (second class only) will be reimbursed.

(2) Car mileage

45 pence per mile.

(3) Cycle allowance

£36.93 per month – where this is claimed, no other travel claims are permissible.

(4) Subsistence

Allowance payable at same rates and conditions as employees. Payment is only made for expenses incurred outside the Borough, and is subject to a maximum of £5.00 per claim.

c) **Sickness, Maternity and Paternity Allowance**

Where a Member is entitled to a Special Responsibility Allowance, it will continue to be paid in the case of sickness, maternity and paternity leave in the same way as employees.

4) Annual Increase

The allowances in this scheme apply to the financial year 2013/14. All allowances have been frozen at the 2008/09 level.

5) Election to forego allowances

In accordance with the provisions of regulation 13, a Councillor may, by notice in writing to the Chief Executive, elect to forego any part, or all, of his or her entitlement to an allowance under this scheme.

6) Time limit for claims

The majority of allowances are payable monthly, but where allowances are the subject of claims, these claims should be made in the agreed form with the appropriate declaration within six months of the duty to which they relate.

7) Withholding of allowances

In the event of a Councillor being suspended or partially suspended, the Audit, Pensions and Standards Committee shall have the power to withhold the allowances payable to that Councillor either in whole or in part for the duration of that suspension.

8) MEMBERS' Pensions

Previously, Councillors could only join the authority's pension scheme if they were aged under 70 and could only pay contributions and accrue benefits until their 70th birthday. However, under new pension's regulations, the situation has changed, and the independent remunerator's report now recommends all Councillors under the age of 75 years be entitled to join the London Borough of Hammersmith & Fulham Pension Scheme, and have their basic allowance and special responsibility allowances treated as pensionable. This recommendation has accordingly been adopted.

9) Membership of more than one authority

A member may not receive allowances from more than one authority (within the meaning of the regulations) in respect of the same duties.

ALLOWANCES FOR CO-OPTED MEMBERS AND INDEPENDENT MEMBERS OF THE AUDIT, PENSIONS AND STANDARDS COMMITTEE

Co-optees


The independent remunerator's report recommends a rate of allowance for co-opted members of £117 per meeting, to be calculated on an annualised basis by the number of meetings. This recommended figure has not been adopted. The Council's own figure of £504.00 p.a. is payable by equal monthly instalments of £42.00 on the 15th of each month.

Co-opted members shall be entitled to the same travel allowances as Councillors, but shall not be entitled to subsistence payments.

Audit, Pensions and Standards Committee Independent Members

The London Borough of Hammersmith and Fulham shall pay an allowance to one of the two appointed Independent Members at a flat rate allowance of £504 per annum payable by equal monthly instalments of £42.00 on the 15th of each month. The Royal Borough Kensington and Chelsea shall pay a similar allowance to the other appointed Independent Member.

In all cases, the allowances given in this scheme shall not be uprated by the same percentage rate of increase as the previous years' national Local Government Pay Settlement but frozen at the 2008/09 levels.

 the low tax borough	London Borough of Hammersmith & Fulham COUNCIL 29 MAY 2013
PETITIONS: ANNUAL REPORT 2012/13	
Report of the Leader – Councillor Nicholas Botterill	
Open Report	
Classification - For Decision Key Decision: No	
Wards Affected: None	
Accountable Executive Director: Jane West Executive Director of Finance and Corporate Governance	
Report Author: Kayode Adewumi, Head of Governance and Scrutiny	Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. This report outlines the operation of the Council's Petitions Scheme over the past 12 months.

2. RECOMMENDATION

- 2.1. That Council agree to continue to operate the Petitions Scheme as outlined in paragraph 4.2.
- 2.2. That the operation of the Council's Petitions Scheme be noted.

3. REASONS FOR DECISION

- 3.1. The Council has made a commitment to receive an annual report.

4. INTRODUCTION AND BACKGROUND

4.1. The Council on 30 June 2010 adopted a Petitions Scheme in accordance with the requirements of the Local Democracy, Economic Development and Construction Act 2009. The Council's Scheme drew upon the model Petitions Scheme published by DCLG. The Scheme included a commitment to submit an annual report to the Council containing the following information:

- the subject matter of all petitions received during the year;
- the number of signatures to each petition;
- a summary of the Council's response to each petition;
- any recommendations for changes to the Scheme in the light of experience with its operation.

4.2. On 24 September 2010 DCLG wrote to all Local Authority Chief Executives to advise that with immediate effect the Government had withdrawn 'Listening to communities: Statutory guidance on the duty to respond to petitions'. Despite repealing the statutory guidance, local authorities were still legally bound to "provide a facility for making petitions in electronic form". The Council introduced an E-petitions facility late in 2010 in compliance with this requirement. From 1 April 2012, the provisions of the Local Democracy, Economic Development and Construction Act 2009 related to petitions were repealed. The consequence is that the Council does not have to have operate a petition scheme unless its wants to do so on a voluntary basis. It is recommended that the Council continue to operate the Petition scheme providing another avenue for residents to engage with the democratic process.

5. Annual Report 2012/13

5.1. The information referred to in paragraph 1.1 above is set out in the Appendix to this report.

5.2. The Scheme has worked well over the past three years. In 2012/13, nine petitions were received, of which six were valid. All the valid petitions were considered and responded to. Three were considered each by Cabinet Members and officers. There was also a petition submitted online but no signatures were received. While the Council also received another two invalid petitions related to De Morgan Road and the Hammersmith Farmers' Market.

5.3. The Scheme also allows people living, working or studying in the borough to petition an Overview and Scrutiny Committee but this did not happen during the period under review.

5.4. Council at its meeting on 30 June 2010, agreed the number of signatures required for each category of petition at levels outlined below. The limits were set at a level to encourage residents and other interested parties to access the democratic process. The threshold limits only relate to the decision making routes referred to below, all petitions received by the Council which falls below these thresholds will continue to be considered by officers in consultation with the appropriate Cabinet Member. Once an issue has been considered by a decision maker under the scheme, a subsequent petition on the same issue will not be reconsidered by another decision maker because it has exceeded the next signature threshold.

Summary of Petition Types, Requirements and Decision Maker.

Type of Petition	Proposed Threshold (Number of Signatories)	Decision Maker
Council Debate	5000	Full Council
Call an Officer to give evidence	2000	Select Committee or Scrutiny Board
Petitions to Cabinet	250	Cabinet
Petitions to Cabinet Members	100	Relevant Cabinet Member(s)

6. FINANCIAL AND RESOURCES IMPLICATIONS

6.1. There are no financial implications to this report.

7. LEGAL IMPLICATIONS

7.1. The comments of the Director are within this report.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Various Petitions submitted during the year.	Kayode Adewumi ext. 2499	Finance and Corporate Governance, Head Governance and Scrutiny
CONTACT OFFICER		NAME: Kayode Adewumi EXT. 2499	

APPENDIX

PETITIONS RECEIVED BY THE COUNCIL IN 2012/13

No.	PETITION SUBJECT	DATE RECEIVED	SUBMITTED TO:	No. OF SIGNATURES	RESPONSE
1.	Residents Only Parking in Nonello Street, SW6 4JB	26 April 2012	Cabinet Member for Environment	44	Letter from Cabinet Member to petition organiser.
2.	Twynholme Residents Association	23 May 2012	Cabinet Member for Housing	100	Letter from Cabinet Member to petition organiser.
3.	Use and access to Garage area located on Aldine Street, Shepherds Bush	24 July 2012	Officers	22	Officers addressed the issues raised.
4	Double pavement kerb lines at Hetlev Road at the junction with Uxbridge Road, W12	1 November 2012	Leader	80	Letter from the Leader to petition organiser.
5.	Sterndale Road, W14	26 November 2012	Officers	30	Officer Response
6	Proposed Redevelopment In Sandilands Road, SW6	10 January 2013	Officers	32	Officer Response

Invalid

	Petition Subject	Date Received and Signatures	Reason
1	De Morgan Road	22 October 2012 17 signatures	This was treated as an Anti social behaviour complaint as there was insufficient detail to treat it as a petition.
2	Extend parking restrictions on QPR match days	01 December 2012 Nobody signed the E-Petition	No response
3	Hammersmith Farmers' Markets	11 December 2012 16 signatures	This was treated as a complaint and officers responded accordingly.

SPECIAL MOTION NO. 1 – APPOINTMENT BY THE LEADER OF THE DEPUTY LEADER AND CABINET MEMBERS AND THEIR RESPECTIVE PORTFOLIOS

Standing in the names of:

- (i) Councillor Nicholas Botterill
- (ii) Councillor Mark Loveday

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

THE EXECUTIVE – LEADER & CABINET MEMBERS 2013/14

LEADER (+REGENERATION, ASSET MANAGEMENT AND IT*)	Councillor Nicholas Botterill
DEPUTY LEADER (+ RESIDENTS SERVICES**)	Councillor Greg Smith
CABINET MEMBER FOR CHILDREN'S SERVICES	Councillor Helen Binmore
CABINET MEMBER FOR COMMUNICATIONS (+CHIEF WHIP)	Councillor Mark Loveday
CABINET MEMBER FOR COMMUNITY CARE	Councillor Marcus Ginn
CABINET MEMBER FOR EDUCATION	Councillor Georgie Cooney
CABINET MEMBER FOR HOUSING	Councillor Andrew Johnson
CABINET MEMBER FOR TRANSPORT AND TECHNICAL SERVICES***	Councillor Victoria Brocklebank-Fowler

* Includes Economic Development

** Includes Licensing and Public Protection and Safety.

*** Includes Planning.

Lead Member Crime and Anti-social Behaviour Councillor Belinda Donovan

[NOTE: The following are Assistants to the above Cabinet Members, but do not have a Cabinet vote, are not deputies or substitutes for Cabinet Members, nor are they able to take executive decisions on behalf of the Cabinet Member]

**Councillor Harry Phibbs (Communications)
Councillor Belinda Donovan (Culture)
Councillor Adronie Alford (Housing)
Councillor Frances Stainton (Parks)
Councillor Ali de Lisle (Street Scene)**

MAY 2013

EXECUTIVE MEMBERS: GENERIC RESPONSIBILITIES AND FUNCTIONS

The Leader of the Council is elected by the full Council. Other Executive members at Hammersmith & Fulham are appointed by the Leader to provide clear and visible leadership and political accountability for the services and activities covered by their portfolios.

These roles include:

- Leading the community planning process and the search for best value, with input and advice from Overview and Scrutiny Committees and other interested parties;
- Leading the preparation of the Council's policies and budget;
- Taking in-year decisions on resources and priorities to deliver and implement the budget and policies decided by full Council;
- Working closely with residents, amenity societies and resident and tenant associations, along with the other engagements with strategic partners, to deliver the highest quality services at the lowest cost to the Council Tax payer.

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

Functions

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

1. To be responsible for ensuring that the objectives set by the Council and by the Executive in respect of his/her portfolio are met, and that adequate systems are in place to monitor performance against those objectives.
2. To make recommendations to the Cabinet on key decisions relating to his/her portfolio ('key decisions' being defined by Article 12 of this Constitution).
3. To make recommendations to the Cabinet on proposals in relation to the Council's Budget and Policy Framework, on matters relating to his/her portfolio. (Such proposals may be initial or final, before or after consideration by relevant Overview and Scrutiny Committees in accordance with the Budget and Policy Framework rules set out in this Constitution).

4. To arrange for appropriate consultation on proposed key decisions as published in the Council's Forward Plan, with relevant Overview and Scrutiny Committees, and with partner bodies and parties outside the Council.
5. To take decisions on matters within his/her portfolio other than those defined as 'key decisions', ensuring that these are properly considered, reported, and recorded in accordance with paragraph 20 of the Access to Information Procedure Rules set out in Part 4 of this Constitution.
6. To receive budgetary control reports for services and activities within his/her portfolio, and to take action necessary to control the budget of those services within the Council's approved Budget and Policy Framework.
7. Where an Executive Councillor is absent or has a prejudicial interest in a matter or is otherwise unable to action decisions in respect of matters within his/her portfolio, such decisions may be taken by the Leader (or the Deputy Leader in the case of the Leader) or by the Cabinet.

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

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

MAY 2013

EXECUTIVE MEMBERS: RESPONSIBILITIES AND PORTFOLIOS

LEADER OF THE COUNCIL

The Leader of the Council is also the Cabinet Member responsible for Regeneration and Asset Management

Introduction

The Leader of Hammersmith and Fulham Council is elected by the full Council to provide clear and visible leadership and political accountability for the services and activities covered by his/her portfolio. He/she is responsible for all executive functions of the Council and shall determine by means of schemes of delegation or otherwise how these functions are to be discharged.

The Leader has authority to discharge any executive function him/herself, or to decide to delegate any executive function to the Executive, or to any other Executive member in accordance with the Responsibilities and Portfolios of the Executive maintained in Part 3 of the Constitution, or to Officers, or to any other authority or any joint arrangements.

Scope of Portfolio

This portfolio covers the following areas:

1. Leader's Functions

- 1.1 Appointing to and removing from office up to nine Cabinet Members, one of whom shall be appointed his/her Deputy, and Cabinet Assistants.
- 1.2 Ensuring collective deliberation with Cabinet Members.
- 1.3 Representing and acting as ambassador for the Authority and providing community leadership.
- 1.4 Strategic policy initiatives.
- 1.5 Responsibility for the Strategic Partner for Information Technology.
- 1.6 The Authority's capital and revenue budgets, including the medium term financial strategy, annual proposals on the Council Tax base, Council Tax levels and budget allocations between departments.
- 1.7 Determining applications and the approval of grants and loans to firms community and voluntary organisations, charities and trusts for the purposes of economic development and employment within the borough that fall within this portfolio.

- 1.8 Responsibility for the monitoring of revenue and capital budgets.
- 1.9 Responsibility for Pension Fund management.
- 1.10 Responsibility for Treasury Management.
- 1.11 Responsibility for Organisational Development.
- 1.12 Probity and financial monitoring.
- 1.13 Preparation of annual accounts.
- 1.14 Employee relations.
- 1.15 The content and production of the Authority's Community Strategy.
- 1.16 The provision of services in respect of electoral and other registration Services.
- 1.17 Reports from an independent person designated to investigate allegations of misconduct against the Council's Head of Paid Service.
- 1.18 Appointing or nominating, and where appropriate removing, the Authority's representatives on appropriate organisations that fall within this portfolio.
- 1.19 The strategic implementation of the Authority's Information Technology Strategy and the achievement of the Government's targets for electronic service delivery.
- 1.20 Joint venture property/land developments with companies or statutory corporations.
- 1.21 The Leader may (under the "strong Leader model") take any decision likely to incur savings or expenditure of more than £100,000 if he/she considers in all the circumstances that it is impracticable to defer the decision until the next scheduled meeting of the Executive (Cabinet). Any such decision shall be taken in compliance with the Access to Information Procedure Rules.
- 1.22 Responsibility for managing the Council's non-housing property, including acquisitions and disposals.
- 1.23 Responsibility for the Council's Corporate Procurement Strategy and the implementation of the National Procurement Strategy.
- 1.24 Responsibility for Tri Borough Facilities procurement.

2. Regeneration and Economic Development Functions

- 2.1 Responsibility for the creation of a *Borough of Opportunity* through the renewal and regeneration of the most deprived parts of Hammersmith & Fulham.
- 2.2 Eradicating physical, economic and social deprivation.
- 2.3 Physical regeneration: Working with the Cabinet Member for Communication on physical regeneration.
- 2.4 Social regeneration: Working with the Cabinet Members for Housing and Children's Services.
- 2.5 The promotion of employment, economic development, training, work experience, and other forms of support which the Authority can target to meet the needs of unemployed people within the Borough.
- 2.6 The development, monitoring and implementation of the Authority's responses to Government initiatives and programmes in respect of unemployed people in the Borough.
- 2.7 Monitoring the local employment situation and developing and implementing appropriate action in relation to the encouragement, promotion and development of employment training opportunities and services.
- 2.8 Establishing and maintaining effective working partnerships with local businesses in pursuance of the Council's regeneration strategy.

3. Areas in which power is shared with the Cabinet Member for Communications

- 3.1 Physical regeneration.
- 3.2 The development, monitoring and implementation of the Authority's regeneration strategy and associated bidding processes.
- 3.3 The development, monitoring and implementation of the Authority's strategic policy and operational matters relating to the European Union.
- 3.4 Appointing or nominating and where appropriate removing the Authority's representatives on appropriate organisations that fall within this portfolio.
- 3.5 Determining the Authority's response to matters affecting residents which are the responsibility of third parties.
- 3.6 The impact of the Authority's Communications Strategy and of the provision of information regarding the Authority's services.

4. Area in which power is shared with the Deputy Leader and Cabinet Member for Residents Services

- 4.1 Establishing and maintaining effective working partnerships with local businesses in pursuance of the Authority's regeneration strategy.

5. Areas in which power is shared with the Cabinet Member for Housing

- 5.1 Social regeneration.
- 5.2 Exercising the Authority's powers and duties as a local housing authority, including new or unallocated housing and associated functions.
- 5.3 The Authority's powers and duties in relation to declaring renewal areas and clearance areas.
- 5.4 Housing land and property assets and, where appropriate, declaration of them as surplus to requirements.
- 5.5 The compulsory purchase of land using housing powers.

6. Areas in which power is shared with the Cabinet Member for Transport and Technical Services and Cabinet Member for Communications

- 6.1 Compulsory purchase of land for planning purposes.

Note: for the purposes of estimate preparation, monitoring and control and staffing/industrial relations issues, the Leader is responsible for all budgets in liaison with the relevant Cabinet Members, and:

In conjunction with all Cabinet Members:

All Executive Directors

In conjunction with all Cabinet Members

Chief Executive

MAY 2013

EXECUTIVE MEMBERS: RESPONSIBILITIES AND PORTFOLIOS

DEPUTY LEADER AND CABINET MEMBER FOR RESIDENTS SERVICES

Scope of Portfolio

The portfolio covers the following areas:

1. General

- 1.1 In the absence of the Leader, those areas assigned to the Leader, except with regard to those areas/powers specifically reserved for decision to the Council itself.
- 1.2 Appointing or nominating and, where appropriate removing, the Authority's representatives on appropriate organisations that fall within this portfolio.
- 1.3 Representing the Council's views on matters of corporate or strategic policy and any other matters which are within these terms of reference.
- 1.4 Representing the Council's views on strategic policies related to Tri – Borough Corporate Services and any other matters which fall within the Tri – Borough Corporate Services remit.

2. Residents Services functions

- 2.1 Policy and operational matters in relation to the Council's Residents Services programme to provide high quality telephone, internet and face to face access to a range of services from time to time assigned to the Environment, Leisure and Residents Services Department.
- 2.2 Policy and service implementation in respect of public conveniences.
- 2.3 To establish and review appropriate mechanisms for the organisation and management of appropriate entertainments and events in parks and open spaces, including fireworks displays.
- 2.4 Policy and operational matters in relation to libraries, hiring of civic halls and facilities and the exercise of the Council's powers in relation to the provision of civic catering facilities.
- 2.5 The management and administration of Wormwood Scrubs, Wormwood Scrubs Charity and the associated financial, legal and property services functions.
- 2.6 The Authority's sports strategy.
- 2.7 H&F Direct and Customer Access strategy.

2.8 The Taxicard scheme.

3. Crime and Street Scene functions

3.1 The development, monitoring and implementation of the Council's policies in relation to reducing crime and anti social behaviour.

3.2 The development, monitoring and implementation of the Authority's element of the borough Crime and Disorder Reduction Strategy in conjunction with Police and other Agencies.

3.3 Responsibility for ensuring the parks constabulary, street wardens and other enforcement officers concerned with tackling anti social behaviour perform well and work alongside the Metropolitan Police.

3.4 Responsibility for ensuring the effective running and establishment of Neighbourhood Watch Groups in the borough, working in partnership with the Metropolitan Police.

3.6 Policy and strategy for the Safer Communities Division.

3.7 The development, monitoring and implementation of drug and alcohol policies as they impact on crime and anti social behaviour.

3.8 Working with all agencies to ensure enforcement services are effective in reducing crime and anti social behaviour including:

- All forms of criminal behaviour;
- Litter;
- "Clean Sweep" - Tackling "Grot Spots";
- Dog fouling;
- Graffiti;
- Street drinking; and
- Street scene enforcement.

3.9 Policy, service implementation and enforcement in respect of street cleansing, refuse collection, consumer protection, trading standards, street trading, environmental health and public safety, corporate health and safety, pest control, food safety and contaminated land.

3.10 Security of all the Council's civic buildings.

3.11 The issuing of notices and enforcement requirements as set out in the Environmental Protection Act.

3.12 Implementation of the Council's Licensing and Gambling Policies.

3.13 Taking action to reduce fear of crime.

- 3.14 Representing the Council's views on matters of corporate or strategic policy and any other matters which are within these terms of reference.
- 3.15 Policy and service implementation in respect of mortuary, burial, cremation and Coroner services.
- 3.16 The Authority's powers and duties in relation to private sector housing (including energy conservation).
- 3.17 The exercise of duties of the Council with respect to Emergency Planning services.

4. Parks, Heritage and Culture functions

- 4.1 To promote and assist the provision of good quality theatre facilities within the borough.
- 4.2 Exercising the Council's functions in relation to parks and open spaces, including the provision of entertainment, sports, leisure, grounds maintenance and the development of parks and open spaces generally.
- 4.3 To formulate and implement policies likely to promote the development, preservation and enhancement of parks, culture, heritage and tourism within the borough for the benefit of residents and visitors alike.
- 4.4 To establish and review appropriate mechanisms for the organisation and management of town centre festivals, community festivals and other commemorative, celebratory and cultural events (excluding fireworks displays).
- 4.5 The Authority's arts strategy.
- 4.6 2012 Olympics (including the London Youth Games).

5. Area in which power is shared with the Leader

- 5.1 Establishing and maintaining effective working partnerships with local businesses in pursuance of the Authority's regeneration strategy.

6. Area in which power is shared with the Cabinet Member for Transport and Technical Services

- 6.1 Policy, planning and strategy for parks and open spaces.
- 6.2 Matters relating to the street scene.
- 6.3 Policy, management and development of Fulham Palace.

7. Area in which power is shared with the Cabinet Member for Children's Services

- 7.1 The implementation and monitoring of projects and services in relation to the borough's Youth Offending Team and youth justice matters.

8. Area in which power is shared with the Cabinet Member for Communications

- 8.1 To establish appropriate forums for liaising and co-operating with and supporting amenity groups operating within the borough.

- 8.2 The development, monitoring and implementation of the Authority's Communication Strategy.

- 8.3 The development, implementation and monitoring of the Authority's Public Consultation Strategy.

9. Area in which power is shared with the Cabinet Member for Housing

- 9.1 Responsibility to ensure that the estate wardens tackle anti social behaviour.

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

In conjunction with the Leader and the Cabinet Member for Transport and Technical Services

Bi-borough Executive Director of Transport and Technical Services.

In conjunction with the Leader and the Cabinet Member for Communications

Bi-borough Executive Director of Environment, Leisure and Residents Services

In conjunction with all Cabinet Members

Chief Executive

MAY 2013

EXECUTIVE MEMBERS: RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR CHILDREN'S SERVICES

Scope of Portfolio

1. Children's Services Functions

The scope of this portfolio is concerned with leadership, strategic planning and development, partnership working and decision making within the following policy and service areas:

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

- "a education services - the authority's functions in its capacity as education authority, except those excluded under Section 18(3) of the Act (namely certain functions relating to education, higher education and adult education);
- b social services - the authority's social services functions within the meaning of the Local Authorities Social Services Act 1970 insofar as they relate to children, and the authority's functions in relation to children and young people leaving care;
- c health services - any health-related functions exercised on behalf of a National Health Service body under Section 75 of the Health Act 2006 insofar as they relate to children; and
- d inter-agency co-operation - the arrangements for the Children's Trust and safeguarding duties set out in the Children Act 2004, in particular leading and building arrangements for inter-agency co-operation."

The above functions incorporate:

- 1.2. the Council's role as 'corporate parent', including assistance to young people up to 24 years who have been looked after 13 weeks beyond their 16th birthday, where circumstances justify;
- 1.3. fostering and adoption services;
- 1.4. the Bi-borough Virtual School for Looked after children
- 1.5. Locality family Support Services
- 1.6. Children's Centres;
- 1.7. setting the overall direction in relation to the Council's funding of, and support to, schools (*although these are delegated to the Cabinet Member for Education - see above*);
- 1.8. Children's Services asset management
- 1.9. the Council's interest in nursery and 'early years' education, learning out of school hours and subsidised and unsubsidised childcare;

- 1.10. partnership working with the National Health Service to promote the interests of children and their families, including decision-making on such matters at the Health and Well-Being Board;
- 1.11. the Youth Offending Team and the youth justice matters;
- 1.12. Youth services and its encouragement of other services to young people;
- 1.13. as 'Young People's Champion' furthering the Council's commitment to the involvement of young people in decision-making processes where appropriate;
- 1.14. commissioning and providing services to young people with disabilities in transition to adulthood;
- 1.15. sports activities for children and young people;
- 1.16. the Council's relationship with the 'Connexions' service for young people offering support and career guidance (or any successor service)
- 1.17. Community Budgeting including the Troubled Families Programme (the Tri-borough Family Recovery Programme)
- 1.18. Care Proceeding review
- 1.19. Further opportunities relating to Tri-borough working.
- 1.20. Appointing and where appropriate removing, the Authority's representatives on organisations that fall within this portfolio;
- 1.21. Determining applications for financial assistance from the Voluntary Sector and Community Organisations within the Borough that fall within this portfolio.
- 1.22. The development, implementation and monitoring of the Authority's early years strategy.
- 1.23. Ensuring that the needs of vulnerable children are met.

2. Social Services functions

- 2.1. Meeting the Authority's statutory functions in relation to children under the Children Act 1989, NHS and Community Care Act 1990, Immigration and Asylum Act 1999 and other appropriate legislation:-
 - social services to children and young people in need under Section 17 of the Children Act 1989;
 - the Council's responsibilities towards unaccompanied asylum seeking children;
 - the Council's regulatory duties in relation to children's social services;
- 2.2. ensuring that families with social care needs experience a 'joined-up' service;
- 2.3. Developing and monitoring service provision in respect of residential facilities, provided for the care of children.

3. Area in which power is shared with the Deputy Leader and Cabinet Member for Residents Services

- 3.1. The implementation and monitoring of projects and services in relation to the borough's Youth Offending Team and youth justice matters.

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

In conjunction with the Leader

Tri-borough Executive Director of Children's Services

In conjunction with all Cabinet Members

Chief Executive

May 2013

EXECUTIVE MEMBERS: RESPONSIBILITIES AND PORTFOLIOS

CHIEF WHIP AND CABINET MEMBER FOR COMMUNICATIONS

Scope of Portfolio

The portfolio is in two distinct parts: Executive functions in respect of communications and the functions of Chief Whip. The communications functions cover the following areas:

1. Communications Functions

- 1.1 Responsibility for ensuring that that the Council is responsive to the needs of local neighbourhoods and serves them well.
- 1.2 The development, implementation and monitoring of the Authority's Performance Review Strategy, including the monitoring of risk management registers, and the Authority's response to the Audit Commission's Annual Performance Indicator Reports.
- 1.3 The content and publication of the Annual Local Performance/Corporate Plan, and the establishment and setting of corporate targets for achievement, together with the establishment and setting of targets for individual services provided by the Authority.
- 1.4 The development and monitoring of the Authority's policies and procedures with regard to services, reviewing Corporate practice/procedures in this area (including contractual matters and tender evaluation), and ensuring the Council's compliance with all relevant UK and EU legislation.
- 1.5 The Council's contract processes, including approval of changes to the Council's Contracts Standing Orders and Approved List of Contractors, ensuring services are in compliance with EU Procurement Directives and Legislation in relation to service provision.
- 1.6 The Council's customer care and complaints policies.
- 1.7 The effectiveness of the Authority's procedures to secure public access to Information and open government, including procedures relating to petitions, deputations and other representations.
- 1.8 In consultation with the relevant portfolio holder, the planning, implementation and review of public consultation and community engagement initiatives relating to strategic, borough-wide issues.
- 1.9 In consultation with the relevant portfolio holder, the impact of the Council's representation on external organisations.

2. Areas in which power is shared with the Cabinet Member for Transport and Technical Services

- 2.1 Strategic land use and economic and transport planning, including oversight of UDP and local development framework preparation and review.
- 2.2 The consideration of briefs for development proposals, including proposals by Cabinet Members and for land subject to disposal for private development.

3. Area in which power is shared with the Leader and Cabinet Member for Transport and Technical Services

- 3.1 Compulsory purchase of land for planning purposes.

4. Area in which power is shared with the Leader

- 4.1 Physical regeneration
- 4.2 The development, monitoring and implementation of the Authority's regeneration strategy and associated bidding processes.
- 4.3 The development, monitoring and implementation of the Authority's strategic policy and operational matters relating to the European Union.
- 4.4 Appointing or nominating and where appropriate removing the Authority's representatives on appropriate organisations that fall within this portfolio.
- 4.5 Determining the Authority's response to matters affecting residents which are the responsibility of third parties.
- 4.6 The impact of the Authority's Communications Strategy and of the provision of information regarding the Authority's services.

5. Area in which power is shared with the Deputy Leader and Cabinet Member for Residents Services

- 5.1 To establish appropriate forums for liaising and co-operating with and supporting amenity groups operating within the borough.
- 5.2 The development, monitoring and implementation of the Authority's Communication Strategy.
- 5.3 The development, implementation and monitoring of the Authority's Public Consultation Strategy.

CHIEF WHIP RESPONSIBILITIES

The Chief Whip occupies a central position in the smooth running of the Council, with the following specific responsibilities:-

- Liaison with the Leader of the Opposition on the following:
 - Organising meetings
 - Briefing on procedural matters
 - Full Council meetings
 - Filling of vacancies
- Liaison with the Chief Executive and H&F Business Board on the following:
 - Decisions of the Administration Group
 - Programming of meetings
 - The decision-making process
- Chief Whip of the majority political group on the Council.
- Nominating Councillors to all internal bodies, including Overview and Scrutiny Committees, quasi-judicial bodies, Overview and Scrutiny Task Groups etc. in consultation with the relevant Cabinet Member and Leader of the Opposition as appropriate.
- Liaison with Executive members and the Leader of the Opposition in respect of filling vacancies on outside bodies as appropriate.
- Organising meetings, including Overview and Scrutiny Committees, quasi-judicial bodies, task forces etc. in liaison with the Leader of the Opposition.
- Advising on Councillors' training and development needs in relation to their representative roles, and liaison with the Executive Director of Finance and Corporate Governance in respect of appropriate provision.
- Keeping under review the level of support services to Councillors in undertaking their representative role, and liaising with the Executive Director of Finance and Corporate Governance over variations in service.
- Informing Councillors of appropriate conferences and seminars, and making arrangements for them to attend such events.

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

In conjunction with the Leader

Executive Director of Finance and Corporate Governance

In conjunction with the Leader and Deputy Leader & Cabinet Member for Residents Services

Bi-borough Executive Director of Environment, Leisure and Residents Services

In conjunction with all Cabinet Members

Chief Executive

MAY 2013

EXECUTIVE MEMBERS: RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR COMMUNITY CARE

Scope of Portfolio

1. Community Care Functions

The portfolio covers the following areas:

- 1.1 The Authority's policies and strategic plans relating to Adult Social Services, Supporting People Programme for specialist Housing Support and grants to the Voluntary Sector.
- 1.2 Chairing the Better Government Cabinet Member panel to foster close engagement with older and disabled residents of the borough.
- 1.3 Meeting the Authority's statutory functions under the National Assistance Act 1948, NHS and Community Care Act 1990, Immigration and Asylum Act 1999, Health Act 2006 and other appropriate legislation.
- 1.4 Ensuring that the needs of vulnerable adults are met.
- 1.5 The development, monitoring and implementation of the Authority's strategic policies in respect of social inclusion.
- 1.6 The development, monitoring and implementation of the Authority's Voluntary Sector strategy, including any Council-wide conditions applied to grant aid or funding by the Authority.
- 1.7 Determining applications for financial assistance for community and voluntary organisations within the borough that fall within this portfolio.
- 1.8 The development and implementation of community development projects in pursuance of social services objectives.
- 1.9 Developing and monitoring service provision in respect of residential facilities, provided for, older people, the chronically sick, disabled people, people with learning disabilities, people affected by HIV/Aids and people with mental health needs.
- 1.10 The administration of the AIDS Support Grant, Social Care Reform Grant and Stokes Grant.

- 1.11 The development of joint and partnership working, including joint commissioning of services with the Health Authorities and Trusts for the provision of social and health care.
- 1.12 Representing the Council's views on matters of corporate or strategic policy and any other matters which are within these terms of reference.
- 1.13 The development, monitoring and implementation of the Authority's strategy in respect of better government for older people and people with disabilities.
- 1.14 Responsibility for policy and practice for the Voluntary and Community Sector, including grants.
- 1.15 Appointing or nominating, and where appropriate removing, the Authority's representatives on appropriate organisations that fall within this portfolio.

2. Public Health Functions

- 2.1 The promotion of health education and public awareness of health issues within the borough, and implementation and monitoring of projects and services in relation to public health provision.
- 2.2 Consultation with the agencies and voluntary organisations concerned with public health matters in the borough, and encouraging and supporting the development of such organisations.
- 2.3 The establishment of partnerships and other forms of collaborative working with the Health Authorities to develop and monitor joint programmes and other projects and services relating to public health provision and education within the borough.

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

In conjunction with the Leader

Tri-borough Executive Director of Adult Social Care

In conjunction with all Cabinet Members

Chief Executive

MAY 2013

EXECUTIVE MEMBERS: RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR EDUCATION

Scope of Portfolio

1. The scope of this portfolio is concerned with leadership, strategic planning and development, partnership working and decision making within the following policy and service areas:
 - 1.2. local schools, including improving education attainment across all state funded schools and the provision of schools of choice;
 - 1.3. plans for new educational provision in the Borough (including academies and free schools);
 - 1.4. schools asset management
 - 1.5. the Council's consultation arrangements with schools, governors, parents and others;
 - 1.6. special education needs (SEN) and education for the talented and gifted;
 - 1.7. the Council's interest in school admission and exclusion appeals, including the making of arrangements to determine appeals;
 - 1.8. adult and community education;
 - 1.9. links to industry and business, through education business partnerships and the Young People's Learning Agency;
 - 1.10. appointments to school governing bodies;
 - 1.11. the Council's interests in wider educational provision, including provision by the independent sector;
 - 1.12. the implementation of the Schools Capital investment programme, and
 - 1.13. the Employee Led Mutual (3BM).
 - 1.14. The Council's responsibility for policy and operation of the Council's Education transport operation.
 - 1.15. Ensuring that the needs of vulnerable children are met.

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

In conjunction with the Leader and Cabinet Member for Children's Services

Tri-borough Executive Director of Children's Services

In conjunction with all Cabinet Members

Chief Executive

***Note:** In respect of the schools and children's services areas only, the Cabinet Member works to the overall direction set by the Cabinet Member for Children's Services.*

May 2013

EXECUTIVE MEMBERS: RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR HOUSING

Scope of Portfolio

The portfolio covers the following areas:

1. Housing Functions

- 1.1 All aspects of housing services, housing policy and the housing programme and any other new or unallocated housing and associated functions.
- 1.2 The overall housing strategy, policy and forward programme through its business plan, Housing Investment Programme Strategy and other policy documents.
- 1.3 The level of rents and charges for property and services within the Housing Revenue Account and for any other property and services within the General Fund.
- 1.4 The disposal of individual void properties within the agreed criteria.
- 1.5 Determining annual allocations in respect of the Housing Investment Programme including:
 - Conversion and modernisation of Council housing;
 - Registered Social Landlords (Assisted Development Programme);
 - Assistance for new build and rehabilitation schemes;
 - Home loans and improvement grants;
 - Housing stock, including acquisition and improvement;
 - Clearance areas and compulsory purchase of property;
 - Housing development programme; and
 - Renewal areas and area improvement.
- 1.6 The Council's powers and duties in relation to energy conservation, in public sector housing.
- 1.7 The development, monitoring and implementation of the Authority's responses to Government initiatives and programmes in respect of housing.
- 1.8 Appointing or nominating, and where appropriate, removing the Authority's representatives on appropriate organisations that fall within this portfolio.

2. Areas in which power is shared with the Leader

- 2.1 Social regeneration.

- 2.2 Exercising the Authority's powers and duties as a local housing authority, including new or unallocated housing and associated functions.
 - 2.3 The Authority's powers and duties in relation to declaring renewal areas and clearance areas.
 - 2.4 Housing land and property assets and, where appropriate, declaration of them as surplus to requirements.
 - 2.5 The compulsory purchase of land using housing powers.
- 3. Area in which power is shared with the Deputy Leader and Cabinet Member for Residents Services.**
- 3.1 Responsibility to ensure that the estate wardens tackle anti social behaviour.

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

In conjunction with the Leader

Executive Director of Housing and Regeneration

In conjunction with all Cabinet Members

Chief Executive

EXECUTIVE MEMBERS: RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR TRANSPORT AND TECHNICAL SERVICES

Scope of Portfolio

1. The portfolio covers the following areas:

- 1.1 Appointing or nominating, and where appropriate removing, the Authority's representatives on appropriate organisations that fall within this portfolio.
- 1.2 The implementation of the authority's planning policies.
- 1.3 Policy and service implementation in respect of building control, street lighting, waste disposal and recycling, sewerage, buildings maintenance, controlled parking (except administration of permits) and parking enforcement.
- 1.4 The preparation and consideration of environmental improvement schemes (except in parks and open spaces).
- 1.5 The authority's local Transport Plan and Borough Spending Plan.
- 1.6 Ensuring, in consultation with the relevant Cabinet Member, that adequate performance and quality is obtained from all Council contracts let, and on those services provided by the Authority, that services are delivered to ensure client and resident satisfaction.
- 1.7 The Authority's powers and duties under all relevant legislation pertaining to building control.
- 1.8 The inclusion of buildings in the List of Buildings of Special Architectural or Historic Interest.
- 1.9 The exercise of the Authority's functions under Part II of the London Buildings Act (Amendment) Act 1939 in relation to the naming and numbering of streets and buildings.
- 1.10 The maintenance and management of the Borough's roads, river walls, drawdocks, all subways, bridges including Hammersmith Bridge, and other civil engineering structures.
- 1.11 Policy and service implementation in relation to parking control.
- 1.12 Responsibility for Tri Borough Facilities Management excluding the procurement.

2. Areas in which power is shared with the Deputy Leader and Cabinet Member for Residents Services

2.1 Policy, management and development of Fulham Palace.

2.2 Matters relating to the street scene.

2.3 Policy, planning and strategy for parks and open spaces.

3. Areas in which power is shared with the Cabinet Member for Communications

3.1 Strategic land use, economic and transport planning, including oversight of UDP and local development framework preparation and review.

3.2 The consideration of briefs for development proposals, including proposals by Cabinet Members and for land subject to disposal for private development.

4. Area in which power is shared with the Leader and Cabinet Member for Communications

4.1 Compulsory purchase of land for planning purposes.

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

In conjunction with the Leader and Deputy Leader and Cabinet Member for Residents Services

Bi-borough Executive Director of Transport and Technical Services

In conjunction with all Cabinet Members

Chief Executive

Agenda Item 7.2

SPECIAL MOTION NO. 2 – APPOINTMENTS OF CHAIRMEN AND MEMBERSHIPS OF REGULATORY, SCRUTINY AND OTHER COMMITTEES

Standing in the names of:

- (i) Councillor Nicholas Botterill
- (ii) Councillor Greg Smith

"This Council agrees the following appointments of Chairmen and Memberships of Regulatory, Scrutiny and other Committees under its Constitution for the Municipal Year 2013/14, as set out below.

This Council also notes their respective Portfolios / Terms of Reference, as set out in the Council's Constitution."

REGULATORY & OTHER COMMITTEES MEMBERSHIPS 2013 / 2014

[* s.101 Committee LGA 1972, ** s.53 Committee LGA 2000, ^ s.6 Licensing Act 2003, # s.9 Licensing Act 2003]

1. **PLANNING APPLICATIONS COMMITTEE ***
Councillor Matt Thorley (Chairman)
Councillor Andrew Brown (Vice-Chairman)
Councillor Alex Chalk
Councillor Oliver Craig
Councillor Rachel Ford
Councillor Steve Hamilton
Councillor Alex Karmel
Councillor Colin Aherne
Councillor Michael Cartwright
Councillor Wesley Harcourt

2. **LICENSING COMMITTEE*^**
Councillor Peter Graham (Chairman)
Councillor Victoria Brocklebank-Fowler (Vice-Chairman)
Councillor Joe Carlebach (Vice-Chairman)
Councillor Lucy Ivimy (Vice-Chairman)
Councillor Matt Thorley (Vice-Chairman)
Councillor Thomas Crofts
Councillor Charlie Dewhirst
Councillor Gavin Donovan
Councillor Steve Hamilton
Councillor Alex Karmel
Councillor Colin Aherne

Councillor Daryl Brown
Councillor Michael Cartwright
Councillor Wesley Harcourt
Councillor Caroline Needham

3. LICENSING SUB-COMMITTEE*

Councillor Peter Graham (Chairman)
Councillor Victoria Brocklebank-Fowler (Vice-Chairman)
Councillor Colin Aherne

[Members and substitutes for the above must be drawn from the full membership of the Licensing Committee]

4. AUDIT, PENSIONS AND STANDARDS COMMITTEE*

Councillor Michael Adam (Chairman)
Councillor Charlie Dewhirst
Councillor Robert Iggulden
Councillor Lucy Ivimy
Councillor Michael Cartwright
Councillor PJ Murphy

5. APPOINTMENTS PANEL*

Leader – (Chairman)
Deputy Leader - (Vice-Chairman)
Cabinet member* relevant to area of appointment
(NB: * Where an appointment relates to the portfolios of two Cabinet members, both will be members of the panel)

Leader of the Opposition (or a named substitute)
1 other relevant Opposition member

Exceptions: Appointment of Chief Executive
All members of Executive
Leader of the Opposition
4 Other Opposition members

6. AUDIT, PENSIONS AND STANDARDS COMMITTEE APPOINTMENTS PANEL*

Leader (Chairman)
Deputy Leader (Vice-Chairman)
Leader of the Opposition

[+ Chairman of Audit, Pensions and Standards Committee *ex officio*]

7. AUDIT, PENSIONS AND STANDARDS (REVIEW) SUB COMMITTEE*

[Members for the above must be drawn from the full membership of the Audit, Pensions and Standards Committee]

8. AUDIT, PENSIONS AND STANDARDS (APPEALS) SUB COMMITTEE

[Members for the above must be drawn from the full membership of the Audit, Pensions and Standards Committee]

9. HEALTH AND WELL BEING BOARD*

Cabinet Member for Community Care, Councillor Marcus Ginn (Chairman)
plus Deputy

Cabinet Member for Children's Services, Councillor Helen Binmore
Deputy - Councillor Georgie Cooney

NON-STATUTORY CONSULTATIVE BODIES

[Note: The bodies below are advisory bodies only, and have no legal decision-making powers]

10. ADOPTION PANEL

Councillor Adronie Alford

11. CHILDREN'S TRUST BOARD

Councillor Helen Binmore (Chairman)
Councillor Georgie Cooney

12. CORPORATE PARENTING BOARD

Councillor Helen Binmore
Councillor Georgie Cooney
Councillor Donald Johnson

13. WHITE CITY OPPORTUNITY AREA WORKING GROUP

Councillor Marcus Ginn (Chairman)
Councillor Andrew Johnson

14. WORMWOOD SCRUBS CHARITABLE TRUST COMMITTEE

Councillor Elaine Chumney
Further nominations o follow.

15. BI BOROUGH ENVIRONMENT

Councillor Greg Smith
Councillor Victoria Brocklebank-Fowler

16. TRI BOROUGH ADULT SOCIAL CARE

Councillor Marcus Ginn

17. TRI BOROUGH CHILDREN

Councillor Helen Binmore
Councillor Georgie Cooney

18. TRI BOROUGH CORPORATE SERVICES
Councillor Greg Smith
Councillor Peter Graham
19. TRI BOROUGH LEADERS
Councillor Nicholas Botterill
Councillor Greg Smith
20. TRI BOROUGH LIBRARIES
Councillor Greg Smith
Councillor Peter Graham
21. TRI BOROUGH FACILITIES MANAGEMENT (except procurement which is retained in the leader's portfolio)
Councillor Victoria Brocklebank-Fowler
22. H&F MEANS BUSINESS CHAMPION
Councillor Robert Iggulden

OVERVIEW & SCRUTINY COMMITTEES MEMBERSHIP 2013/14

1. OVERVIEW AND SCRUTINY BOARD

Councillor Alex Karmel (Chairman)
Councillor Rachel Ford
Councillor Donald Johnson
Councillor Steve Hamilton
Councillor Lucy Ivimy
Councillor Harry Phibbs
Councillor Andrew Jones
Councillor PJ Murphy
Councillor Max Schmid

2. EDUCATION AND CHILDREN'S SERVICES SELECT COMMITTEE

Councillor Donald Johnson (Chairman)
Councillor Thomas Crofts
Councillor Charlie Dewhirst
Councillor Belinda Donovan
Councillor Harry Phibbs
Councillor Matt Thorley
Councillor Elaine Chumnerly
Councillor Caroline Needham
Councillor Mercy Umeh

3. HOUSING, HEALTH AND ADULT SOCIAL CARE SELECT COMMITTEE

Councillor Lucy Ivimy (Chairman)
Councillor Andrew Brown
Councillor Joe Carlebach
Councillor Oliver Craig
Councillor Peter Graham
Councillor Peter Tobias
Councillor Daryl Brown
Councillor Stephen Cowan
Councillor Rory Vaughan

4. TRANSPORT, ENVIRONMENT AND RESIDENTS SERVICES SELECT COMMITTEE

Councillor Steve Hamilton (Chairman)
Councillor Michael Adam
Councillor Ali de Lisle
Councillor Gavin Donovan
Councillor Robert Iggulden
Councillor Jane Law
Councillor Iain Coleman
Councillor Wesley Harcourt
Councillor Lisa Homan

SPECIAL MOTION NO. 3 – COUNCIL APPOINTMENTS TO LOCAL GOVERNMENT ORGANISATIONS 2013/14

Standing in the names of:


- (i) Councillor Mark Loveday
- (ii) Councillor Jane Law

"This Council agrees the Council's appointments to Local Government Organisations for 2013/14, as set out in Appendix 1".

Appendix 1

LOCAL GOVERNMENT ORGANISATIONS 2013/14

<u>NAME OF OUTSIDE ORGANISATION</u>	<u>NUMBER OF REPS/RATIO</u>	<u>NOMINATION 2012/13</u>	<u>TERM/ EXPIRES</u>
<u>London Councils Leader's Committee</u>	1 Rep. + 2 Deps. (1 vote per authority)	Rep: Cllr. Nicholas Botterill (Dep.1 Cllr Greg Smith (Dep.2 Cllr Mark Loveday)	1 year to 31.05.14
<u>London Councils Transport and Environment Committee</u> (Assoc. Joint Cttee)	1 Rep + up to 4 Deps.	Rep. Cllr. Victoria Brocklebank-Fowler (Dep. Cllr. Greg Smith)	1 year to 31.05.14
<u>London Councils Grants Committee</u> (Assoc. Joint Cttee)	1 Rep. + up to 4 Deps.	Rep: Cllr. Marcus Ginn (Dep1. Cllr. Mark Loveday) (Cabinet Member only)	1 year to 31.05.14
<u>Greater London Employment Forum (GLEF)</u>	1 Rep + 1 Dep [Nomination]	Cllr Andrew Johnson [Cllr. Alex Karmel]	1 year to 31.05.14
<u>Greater London Provincial Council (GLPC)</u> (Appointment will be made from Leader's Cttee + GLEF nominated members)	[Nomination]	[Cllr. Alex Karmel]	1 year to 31.05.14
<u>Local Government Association (LGA) General Assembly</u>	Up to 4 Reps & 4 Votes	1. Cllr. Nicholas Botterill 2. Cllr. Greg Smith 3. Cllr. Mark Loveday 4. Cllr. Frances Stainton [* Cllr. currently holds the 4 votes]	1 year to 22.07.14
<u>LGA Urban Commission</u>	Up to 2 Reps	Cllr Donald Johnson	1 year to 22.07.14

	<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">COUNCIL</p> <p align="center">29 MAY 2013</p>
<p>OVERVIEW AND SCRUTINY ANNUAL REPORT 2012/13</p>	
<p>Report of the Scrutiny Chairmen</p>	
<p>Open Report</p>	
<p>Classification - For Information</p> <p>Key Decision: No</p>	
<p>Wards Affected: None</p>	
<p>Accountable Director: Tasnim Shawkat – Monitoring Officer</p>	
<p>Report Author: Kayode Adewumi, Head of Governance and Scrutiny</p>	<p>Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1 The Chairman of the Overview and Scrutiny Board, Councillor Alex Karmel, will present the annual report on the activities and performance of the scrutiny function in Hammersmith and Fulham.
- 1.2 The attached report outlines the work undertaken by the Overview and Scrutiny Board, Select Committees and Scrutiny Task Groups during the course of the 2012/13 Municipal Year.

2. RECOMMENDATION

- 2.1 That the Overview and Scrutiny Annual Report 2012/13, be received and noted.



OVERVIEW AND SCRUTINY ANNUAL REPORT 2012/13



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I'm delighted to welcome you to the 2012/13 annual report on the operation of Overview and Scrutiny in Hammersmith & Fulham.

The report briefly sets out both the local and national context within which Scrutiny operates and reviews the main activities of each of the Council's Select Committees and Task Groups during the course of the last municipal year. The work of the scrutiny function has once again proved its importance to the local community through its positive contribution to the development of policies and services. The Select Committees have promoted accountability and provided a stable platform to engage with the public and other public agencies. It has enabled us to respond to the present financial challenges with ambitious and innovative proposals to transform the way in which services are provided to our borough's residents.

Over the last 12 months, we have continued to use new scrutiny methods designed to give elected Members the flexibility to examine issues in detail over an extended period of time outside the formal Committee meetings. In the process, we have been able to engage with relevant stakeholders including service providers, residents and service users. I would particularly like to draw your attention to the work undertaken by the Flooding Scrutiny Task Group which examined how the Council should discharge its new responsibilities under the Flood and Water Management Act 2010 as a Local Lead Flood Authority. The Flood Inquiry considered the key strategic priorities for flood risk management in the borough and came up with some good recommendations on how to communicate with local residents on flood risk management. The Task Group's work demonstrated the benefits of in depth, evidence based scrutiny, conducted with reference to expert witnesses. It has produced a significant set of original recommendations which will make a real difference to people's lives.

I am also pleased to highlight the work of the Housing Repairs and Maintenance Task Group which was set up to review the proposals to re-procure the repairs and maintenance contracts across the borough and market test a range of services currently handled in-house. The Task Group was able to comment from a resident's perspective on the specifications of this important contract before it was let, influencing the documentation that was sent out and also the future level of service provided.

The Pupil Premium Scrutiny Task Group was established to identify how schools in Hammersmith & Fulham are using the Pupil Premium to raise achievement and improve outcomes for these pupils. It is anticipated that the Scrutiny Inquiry will report to the Overview and Scrutiny Board at the first meeting in the new municipal year. I am looking forward to receiving their report.

My personal thanks go to all the residents, Council Officers, representatives of partner organisations and Councillors themselves who have kindly given up their time to help to inform the scrutiny function throughout the year.

I hope that you find the report interesting and informative. Any suggestions for improvements for future annual reports are welcomed.

Councillor Alex Karmel
Chairman of the Overview and Scrutiny Board



CHAIRMAN'S INTRODUCTION

*Councillor Alex Karmel
Chairman Overview and
Scrutiny Board*

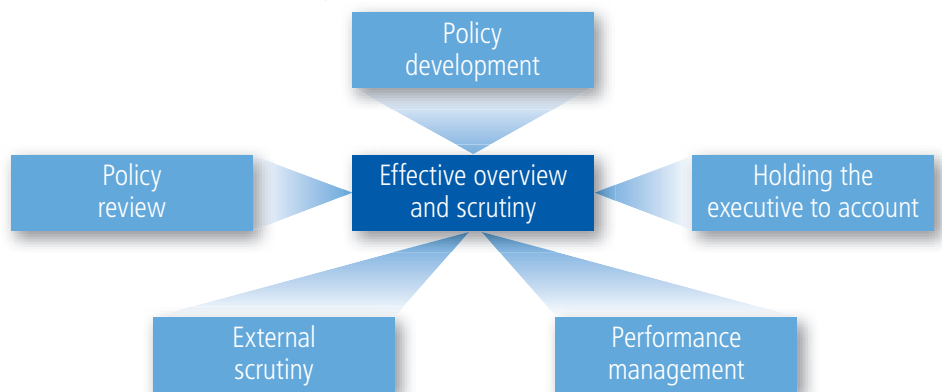


THE ROLE OF OVERVIEW AND SCRUTINY

The concept of Scrutiny in local authorities was formally introduced by the Local Government Act 2000 in order to balance the establishment of structures which placed executive power in the hands of either an elected Mayor or Leader and a small Cabinet authorised to make decisions both individually and collectively.

Scrutiny is, however, about much more than merely holding the Executive to account. It provides an opportunity for non executive Councillors to bring their own independent expertise to bear on strategy and policy issues, and to work constructively with the executive, local people, community organisations, partner agencies, service users and other customers to develop evidence based recommendations which improve policies and provide effective and responsive services. Increasingly Scrutiny is focusing not just on the work of the Council but all areas of public service which touch the lives of the local community.

Five core roles can be readily identified;



This is, however, far from exhaustive. Scrutiny has a wide ranging remit and can also have an important role to play in engaging the public with the decision making process, ensuring corporate priorities are met, providing satisfying and meaningful roles for non-executive Councillors and undertaking area based reviews.

The Centre for Public Scrutiny has identified four key principles that underpin effective scrutiny;

- Effective Scrutiny should be a 'critical friend' to executives, external authorities and agencies. It should challenge policy development and decision making in a robust, constructive and purposeful way while developing a partnership with external agencies and authorities.
- Effective Scrutiny should reflect the voice and concerns of the public and its communities. It should ensure an ongoing dialogue with the public and diverse communities where the public voice is heard and responded to. It should have open and transparent processes with public access to information.
- Effective Scrutiny should take the lead and own the Scrutiny process on behalf of the public. It should be independent from the executive, legitimated by the Council and should have adequate public representation and political balance that is representative of the current political groups involved.
- Effective Scrutiny should make an impact on the delivery of public services. It should promote community well-being and improve the quality of life, providing co-ordinated and strategic objectives.



At Hammersmith & Fulham, there are four main scrutiny committees:

- The Overview and Scrutiny Board
- The Education and Children's Services Select Committee
- The Housing, Health and Adult Social Care Select Committee and
- The Transport, Environment and Residents Services Select Committee

The Committees have cross cutting remits designed to reflect the Council's key priorities and objectives and are comprised of 9 elected non executive Members. Some also co-opt members who can bring a particular expertise or direct knowledge of the service user perspective to assist with their work. Co-optees are usually non voting although the parent governor and diocesan representatives on the Education and Children's Services Select Committee are entitled to vote on education matters. The Overview and Scrutiny Board, which is responsible for coordinating the scrutiny function, includes the Chairman of each select committee.

Meetings are held throughout the year. The Scrutiny Committees are empowered to hold inquiries and investigate the available options for policy development and may appoint advisers and expert witnesses to assist them in this process. They may interview council officers, representatives of external organisations, service users and other witnesses, undertake site visits, conduct public surveys, hold public meetings, commission research and do anything else that they reasonably consider necessary to inform their deliberations. The Leader, Cabinet Members and senior officers are under a duty to comply with any request to attend. Reports and recommendations on proposals may be submitted for consideration to the Cabinet or Council who are obliged to respond, normally within 8 weeks.

If a Committee wishes to examine a topic in particular detail, a special task group of between 3-5 Councillors can be established to examine evidence, consult with the public and service users and interview expert witnesses over a period of a few weeks or months. The Task Group then produces a report and recommendations which it will ask the Committee to adopt. All of these special task group reports are available on the Council's website.

SCRUTINY IN HAMMERSMITH & FULHAM



The Committees are normally open to the press and public (although occasionally it may be necessary to meet in private session when dealing with certain confidential information). Members of the public may be invited to speak at meetings at the discretion of the Chairman. Deputations signed by at least 10 registered electors of the Borough may be presented directly to the Committees.

Performance review and monitoring of Council services and functions is at the heart of local Scrutiny activity; with particular emphasis on examination of the annual budget papers in accordance with the Council's emphasis on the delivery of high quality value for money services. Departmental business plans and key performance indicators are submitted to the relevant Scrutiny Committees for review, ensuring that Scrutiny is well placed to contribute to the strategic business planning and performance management processes.

Each Committee receives the list of Key Decisions (a rolling list of key decisions which the Cabinet is planning to take in the coming months) at every meeting, which assists in the development of work programmes and the identification of forthcoming key executive decisions deserving closer scrutiny and input. Scrutiny Committees have powers to call in executive decisions for review and if necessary, request the original decision maker to reconsider. Action to implement the decision is suspended during this process. Accountability is further enhanced by the attendance of the relevant Cabinet Member and senior Officers from the appropriate service department – often at Executive Director level - at most Scrutiny meetings to report on activity and answer questions as they arise. Scrutiny Committees also have a wider role in policy development, originating topics of interest and feeding views back to the Cabinet and individual Cabinet Members, Officers, external partners and service providers.

You can find out more about scrutiny in Hammersmith & Fulham at www.lbhf.gov.uk/scrutiny



EDUCATION & CHILDREN'S SERVICES SELECT COMMITTEE

*Councillor Donald Johnson
Chairman*

I am pleased to present our annual update on the varied work programme we have considered during the year, focusing on the key areas of safeguarding and child protection, education and children's health.

We continued to invite children, experts, and other external contributors to help us understand the impact of local authority decisions, and to provide feedback to help inform future policy and services.

The April meeting was dedicated to reviewing the key area of safeguarding and looked after children, and annual reports on child protection and foster carers were discussed. We also received a report on looked after children and permanency. We were pleased to welcome a number of social workers to this meeting, giving the Committee a first hand experience of their role and providing an opportunity for members to ask questions about their roles in protecting children.

Our July and February meetings focused on the schools that had received an Ofsted Inspections visit. The headteachers and Chairs of Governors of the schools were present to discuss their school's report. Some of the schools had been visited under the new Ofsted inspection regime and it was interesting to hear the contrasting approaches. We were pleased to note that out of the schools considered, two were rated as outstanding and eight were rated as good by Ofsted.

The Committee looked at the new Troubled Families initiative, a government programme launched in December 2011 to assist families experiencing multiple problems and disadvantages such as unemployment, truancy, criminality and anti-social behaviour. The programme was to run over three years, funded by a combination of attachment fees and "payment by results" to incentivise local authorities and partners to prioritise this work.

We were very pleased to welcome to our November meeting the Member of Youth Parliament for Hammersmith & Fulham. We heard about the Borough Youth Forum's (BYF) priorities and feedback from the BIG SHOUT event - the first tri-borough youth conference held at Chelsea FC for 300 young people. We are pleased to have good links with the BYF and the Committee agreed to arrange a future workshop for members and the BYF to discuss various issues that concerned young people.



Youth interests also featured in our February meeting, when Members received a report on supporting young people's participation in Hammersmith & Fulham. After introducing the report, the Lead Commissioner for young people invited a senior youth and development worker from the Brunswick Youth Club to talk about the opportunities and facilities on offer at the club. Members welcomed the opportunity to visit youth clubs to see them in action.

During the year, the Committee established a new task group to look at the pupil premium – designed to narrow the gap between those pupils who were eligible for Free School Meals and those who were not and investigate how Hammersmith & Fulham schools were using it.

The Committee continued to receive regular reports on the implementation of the agreed Children's Oral Health Scrutiny Task Group recommendations, and a final progress report was received at the April meeting. The Committee noted the success of this Task Group and future updates on child oral health in the borough will be provided as part of the regular reports provided by the borough's Public Health Service.

We received a presentation from the Director of Public Health, who attended the January meeting, on the new health arrangements from 2013. During the year, we also looked at the revenue budget, the school organisation strategy, the remodelling of the school meals provision across Tri Borough, an update on the strategic plan for children and young people 2011-14, school performance 2012, the interim provision of children's centres and sure start services, a Tri Borough children's services progress briefing and an education policy update.

Through the Director's Oral Report agenda item, the Committee received regular updates on non-agenda items, such as progress updates on free schools, provisions in the new Children and Families Bill, information on the school capital programme, delivery of early education for two year olds and appointments to the leadership team.

Our membership (and also the Committee's name) changed during the year; we welcomed Councillor Charlie Dewhirst and Councillor Harry Phibbs onto the Committee in July and then welcomed the newly elected Councillor Andrew Brown who replaced Councillor Phibbs in October. The Westminster Diocesan Education Service Representative, Suzanne Weston-Peters, resigned in March and the Committee thanked her for her contribution and commitment. We were pleased to welcome the new representative, Philippa O'Driscoll, to the Committee in April. Elections were held for our parent governor representatives and we welcomed one new - Nadia Taylor - and one returning - Sue Fennimore – Parent Governor to the Committee. We thanked Fiona Cook, the outgoing parent governor representative, for all her work and were grateful for her contribution to the Committee over the years.

Looking forward to next year, we will continue with our key aim of monitoring and scrutinising the protection and welfare of children in the borough. We look forward to hearing the key findings of the Pupil Premium Task Group and its recommendations, and the traditional Ofsted themed meetings will continue to be held to monitor the achievement of the borough's schools.

Councillor Donald Johnson

Chairman of the Education and Children's Services Select Committee

During 2012/2013 the Committee focused on a number of key items within our remit of housing, health and adult social care.

HOUSING

We continued to scrutinise the local impact of the national changes in housing benefits and more recently the welfare benefit reforms which include: Local Housing Allowance Rates; Shared Accommodation Room Rate Changes; and Overall Benefits Cap. We were pleased to learn of the reduction in the number of households in the private rented sector affected by the Cap through the effective work of the HB Assist team, and the lack of evidence of a large number of families having to move out of the borough. We have concerns in respect of the housing benefit size criteria reduction for working age claimants in the social rented sector and we shall continue to monitor this and the overall impact of the Cap.

We periodically monitor the housing and regeneration department key performance indicators. The percentage of properties with a valid gas certificate remains a concern, with less than 100% (currently 99.6%/99.7%). We have requested that future reports include qualitative as well as quantitative information in respect of this indicator.

We are also concerned about the number of families living in bed and breakfast accommodation, although the number has decreased.

HEALTH

'Shaping a Healthier Future', the North West London NHS service reconfiguration featured significantly on the Select Committee agenda. In addition, Councillor Vaughan and I represented the committee on the Joint Health Overview & Scrutiny Committee (JHOSC).

Both the Council and the JHOSC formally responded to the consultation, which ended in October 2012, expressing serious concern at the proposals. Additional proposals for a significant enhancement following the original proposals for Charing Cross were put forward, which would upgrade Charing Cross from a local hospital to a specialist health and social care hospital. These proposals were accepted by the North West London Joint Committee of Primary Care Trusts as part of their overall decision made on 19 February, and presented to the Select Committee the following day. The Select Committee was attended by a large number of members of the public who were allocated time to put forward their views and questions.

A majority of committee members accepted the argument for the reconfiguration of services in North West London and that the specialist health and social care hospital at Charing Cross would be in the best interests of residents, given the current realities. We were pleased to note the £88 million investment planned for the new build specialist hospital. Both the select committee and the JHOSC will continue to monitor implementation of the proposals.

Senior Clinicians and Managers from Imperial College Healthcare NHS Trust (ICHT) were again requested to attend meetings to update us on waiting list performance. In addition, some committee members joined me in a meeting



HOUSING, HEALTH AND ADULT SOCIAL CARE SELECT COMMITTEE

*Councillor Lucy Ivimy
Chairman*



with senior clinicians and managers at Charing Cross Hospital. We welcomed the action plan which had been put in place, resulting in an improvement in the cancer waiting list position and noted that the serious concerns in respect of cancer and other services and the administration system had been addressed. However, we remain concerned that further improvements are still required, and shall continue to monitor the trust's performance.

ADULT SOCIAL CARE

We considered a general update in respect of the changes to day services which we had reviewed in the previous municipal year, namely; all age day services; reducing reliance on the use of building based day centres to deliver services; development of mental health services; the move away from block contracts to personal budgets; and day services for people with complex learning difficulties. We were particularly interested in the proposals for the former Ellerslie Day Service, which had been revised in line with our comments.

We have requested that a further report be provided including details of the transition from contract funding to direct payments, and that service users and providers be asked to attend as expert witnesses.

We requested a report in respect of the self directed support services procurement process, as there were specific concerns that the current provider, HAFAD, had misunderstood instructions relating to how to price the service, and what should be included in the hourly rate. An explanation was provided but we remained concerned that it had not been possible for officers to alert HAFAD at a stage at which the misunderstanding could have been rectified. We have requested that a report on the lessons learnt be brought back to the committee.

Other areas scrutinised by the committee during the year included:

- Central London Community Healthcare NHS Trust: Application for Foundation Trust Status
- Housing & Regeneration Joint Venture Vehicle
- HRA Financial Strategy and Rent Increase Report
- Housing Strategy 2007-2014
- Public Health: Transfer to Councils
- Revenue Budget and Council Tax 2012/2013

Councillor Lucy Ivimy

Chairman of the Housing, Health & Adult Social Care Select Committee



TRANSPORT, ENVIRONMENT AND RESIDENTS SERVICES SELECT COMMITTEE

*Councillor Rachel Ford
Chairman*

I am pleased to present our annual update on the Committee's work. During the year, we continued to monitor the work of the Environment, Leisure and Residents Services, and Transport and Technical Services Departments, and investigated a wide range of issues affecting the borough's residents.

The Committee has a keen interest in curbing crime and disorder, and looked at a number of areas relating to it during the year. At its June meeting, the Committee received the draft Hammersmith & Fulham Community Safety Partnership Strategic Assessment, an analytical document which draws on data from a wide variety of sources to provide the evidence base for determining Community Safety Partnership priorities for the three year period between 2012-15. The Committee will continue to monitor the outcomes of this work.

It also received a response to its previous recommendations on offender management, its annual update on the use of the Council's powers under the Regulation of Investigatory Powers Act and a briefing on the CCTV transformation review. It followed up on CCTV at its February meeting, with a visit to the control room and a further report. In addition, we also focused on other efforts to reduce disturbance to residents. We received reports on the way the Council dealt with complaints about noise nuisance and fly-tipping on private land, and identified ways in which the Council could better engage with residents to reduce those disturbances.

Following on from the Committee's input to the Get H & F Moving campaign the previous year, the Committee continued to investigate transport provision in the borough. At our September meeting, we were pleased to receive a presentation on provision for cyclists in the borough, from John Griffiths of hfcyclists. We identified the need to maintain good channels of communication between hfcyclists and the Council, and, in the light of upcoming developments such as the Mayor's Cycle Hire Scheme and the Cycle Super Highway, will receive an update at a future meeting. At our November meeting, we received an update on the first year anniversary of the campaign, and identified the need for early involvement of ward members in the development of proposals for integrated transport.



At our November meeting, we also welcomed BAA, together with a substantial public attendance. BAA came to explain the ongoing operational freedoms trial at Heathrow, and provided a presentation on the way in which the trial worked, and what it hoped to achieve. The meeting enabled the Committee, and the large number of local residents present, to articulate the detrimental impact the trial was having on borough residents. We asked that, in the event of any consultation on making the freedoms permanent, a further report would come to the Committee and that the Civil Aviation Authority be petitioned to site monitoring devices in the borough.

The year also saw the Flooding Task Group complete its work. The task group, which included Councillor Steve Hamilton and Councillor Lisa Homan, and was chaired by Councillor Matt Thorley, reported in July. The Cabinet subsequently agreed all 20 of its recommendations either in full or in principle, and a number have already been implemented.

We also investigated parks and leisure facilities in the borough. At our September meeting, we received a report on Parks Satisfaction Levels. From this, we identified the need to actively manage the availability of park space to different user groups, with particular attention to the use of sports pitches. We followed this up with a report on schools use of sports pitches at our February meeting, and identified a number of areas in which we would like more information.

We received a report at our April meeting on the reorganisation of the cemeteries function.

We also took a keen interest in the borough's libraries. At our September meeting, we had an update on the implementation of the Tri-Borough Libraries and Archives Service. Following on from this, at our February meeting, three members of the Borough Youth Forum presented a report on services for young people, which suggested a number of potential improvements, which officers agreed to consider.

Finally, we also looked at two town centres in the borough. Firstly, at our February meeting, we heard from officers from service areas including Parking, Transport, Environmental Health, Economic Development and Community Safety on the impact of Westfield on the borough. Westfield, represented by the general manager of the Centre, also attended and answered questions. We noted the work being undertaken ahead of the proposed extension of the centre, which was of particular importance with regards to employment. At our April meeting, we received a report from HammersmithLondon, on the situation in Hammersmith Town Centre. Their report suggested environmental improvements, and ways in which the Business Improvement District (BID) and the Council could undertake joint working. We identified the need for clear lines of communication between officers and the BID, in order to maximise the BID's impact.

It has been a successful year with a number of important outcomes. Looking forward to next year, we plan to consider a wide range of issues, including revisiting offender management, looking at the borough's maintenance of its roads and the refurbishment of Wormholt Park.

Councillor Rachel Ford

Chairman of the Transport, Environment and Residents Services Select Committee



THE OVERVIEW AND SCRUTINY BOARD

*Councillor Alex Karmel
Chairman*

The Overview and Scrutiny Board is responsible for the coordination and development of the Council's overall Scrutiny function. It can review any aspect of the Council's strategic policy formulation, setting and monitoring of the corporate budget, oversight of finance and use of resources, performance management, human resources, central support services, organisational development and strategic partnerships.

This year the Board has taken an overview of the work of the three scrutiny Select Committees, receiving update reports at each meeting, as well as updates from the commissioned scrutiny Task Groups set up to inquire into particular issues and report back to the Board.

PERFORMANCE AND BUDGET REVIEW

Throughout the year, the Board monitored and reviewed the Council's corporate budget and performance, including monitoring the high level revenue and capital budget quarterly and receiving performance reports for each quarter. The Board has also reviewed the Council's draft Revenue Budget and Council Tax for the 2013/14 municipal year and the Corporate sickness absence performance monitoring report. We also considered the Hammersmith & Fulham Bridge Partnership Annual Report, which set out the performance of the partnership in both service and financial terms.

In November 2012, the Board received an update on the Local Government Resource Review and the introduction of the locally retained business rates scheme and noted the likely financial implications for 2013/14 and future years.

TRI-BOROUGH SERVICE PROVISION

The Board has continued to monitor the introduction of Tri-Borough managed services into its second year. We looked at the corporate joint services and received an overview of the implementation of the Tri-Borough programme to ensure that the project delivers against its objectives and provides additional transparency and accountability.

During the year, the Board has received regular updates on the Tri-Borough staff survey, developing and delivering Tri-Borough financial and non-financial benefits, Tri-Borough ICT strategy, the Tri-Borough community budget pilot and the Tri-borough managed services framework agreement for finance and HR.

REFORMING PUBLIC SERVICES

The Board considered strategies for reforming customer access and public service delivery, with a particular focus on 'self-service' and 'e-services' delivery programmes, these were being developed to enable new ways of delivering Council services and enhancing customer access whilst facilitating multiple efficiency savings. The Board was also briefed on:

- The progress made in implementing the contract for face to face transactions with Post Office Limited;
- Transformation through cross-cutting portfolios of change, which were proposed to improve public service delivery at a reduced cost.



H&F MEANS BUSINESS

In July 2012, the Board received the Executive Response to the H&F Means Business scrutiny report which had been agreed by Cabinet earlier in the month. The scrutiny report had put forward six recommendations to the Cabinet, including a recommendation for a Borough Business Champion. The Executive Response welcomed and agreed the recommendation for a Borough Business Champion and appointed Councillor Robert Iggulden to the role, requesting that he consider and report back on how best to take forward the remaining Scrutiny recommendations.

The other recommendations included: incorporation of the key discussion points and actions arising from the Board's engagement with the local business community into the department's 2012-2013 work programme, the establishment of a Business Support Network, an Annual Business Partnership meeting, a Council cross-departmental Business Strategy Group and the establishment of business networking consultation arrangements.

THE LEADER: VISION AND OBJECTIVES - 2012-2015 CORPORATE PLAN

In November 2012, the Board reviewed and commented on the Administration's strategic vision and objectives for the three year period covered by the new Corporate Plan 2012-2015.

Hammersmith & Fulham was rated one of the best performing Councils in England and Wales and was a flagship local authority in London. Over the period of the previous Corporate Plan (2009-12) resident satisfaction rates increased from 53% to 62%. The principal achievements included a 15% reduction in Council Tax, reductions in Council debt and recorded crime, improvements in school attainment and street cleanliness, a drive towards affordable home ownership, progress towards the creation of thousands of new jobs and enhanced economic activity through three Opportunity Areas and the maintenance of a generous home care package to vulnerable residents. The Corporate Plan looked to consolidate those successes and take performance in other areas to the same level.

During the year, the Board also reviewed the Annual Residents Survey highlighting residents' concerns which were addressed by the Corporate Plan.

H&F COMMUNITY PARTNERSHIPS

The Board received and noted details of the Council's Partnerships Register. It was noted that the Register, which was updated annually as part of the audit of corporate governance, set out a wide range of different partnerships that the Council engaged with in developing joint strategies and delivering public services.

Members discussed the most effective means of assessing the value of various partnerships. It was agreed that the Register should be presented to the first meeting of the new Municipal Year in order that the Board could consider selecting one or more partnerships for closer scrutiny in the context of its wider work programme.

ANNUAL COMPLAINTS REPORT

In January 2013 the Board received the Council's second Annual Complaints Report for 2011/12. It was noted that 1,793 complaints were received during the period across all three stages of the complaints procedure. Some 64% of these were in respect of the Housing and Regeneration Department. The proportion of complaints upheld or partially upheld was 56% (55% in 2010/11). Improvements had been recorded in the time taken to respond to complaints with 81% meeting the deadline at stage 1 (68% in 2010/11), 71% at stage 2 (38%) and 79% at stage 3 (73%).

The board was supportive of the progress to date and noted that there was still some further improvements to be made. A new two stage corporate complaints policy will be implemented from 1st April 2013. This will aim to deal with issues at the first stage, thereby preventing complaints escalating to stage two, and to develop lessons learnt.

SCRUTINY TASK GROUPS

In 2012-2013 the Board commissioned two Scrutiny Task Group inquiries into particular issues of concern, following referrals from the Select Committees: the Pupil Premium Task Group and the Housing Repairs and Maintenance Re-procurement Task Group. Please see the separate section on Task Groups for further information.

In July 2012 the Board agreed the report of the Flooding Scrutiny Task Group, which considered the key strategic priorities for flood risk management in the borough and the appropriate communications with local residents for flood risk management. The Task Group put forward 20 recommendations to the Council's Cabinet which were all accepted or accepted in principle.

For more information and download copies of the scrutiny reports, visit www.lbhf.gov.uk/Scrutiny

Councillor Alex Karmel

Chairman of the Overview and Scrutiny Board



THE FLOODING SCRUTINY TASK GROUP

The Flooding Scrutiny Task Group report was agreed by the Overview and Scrutiny Board on 24 July 2012, putting forward the context, findings and observations which were used to steer the Council's Flood Risk Management Strategy and inform the partnership working with its statutory partners, including other London boroughs, the regional Drain London partnership and the main water utility company - Thames Water. The scrutiny report put forward 20 recommendations which, if enacted, it felt would mitigate the risks of surface and groundwater flooding in the borough.

The Flooding Scrutiny Inquiry was commissioned by the Overview and Scrutiny Board on 7 December 2011. This came about as a result of a referral from the then Environment and Residents Services Select Committee to examine how the Council should discharge of its new responsibilities under the Flood and Water Management Act 2010 as a Local Lead Flood Authority.

The members of the Task Group were Councillor Matt Thorley, Councillor Lisa Homan and Councillor Steven Hamilton. The Terms of Reference for the Inquiry were to consider the key strategic priorities for flood risk management in the borough and the communications with local residents on flood risk management.

The Scrutiny Inquiry recognised that the general public is a key stakeholder in flood risk management, including home owners, landlords, businesses and other local residents, who are responsible for managing their properties and who have a part to play in prevention and reporting of flooding problems. The Scrutiny Task Group co-ordinated a public consultation, which was promoted in the local media and Council publications and to which people were able to respond online with their views and experiences of local flooding problems. Through the public consultation and promotion exercise, the Scrutiny Inquiry itself played a part in promoting awareness and engagement with local residents on this issue, as well as helping to inform the evidence base for flood risk management strategy.

During the Inquiry, the Scrutiny Task Group interviewed a wide range of stakeholders and expert witnesses and considered the key documents and legislation, including the Flood and Water Management Act 2010, Flood Risk Regulations 2009 and the Council's Surface Water Management Plan.

“Should a 1 in 30 year flooding event occur in Hammersmith & Fulham the impact on residents, businesses and the borough as a whole would be devastating. In order to mitigate the risk of substantial flood damage it is vital a collaborative approach is adopted; the Council, water companies, insurers, property developers, businesses and private residents all have a role to play. Sustainable urban drainage systems are critical to combating flooding risk but more needs to be done to implement these preventive measures in the borough as well as making people aware of the flooding risk.” Councillor Matt Thorley, Chairman of the Scrutiny Task Group

The Task Group interviewed representatives from the Environment Agency, the Association of British Insurers and Thames Water. Witnesses also included the Cabinet Member for Environment and Asset Management (then Councillor Nicholas Botterill), the Head of Policy and Spatial Planning, the Head of Highways and Construction, the Flood Risk Manager, the Highways Maintenance Manager, the Senior Environmental Policy and Projects Officer, the Environmental Quality Manager, and other Council officers, including officers from the Parks department.

The Task Group interviewed Simon Jones, Assistant Director of Communication, to discuss communications and engagement with local residents on flooding.

During the Inquiry, the Task Group also interviewed Josie Bateman, Project Manager (Flood and Water Management) from Northamptonshire County Council, to obtain a perspective and best practice from another Local Lead Flood Authority. She was able to provide some useful advice on relationships and information sharing protocols, as well as a case study of resident engagement of flooding awareness and data collection for flood risk mapping.

The Cabinet’s Response to the scrutiny report was agreed on 15 October 2012, which approved or endorsed all scrutiny recommendations subject to some minor amendments.

“Trying to engage people on flooding prevention in fine weather is rather like the task Noah had; no-one’s convinced unless it’s already pouring! But we need to make sure we make the right precautions, so that when the flood comes we will be ready.” Councillor Victoria Brocklebank-Fowler, Cabinet Member for Transport and Technical Services

The scrutiny report and the Cabinet’s Executive Response can be downloaded at www.lbhf.gov.uk/scrutiny





HOUSING REPAIRS AND MAINTENANCE SERVICES TASK GROUP

In April 2012, the Housing, Health & Adult Social Care Select Committee was briefed on the various re-procurement options that were available to the Housing and Regeneration Department (HRD) and the rationale for the chosen route. The report also outlined the benefits of including other contracts and services under one or two long term large contracts.

Residents often perceived these services as poor and expensive

Members suggested that their insight could provide value, support and challenge in terms of: the customer journey, appropriate measures of success (Key Performance Indicators) and the evaluation criteria for the Invitation to Tender.

The Overview & Scrutiny Board endorsed the recommendation that a Task and Finish Group be set up comprising Councillor Lucy Ivimy (Chairman), Councillor Joe Carlebach and Councillor Stephen Cowan.

A series of briefing meetings were held between July and September 2012, to coincide with various stages of the shaping and development of the Invitation to Tender documents. In addition, because of the size of the documents and complexity of some of the issues, individual Members undertook much of the work outside meetings, with documents being sent by e-mail and Members providing feedback.

Information provided to the Task Group included:

- (i) the context and detail of the current service, the problems faced and intended solutions which would be delivered by the new contract(s),
- (ii) performance monitoring and specifically the inclusion in the contract(s) of a range of performance measures divided into Key Performance Indicators (KPIs) and Management Performance Indicators (MPIs), with separate KPIs applying to the planned maintenance section of the contract,
- (iii) the latest performance figures, current annual expenditure for Repairs and Maintenance and the pre-qualification questionnaire, and
- (iv) the service specifications, together with a draft of the evaluation questions.

Members raised a number of issues, in particular residents' experiences of the service. Officers were able to offer assurance about the following specific concerns:



Failure to get repairs done right first time

- the Call Centre would be run by the new contractors, with the risk of correctly diagnosing repairs falling to the contractor rather than the Council, as is presently the case, and
- the price per property model places emphasis on getting repairs right first time.

Contracts being paid before residents had agreed that repairs were complete:

- a partnering incentivisation model was being considered, which would both penalise the contractors when targets are missed and also provide incentives when targets are exceeded.

Pricing mechanisms did not allow for any penalties if a job was not done or carried out correctly:

- Repair orders would remain open until satisfactorily completed.

In April 2013, Cabinet gave approval to delegate authority to the Cabinet Member for Housing in conjunction with the Executive Director for Housing & Regeneration to award contracts to the winning bidders.

The Task and Finish Group, during its short life, was able to act in the best interests of residents by influencing the specifications of these large contracts. This important work will be followed up by the Select Committee.



THE PUPIL PREMIUM TASK GROUP

The Pupil Premium was introduced in April 2011. In 2012–13 schools were allocated a total of £1.25 billion funding for: children from low-income families who were eligible for free school meals, looked after children and those from families with parents in the Armed Forces. From the 2013-2014 academic year the Pupil Premium is rising to £1.875 billion: £900 per disadvantaged child.

The Government believes that the Pupil Premium grant, which is additional to main school funding, is the best way to address the current underlying inequalities between children eligible for free school meals and their peers. The aim of the Scrutiny Inquiry is to identify how schools in Hammersmith & Fulham are using this money to raise achievement and improve outcomes for these pupils.

A Scrutiny Inquiry into the Pupil Premium was established by the Overview and Scrutiny Board in 2012, following consideration of a proposal submitted by the Education and Children's Services Select Committee.

The Members of the Scrutiny Task Group are: Councillor Charlie Dewhirst (Chairman), Councillor Caroline Needham (Vice Chairman) and Councillor Tom Crofts.

"We want to make sure that our schools and the local authority are equipped with the best guidance to focus the Pupil Premium as effectively as possible, to lift up the educational attainment and aspirations of children with some of the most challenges." Councillor Donald Johnson, Chairman of the Education and Children's Services Select Committee

The Task Group has interviewed a wide range of key stakeholders, considered documentary evidence and undertaken site visits into schools to look at Pupil Premium programmes in more detail. At the end of the Inquiry, the Task Group will publish its findings in a report and make recommendations to the Cabinet, the full Council, external statutory partners and any other relevant decision makers.

It is anticipated that the Task Group will report to the Overview and Scrutiny Board at the first meeting in the 2013-2014 municipal year, After which, the agreed Scrutiny report and recommendations will be submitted to the Education and Children's Services Select Committee for information and to the Cabinet and any other relevant executive decision makers for an Executive Response.

The Scrutiny Task Group has now completed its committee stages, where it has received evidence from witnesses and interviewed a range of local and national stakeholders and received evidence on best practice and local and national practice in the implementation of the Pupil Premium.

Witnesses to the Scrutiny Inquiry have included Councillor Helen Binmore – Cabinet Member for Children's Services, Councillor Donald Johnson – Chairman of the Education and Children's Services Select Committee; Andy Rennison - Director of Schools' Funding and Capital Programme; Helen Cross - Bi-Borough 14-19 Adviser; Tony Porter - Head of Interim School Standards, Ian Turner – Project Manager; Bernadette Alexander – Bi-Borough Head of Looked after Children; the Borough Youth Forum; Sylvia Howieson - Headteacher at Langford School; the Chairs of Governors Forum, the Head Teachers Liaison Group; Robbie Coleman – Research and Communications Manager - The Education Endowment Foundation; Professor Dylan Wiliams - The Institute of Education; University of London and Chris Wood; Her Majesty's Inspector Adviser; Challenge and Analysis; OFSTED.

The Task Group has received written submissions of evidence from the Borough Youth Forum and a selection of local schools in Hammersmith & Fulham, which provided some detailed responses from schools on their use of the Pupil Premium.

The Scrutiny Inquiry is now in its final stages, drawing evidence together and summing up its key conclusions into a report. The scrutiny report will include guidance and recommendations on the following key areas:

- Local and national contexts for the Pupil Premium
- Identification of Pupil Premium programmes
- Examples of Pupil Premium Programmes locally and nationally
- Governance
- Evaluation of Pupil Premium programmes.

The final scrutiny report should be agreed and published in July 2013.



SCRUTINY COMMITTEE MEMBERSHIP 2012/13

Education and Children's Services Select Committee

Councillors Donald Johnson (Chairman), Caroline Needham (Vice Chairman), Andrew Brown (replaced Harry Phibbs end of October), Elaine Churnery, Tom Crofts, Charlie Dewhirst, Belinda Donovan, Frances Stainton and Mercy Umeh

Co-opted members (voting):

Eleanor Allen - London Diocesan Board of Schools representative

Suzanne Weston-Peters - Westminster Diocese Education Service representative (to March)

Philippa O'Driscoll - Westminster Diocese Education Service representative (from April)

Sue Fennimore - parent governor representative

Fiona Cook - parent governor representative (to January)

Nadia Taylor - parent governor representative (from January)

Co-opted member (non-voting)

Michele Barrett - head teacher representative

Housing, Health and Adult Social Care Select Committee

Councillors Lucy Ivimy (Chairman), Rory Vaughan (Vice-Chairman), Joe Carlebach, Iain Coleman, Stephen Cowan, Oliver Craig, Peter Graham, Steve Hamilton and Peter Tobias

Co-opted member (non-voting):

Maria Brenton - Hammersmith & Fulham Action on Disability (HAFAD)

Transport, Environment and Residents Services Select Committee

Councillors Rachel Ford (Chairman), Wesley Harcourt (Vice Chairman), Jean Campbell (to November), Ali de Lisle, Gavin Donovan, Lisa Homan, Robert Iggulden, Jane Law, Max Schmid (from February) and Matt Thorley

Overview and Scrutiny Board

Councillors Alex Karmel (Chairman), Andrew Jones (Vice-Chairman), Michael Adam, Georgie Cooney, Rachel Ford, Lucy Ivimy, Donald Johnson, PJ Murphy and Sally Powell

Flood Risk Management Task Group

Councillors Matt Thorley (Chairman), Steve Hamilton and Lisa Homan

Housing Repairs and Maintenance Task Group

Councillors Lucy Ivimy (Chairman), Joe Carlebach and Stephen Cowan

The Pupil Premium Task Group

Councillors Charlie Dewhirst (Chairman), Tom Crofts and Caroline Needham (Vice Chairman)

We would welcome your comments on this report. We would also be pleased to answer any questions that you may have about the Scrutiny function at Hammersmith & Fulham or to receive suggestions for improvement in the way we work and ideas for service area reviews.

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