

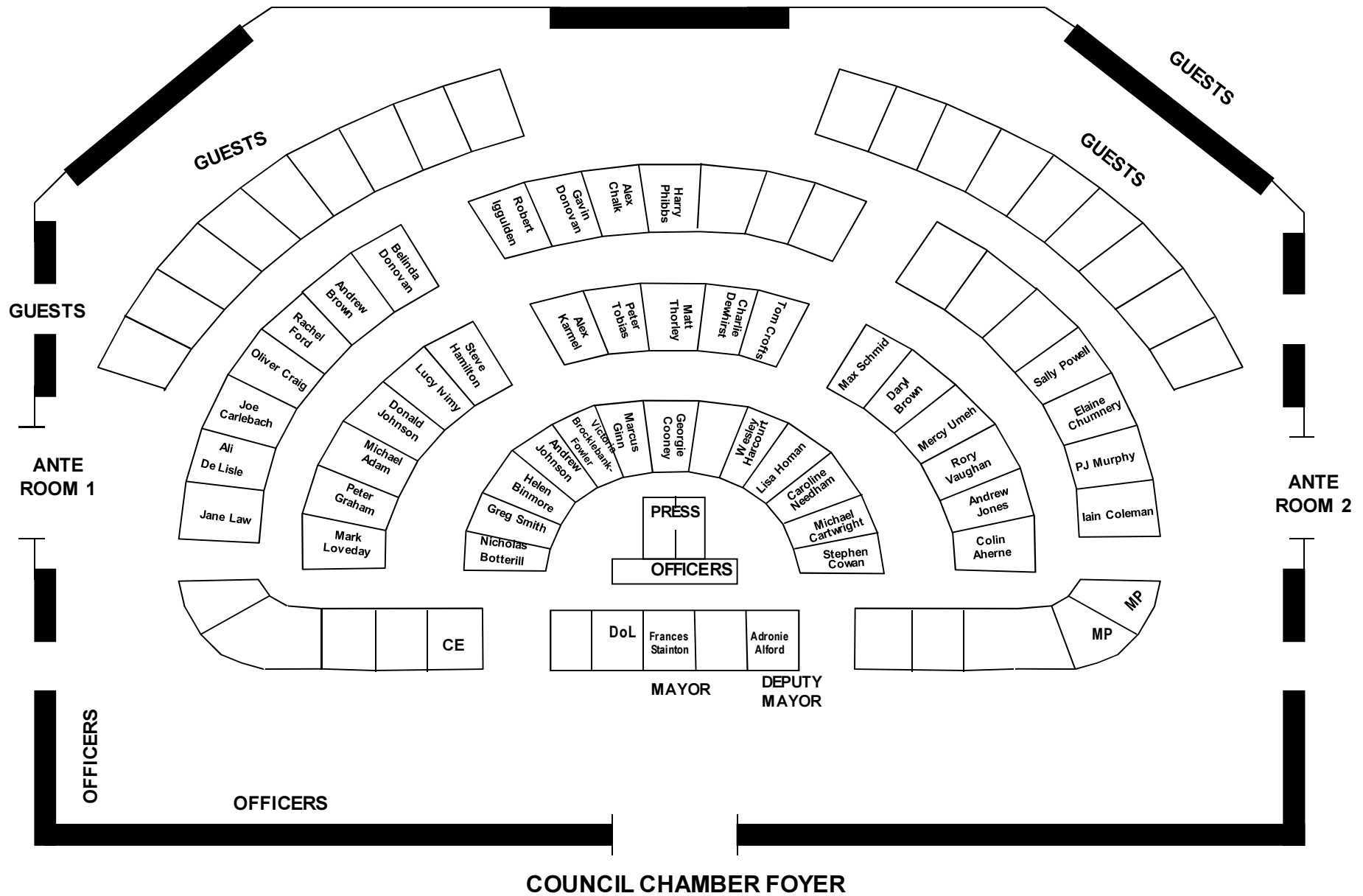
COUNCIL AGENDA

(Ordinary Council Meeting)

Wednesday 23 October 2013

(Pack 1 of 2)

COUNCIL CHAMBER SEATING 2013/14





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

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
Ordinary Meeting of the Council on
Wednesday 23 October 2013
at Hammersmith Town Hall, W6

The Council will meet at 7.00pm.

14 October 2013
Town Hall
Hammersmith W6

Derek Myers
Chief Executive

Full Council Agenda

23 October 2013

<u>Item</u>		<u>Pages</u>
1.	MINUTES	281 - 306

To approve and sign as an accurate record the Minutes of the Council Meeting held on 3 July 2013.

2. **APOLOGIES FOR ABSENCE**

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

4. **DECLARATIONS OF INTERESTS**

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.

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.

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.

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.

5. PUBLIC QUESTIONS (20 MINUTES)

The Leader/relevant Cabinet Member to reply to questions submitted by members of the public:

5.1 QUESTION 1 - MS DESIREE CRANENBURGH 307

5.2 QUESTION 2 - MR BARRIE STEAD 308

5.3 QUESTION 3 - MR PETER CHUTTER 309

5.4 QUESTION 4 - MS DEDE WILSON 310

5.5 QUESTION 5 - MS SUZANNA HARRIS 311

6. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

6.1 APPOINTMENT OF HEAD OF PAID SERVICE 312 - 315

The Council is being asked to appoint an acting/ interim Head of Paid Service for the London Borough of Hammersmith and Fulham, on the recommendation of the Appointments Panel. The Head of Paid Service will also be the Joint Chief Executive for Hammersmith and Fulham and the Royal Borough of Kensington and Chelsea.

6.2 WHITE CITY OPPORTUNITY AREA PLANNING FRAMEWORK See separate agenda reports pack (Pack 2 of 2)

This report seeks a resolution to adopt the White City Opportunity Area Planning Framework (WCOAPF) as a Supplementary Planning Document to the Council's adopted Core Strategy 2011. The Mayor of London will be publishing the WCOAPF as Supplementary Planning Guidance (SPG) to the London Plan. This report highlights the key elements within each chapter of the WCOAPF. It also outlines key issues raised during the statutory public consultation undertaken from 21 June to 2 August 2013 and how these comments have influenced the final draft.

6.3 STATEMENT OF COMMUNITY INVOLVEMENT IN PLANNING: ADOPTION OF DOCUMENT 316 - 404

Every local planning authority must prepare a Statement of Community Involvement (SCI), which is seen by the government as a means of improving the quality of the planning process through greater community involvement. The Council's SCI dates from 2006, since when a number of changes to planning legislation, national guidance and local practices have made it necessary to review and revise the document. The attached revised SCI was subject to public consultation for 6 weeks commencing in May 2013. The next stage in the SCI process is adoption by full Council.

6.4 TREASURY REPORT 2012/13 OUTTURN 405 - 411

This report presents the Council's Outturn Treasury Report for 2012/13 in accordance with the Council's treasury management practices (TMS).

6.5 ANNUAL REVIEW OF THE CODE OF CONDUCT AND CONSTITUTION REPORT 412 - 435

The Council at its meeting on 4 July 2012 delegated to the Audit, Pensions and Standards Committee the statutory role under the Localism Act 2011 and the specific responsibility of maintaining high standards of conduct for Members. The Council also approved the Members Code of Conduct and the arrangements for dealing with complaints alleging a breach of the Code.

The new arrangements have been in operation for just over a year and officers have undertaken a review, as a matter of good practice. This report highlights the outcome of the review and makes recommendations for some minor changes. Council is asked to consider these revisions to the Code and the Arrangements.

6.6 ANNUAL REPORT OF THE AUDIT, PENSIONS AND STANDARDS COMMITTEE 2012/13 436 - 451

This report relates to the period 1 April 2012 to 31 March 2013 (excluding matters pensions and standards). The Audit, Pensions and Standards Committee (the Committee) has a wide ranging 'audit committee' brief that underpins the Council's governance processes by providing independent challenge and assurance of the adequacy of governance, risk management, and internal control. This includes audit, anti-fraud and the financial reporting framework; the Committee is also the Council's Approval of Accounts Committee.

7. SPECIAL MOTIONS

To consider and determine any Special Motions:

7.1 SPECIAL MOTION 1 - TRANSPARENCY 452

7.2 SPECIAL MOTION 2 - HAMMERSMITH FLYUNDER 453

7.3 SPECIAL MOTION 3 - FLYUNDER 454

8. INFORMATION REPORTS - TO NOTE (IF ANY)

There are none.



COUNCIL MINUTES

(ORDINARY COUNCIL MEETING)

WEDNESDAY 3 JULY 2013

PRESENT

The Mayor Councillor Frances Stainton
Deputy Mayor Councillor Adronie Alford

Councillors:

Michael Adam	Belinda Donovan	Jane Law
Helen Binmore	Gavin Donovan	Mark Loveday
Nicholas Botterill	Rachel Ford	PJ Murphy
Victoria Brocklebank-Fowler	Marcus Ginn	Caroline Needham
Andrew Brown	Peter Graham	Harry Phibbs
Daryl Brown	Steve Hamilton	Sally Powell
Michael Cartwright	Wesley Harcourt	Max Schmid
Elaine Chumnerly	Lisa Homan	Greg Smith
Georgie Cooney	Lucy Ivimy	Matt Thorley
Stephen Cowan	Andrew Johnson	Mercy Umeh
Oliver Craig	Donald Johnson	Rory Vaughan
Tom Crofts	Andrew Jones	
Charlie Dewhirst	Alex Karmel	

9. FILMING

The Mayor requested and it was agreed that consent be given to suspend Standing Order 21(g) to allow for filming to take place during the meeting.

10. MINUTES

7pm – RESOLVED:

The minutes of the Annual Council Meeting held on 29 May 2013 were confirmed and signed as an accurate record, subject to the inclusion of the following sentence at the beginning of the minutes;

“The Mayor requested and it was agreed that Standing Order 21(g) be suspended to allow filming to take place of the Mayor making part of the meeting.”

11. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Colin Aherne, Joe Carlebach, Alex Chalk, Iain Coleman, Ali De Lisle and Peter Tobias. Apologies for lateness were received from Councillor Jane Law.

12. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS

The Mayor provided some highlights from the engagements she had attended:

- A Flag Raising Ceremony on 24 June at Hammersmith Town Hall to fly the flag for the Armed Forces.
- The Mayor judged and awarded the prizes to La Villagio Restaurant, and La Petite Bretagne winners of the 'I Love Lunch' Competition which was organised by Hammersmith London.
- The Mayor visited a number of borough schools; Ark Bentworth to mark their first anniversary and to Greenside School to receive trees from Askew Road Library.
- The Grand Final of the Jack Petchey Speak Out Challenge was held where the most talented 15 regional winners had the opportunity to become the champion.
- On Saturday 29 June, the Mayor launched the Celebrating Fulham festival which was an action packed week for residents, businesses and visitors.

13. DECLARATIONS OF INTERESTS

There were no declarations of interest.

14. PUBLIC QUESTIONS

Under Standing Order 15(e)(xii), Councillor Loveday moved the suspension of the 20 minutes time limit under Standing Order 12(g) to allow all of the public questions to be answered, which was agreed.

14.1 Question 1 - Mrs Lina Voyantzis

7.06pm - The Mayor called on Mrs Lina Voyantzis who had submitted a question to the Deputy Leader and Cabinet Member for Residents Services (Councillor Greg Smith) to ask her question. The Deputy Leader responded. Mrs Voyantzis asked a supplementary question which was also answered.

14.2 Question 2 - Ms Dede Wilson

7.10pm - The Mayor called on Ms Dede Wilson who had submitted a question to the Cabinet Member for Community Care (Councillor Marcus Ginn) to ask her question. The Cabinet Member for Community Care responded. Ms Wilson asked a supplementary question which was also answered.

14.3 Question 3 - Ms Jasmine Pilgrim

7.17pm - The Mayor called on Ms Jasmine Pilgrim who had submitted a question to the Cabinet Member for Community Care (Councillor Marcus Ginn) to ask her question. The Cabinet Member for Community Care responded. Ms Pilgrim asked a supplementary question which was also answered.

14.4 Question 4 - Ms Vivienne Lukey

7.20pm - The Mayor called on Ms Vivienne Lukey who had submitted a question to the Cabinet Member for Community Care (Councillor Marcus Ginn) to ask her question. The Cabinet Member for Community Care responded. Ms Lukey asked a supplementary question which was also answered.

14.5 Question 5 - Ms Anne Drinkell

7.23pm - The Mayor called on Ms Anne Drinkell who had submitted a question to the Cabinet Member for Community Care (Councillor Marcus Ginn) to ask her question. The Cabinet Member for Community Care responded. Ms Drinkell asked a supplementary question which was also answered.

14.6 Question 6 - Ms Julia Dickinson

7.35pm - The Mayor called on Ms Julia Dickinson who had submitted a question to the Cabinet Member for Community Care (Councillor Marcus Ginn) to ask her question. The Cabinet Member for Community Care responded. Ms Dickinson asked a supplementary question which was also answered.

14.7 Question 7 - Mr Carlo Nero

7.40pm - The Mayor called on Ms Desiree Cranenburgh to ask the question on behalf of Mr Carlo Nero who had submitted a question to the Cabinet Member for Community Care (Councillor Marcus Ginn). The Cabinet Member for Community Care responded. Ms Cranenburgh asked a supplementary question.

14.8 Question 8 - Mr Graham Hodgkin

8.10pm – A further question had been submitted on time by Mr Graham Hodgkin which had been circulated around the Chamber. The Mayor called on Mr Hodgkin who had submitted a question to the Leader (Councillor Nicholas Botterill) to ask his question. The Leader responded. Mr Hodgkin asked a supplementary question which was also answered.

(A copy of all the public questions submitted and the replies given are attached at **Appendices 1 - 8** to these minutes).

15. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

15.1 Development Management Local Plan: Adoption of Document

8.21pm - The report and recommendations were formally moved for adoption by the Cabinet Member for Transport and Technical Services, Councillor Victoria Brocklebank-Fowler.

Speeches on the report were made by Councillors Nicholas Botterill, Victoria Brocklebank-Fowler, Lucy Ivimy, Mark Loveday and Andrew Johnson (for the Administration) and Councillors Wesley Harcourt, Andrew Jones, Stephen Cowan and PJ Murphy (for the Opposition).

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

FOR

ADAM
ALFORD
BINMORE
BOTTERILL
BROCKLEBANK-FOWLER
BROWN (A)
COONEY
CRAIG
CROFTS
DEWHIRST
DONOVAN (B)
DONOVAN (G)
FORD
GINN
GRAHAM
HAMILTON
IVIMY
JOHNSON (A)
JOHNSON (D)
KARMEL
LAW
LOVEDAY
PHIBBS
SMITH
STANTON
THORLEY

AGAINST

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

FOR	26
AGAINST	13
NOT VOTING	0

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

8.58pm **RESOLVED:**

- (1) That Council resolves to adopt the Development Management Local Plan (Appendix 1 of the report); and
- (2) That Council approves the revocation of the supplementary planning guidance identified in paragraph 5.6 of the report.

15.2 Planning Guidance Supplementary Planning Document: Adoption of Document

8.59pm - The report and recommendations were formally moved for adoption by the Cabinet Member for Transport and Technical Services, Councillor Victoria Brocklebank-Fowler.

Speeches on the report were made by Councillor Victoria Brocklebank-Fowler (for the Administration) and Councillor Wesley Harcourt (for the Opposition).

The report and recommendations were put to the vote:

FOR	26
AGAINST	12
NOT VOTING	0

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

9.06pm **RESOLVED:**

That Council resolves to adopt the Planning Guidance Supplementary Planning Document (Appendix 1 of the report).

15.3 Committee Membership

9.06pm - 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.**

9.07pm **RESOLVED:**

That Councillors Andrew Brown and Joe Carlebach be appointed to the Wormwood Scrubs Charitable Trust Committee effective from the day after the Council meeting.

15.4 Establishment of a Health and Wellbeing Board: Governance Arrangements

9.08pm - The report and recommendation was formally moved for adoption by the Leader of the Council, Councillor Nicholas Botterill.

Speeches on the report were made by Councillors Rory Vaughan and Stephen Cowan (for the Opposition) and Councillor Marcus Ginn (for the Administration).

The report and recommendation was put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

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

9.14pm **RESOLVED**:

That Council, having consulted the Health and Wellbeing Board (HWB) and having regard to the recommendation of the HWB, directs that the Clinical Commissioning Group (CCG) representative and the local Healthwatch representative are entitled to vote, but that Council officers on the HWB are not entitled to vote.

15.5 Review of the Council's Constitution - Changes to Officer Schemes of Delegation and Minor Amendments

9.15pm - 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**.

9.15pm **RESOLVED**:

That the changes and amendments made to the Council Constitution, as summarised in section 5 of the report, be noted.

16. **SPECIAL MOTIONS**

9.16pm - Under Standing Order 15(e) (iii), Councillor Mark Loveday moved that Special Motion 4 - Panorama Expose of What Happens "Inside Hammersmith and Fulham Council's Traffic Department" take precedence on the agenda over Special Motions 2 and 3 and be considered after Special Motion 1. The motion was unanimously agreed.

16.1 Special Motion 1 - Female Genital Mutilation

9.16pm – Councillor Helen Binmore moved, seconded by Councillor Mark Loveday, the special motion standing in their names:

“This Council:

1. Notes that:

- In the UK it is thought that 66,000 women have been affected by FGM and are living with the consequences, whilst over 20,000 girls under the age of 15 are currently at risk.
- FGM is a deeply rooted tradition among specific communities and practised for a variety of complex reasons but often in the belief that it is beneficial for the girl or woman.

2. Recognises that:

- FGM is illegal and has been a criminal offence since 1985.
- It has no health benefits and it is harmful to girls and women physically, psychologically and emotionally.
- Consequences can be severe, both immediately and long term.
- FGM is a form of child abuse and violence against women and girls.
- An effective co-ordinated multi-agency response is required with appropriate stakeholder involvement.

3. Resolves to:

- Continue to develop a coherent strategy to raise public awareness and professional understanding, and;
- End all forms of FGM in the borough.”

Speeches on the special motion were made by Councillors Helen Binmore, Mark Loveday, Nicholas Botterill and Andrew Brown (for the Administration) and Councillors Caroline Needham, Lisa Homan and Stephen Cowan (for the Opposition).

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

FOR

ADAM
ALFORD
BINMORE
BOTTERILL
BROCKLEBANK-FOWLER
BROWN (A)
COONEY
CRAIG
CROFTS
DEWHIRST
DONOVAN (B)
DONOVAN (G)

FORD
GINN
GRAHAM
HAMILTON
IVIMY
JOHNSON (A)
JOHNSON (D)
KARMEL
LAW
LOVEDAY
PHIBBS
SMITH
STANTON
THORLEY
BROWN (D)
CARTWRIGHT
CHUMNERY
COWAN
HARCOURT
HOMAN
JONES
MURPHY
NEEDHAM
POWELL
SCHMID
UMEH
VAUGHAN

FOR	unanimous
AGAINST	0
NOT VOTING	0

The motion was declared **CARRIED**.

9.47pm – **RESOLVED**:

This Council:

1. Notes that:
 - In the UK it is thought that 66,000 women have been affected by FGM and are living with the consequences, whilst over 20,000 girls under the age of 15 are currently at risk.
 - FGM is a deeply rooted tradition among specific communities and practised for a variety of complex reasons but often in the belief that it is beneficial for the girl or woman.
2. Recognises that:
 - FGM is illegal and has been a criminal offence since 1985.
 - It has no health benefits and it is harmful to girls and women physically, psychologically and emotionally.

- Consequences can be severe, both immediately and long term.
 - FGM is a form of child abuse and violence against women and girls.
 - An effective co-ordinated multi-agency response is required with appropriate stakeholder involvement.
3. Resolves to:
- Continue to develop a coherent strategy to raise public awareness and professional understanding, and;
 - End all forms of FGM in the borough.

16.2 Special Motion 4 - Panorama Expose of What Happens "Inside Hammersmith and Fulham Council's Traffic Department"

9.48pm – Councillor Wesley Harcourt moved, seconded by Councillor Michael Cartwright, the special motion standing in their names:

“This council welcomes the Panorama exposé and determines not to use any measures to entrap innocent motorists.”

Speeches on the special motion were made by Councillors Wesley Harcourt and Michael Cartwright (for the Opposition).

Under Standing Order 15(e) (vi), Councillor Mark Loveday moved, seconded by Councillor Victoria Brocklebank-Fowler, an amendment to the motion as follows:

“In title of Special Motion, delete “Panorama Expose of What Happens ‘Inside”

In body of Special Motion, delete “welcomes the Panorama expose and”

The amendment was put to the vote:

FOR	25
AGAINST	12
NOT VOTING	0

The amendment was declared **CARRIED.**

The substantive motion as amended was put to the vote:

FOR	unanimous
AGAINST	0
NOT VOTING	0

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

10.04pm – **RESOLVED:**

Special Motion 4 - Hammersmith and Fulham Council's Traffic Department

This council determines not to use any measures to entrap innocent motorists.

16.3 Special Motion 2 - White City Neighbourhood Community Budget

This motion was withdrawn.

16.4 Special Motion 3 - North End "Pride of Place"

This motion was withdrawn.

16.5 Special Motion 5 - Rough Sleepers

10.05pm – Councillor Stephen Cowan moved, seconded by Councillor Lisa Homan, the special motion standing in their names:

“This Council notes the rough sleepers figures released on 20th June 2013 by the Combined Homelessness and Information Network. Those detail how rough sleeping in London has risen by 62 per cent in two years. It further notes that 6,437 people slept on the streets of London last year which is a 13 per cent rise on the previous year.

The council recognises the unique physical and mental health issues that plague the vast majority of rough sleepers and agrees to review how it can better co-ordinate support between the health, police, NGOs and the council’s homeless support services.

Furthermore, the Council will work with the London Mayor and other agencies to do everything reasonably possible to support people out of the crisis that has led them to sleep on London’s streets and so to drastically reverse this trend.”

The motion was put to the vote:

FOR	12
AGAINST	25
NOT VOTING	0

The motion was declared **LOST.**

16.6 Special Motion 6 - Cost of Non-Compliance with UK Tax Laws

10.07pm – Councillor Max Schmid moved, seconded by Councillor Andrew Jones, the special motion standing in their names:

“This council regrets Hammersmith and Fulham’s self-confessed “careless” non-compliance with UK tax laws over a six year period and the resulting GBP 173,000 cost to tax payers in fines, interest payments and consultancy costs.”

The motion was put to the vote:

FOR	12
AGAINST	25
NOT VOTING	0

The motion was declared **LOST**.

16.7 Special Motion 7 - Empowering Residents to Influence Development

10.08pm – Councillor Wesley Harcourt moved, seconded by Councillor Lisa Homan, the special motion standing in their names:

“This council notes that the Government’s recent relaxation of permitted development rights within planning regulations but is concerned that they will curtail the rights of Hammersmith & Fulham residents to influence how their local communities are developed.

We further note that this will be detrimental to the council’s ability to restrict the number of betting shops, fast food venues and payday lenders opening in the borough and calls upon the Government to reverse this legislation.

This council supports the introduction of an “umbrella use class” enabling communities and councils to respond to planning issues according to local circumstances and concerns.”

The motion was put to the vote:

FOR	12
AGAINST	26
NOT VOTING	0

The motion was declared **LOST**.

16.8 Special Motion 8 - Housing

The motion was withdrawn.

17. 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: 10.10 pm

Mayor

Minutes are subject to confirmation at the next meeting as a correct record of the proceedings and any amendments arising will be recorded in the minutes of that subsequent meeting.

PUBLIC QUESTION TIME
LONDON BOROUGH OF HAMMERSMITH & FULHAM
COUNCIL MEETING – 3 JULY 2013

Question by: Mrs Lina Voyantzis

To: Deputy Leader and Cabinet Member for Residents Services

QUESTION

“In relation to allotments at Fulham Palace Meadows Allotments (FPMAA), at the April 2013 AGM the FPMAA Vice Chairman announced that the FPMAA Committee members are negotiating with the Council to grant a long lease to the Association. Can you confirm the nature of the Council’s negotiations with the FPMAA Committee and give details about the Council’s plans for the granting of a lease?

Also please, give the names of the individuals to whom the Council will grant the lease, state when the decision to grant a lease of Council land to individuals was approved and give the date of the public consultation? The local tax payers have the right to know the Council’s plans to dispose of Council property.”

ANSWER

The council can confirm that it has and remains in talks with FPMAA regarding the proposed grant of an agreement. Regarding the nature and details of the agreement this is a commercial negotiation and therefore it is not appropriate at this stage to disclose information which remains of a commercial and confidential nature.

The Council is exploring the options of entering into an agreement with an incorporated body and not any individuals. As the negotiation is still ongoing no final decision has been taken.

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 3 JULY 2013

Question by: Ms Dede Wilson

To: Cabinet Member for Community Care

QUESTION

“Why were requests for Council help to inform residents, schools, residents associations, churches & community groups of the proposed threats to our hospitals during the consultation largely ignored and an urgent request to leaflet residents in the borough about the threat of closure and demolition of CXH in October refused at the Phoenix School on the grounds that it was too expensive?”

ANSWER

“The Council went to considerable efforts to raise awareness of the SAHF review, both during the consultation period and after a decision had been announced. We leafleted 85,000 homes, we wrote to every GP and community leader, and we took regular space in the local newspaper during the consultation period. We organised a public meeting last September, blitzing the borough with posters to publicise that meeting. We have worked as hard to inform residents as we have to analyse clinical arguments and influence health managers.”

PUBLIC QUESTION TIME
LONDON BOROUGH OF HAMMERSMITH & FULHAM
COUNCIL MEETING – 3 JULY 2013

Question by: Ms Jasmine Pilgrim

To: Cabinet Member for Community Care

QUESTION

“Has the Business Case for North West London hospital reconfiguration been finalised?”

ANSWER

The Joint Committee of the PCTs made its decision on 19th February. The NHS has now begun implementation preparation which will take 5 years to complete. The Council continues to engage with H&F CCG and Imperial on the implementation of the business cases.

PUBLIC QUESTION TIME
LONDON BOROUGH OF HAMMERSMITH & FULHAM
COUNCIL MEETING – 3 JULY 2013

Question by: Ms Vivienne Lukey

To: Cabinet Member for Community Care

QUESTION

“What is the latest news regarding the Independent Review process for the hospital reconfigurations in North West London?”

ANSWER

SofS has now initiated the full IRP review asking them to report back to him by 13th Sept.

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 3 JULY 2013

Question by: Ms Anne Drinkell

To: Cabinet Member for Community Care

QUESTION

“Does the council support the aims of the Save Our Hospital campaign?”

ANSWER

The Council has always supported the campaign to protect our hospitals and ensure that residents of this borough have the highest quality health services possible. But our approach to achieving these aims now differs from that taken by some. The Council now takes the view that we will secure the best possible hospital services, primary care services and out of hospital services for our residents, through negotiation and detailed planning with the NHS. That is what we have done and what we will continue to do.

The Save Our Hospital campaign enabled the Council to negotiate a far better set of proposals than originally suggested. The original proposals would have downgraded Charing Cross to a GP clinic but with the help of the community campaign we demonstrated a political and clinical case for more.

The new proposals will mean that the vast majority of everyday health services that we all rely on will continue to be delivered there. In some cases new services will be added. In the Council's view the Save our Hospitals campaign did exactly that – it saved Charing Cross as a viable hospital.

We accept that the proposals do not go far enough, particularly in areas including everyday emergency care and elective surgery.

We think getting round the table and working with our NHS partners is a better tactic than the simplistic and confrontational position adopted by Ealing. Those tactics were right at the start but there comes a point when you have to be prepared to listen and to negotiate – rather than bury your head in sand and hope that the challenges facing our NHS will go away. In the end, no change was simply not an option.

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 3 JULY 2013

Question by: Ms Julia Dickinson

To: Cabinet Member for Community Care

QUESTION

“Why didn't you listen to your residents who signed a petition not to close ANY Services at Charing Cross Hospital (CCH)? 80,000+ *[as amended on the night from original figure of 60,000+]* residents signed the petition to save CCH but the petition was ignored.”

ANSWER

We did listen to our residents which is why we campaigned so vehemently against the original proposals to close Charing Cross.

But we had to make a choice. Do we campaign for ‘no change’, just like Ealing Council, or do we try and negotiate the best possible position for our residents.

We believed that the Ealing route is very risky. There is a high possibility that they will lose legal action and could be left with nothing except a £1m legal bill. We were not prepared to take that risk.

We have also listened to clinicians, who have consistently and clearly made the argument that lives will be saved if services are concentrated at centres of excellence.

We decided to get round the table and protect as many services as possible. So far we have achieved a lot, but not everything. The new business cases that are being developed would mean that 85% of people who currently use Charing Cross would continue to use it in the same way. While being pleased with that, we are still talking to the NHS. A week does not go past without some kind of discussion. We continue to fight for better health services in this borough and a central role for CX.

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 3 JULY 2013

Question by: Mr Carlo Nero

To: Cabinet Member for Community Care

QUESTION

“In looking back at the leaflets, flyers and other literature the council was distributing across the borough last summer costing taxpayers tens of thousands of pounds, I was reminded that the council was explicitly and unreservedly campaigning to save Hammersmith and Charing Cross' A & Es and Charing Cross Hyper Acute Stroke Unit. By definition, this is what saving our local hospitals meant to the council. There was no mention When the Council began campaigning to save some minor injury and outpatient treatment, demolishing most of the hospital, getting rid of nearly all the beds, and leaving only a GP-run clinic. In light of recent revelations that A&Es across the country are completely overwhelmed and causing an increase in loss of life, and that areas which have lost their A&Es are also experiencing a substantial increase in deaths, how can the council honestly claim to be saving lives with the loss of both of the borough's A&Es?”

ANSWER

This is an important question and a hugely important issue for our borough. It is also very complex issue which requires a considered response. I make no apology for taking the time to provide a thorough answer. People here do not deserve politicking or a glib response ... they are not going to get one.

Let me start by saying that there is one thing that everybody in this Chamber here tonight is united on – we all want the very best standard of care possible for our residents - acute care, primary care, secondary care, and care from Charing Cross and Hammersmith Hospitals.

Let me also start tonight by taking my hat off to the campaigners here tonight for the incredible work you have done, for the passion and energy you have brought to the campaign. I have full respect for you and the efforts you have made.

The issues surrounding A&E provision at Charing Cross and Hammersmith Hospital are complicated. They also pre-date the current proposals and the recent consultation.

In fact the current proposals before us stem from well before 2010 when the previous Government commissioned the Darzi Review to look at reform across the NHS.

Most people accept that the NHS has to change in some way, just like it has changed in every decade since its inception. Changes are inevitable given the huge demand for services, given advancements in technology and medicine, given changes in society.

If the NHS stood still and resisted change we would not have seen the incredible transformation we have had under all Governments. Nowadays people are living longer than ever thanks to better standards of healthcare. The NHS is treating more people faster and better than before. Death rates for conditions such as breast cancer and lung cancer are falling fast. At St Barts the introduction of the Cyberknife means that tumours are now being treated which would have been impossible only a few years before.

Yet, while standards have continually improved, so has demand increased – as you point out.

The previous Government responded by commissioning the Darzi review way back in 2007. The Darzi review called for a major overhaul, suggesting that GPs should take on half the workload of overstretched A&E units. It recognised that many people did not really need to be treated at A&E – the type of injuries or ailments they had could be better treated in the community.

Darzi also recognised that A&E units were not always offering the very best standards of care. Many were under-resourced or understaffed and lacked sufficient cover from experienced consultants. Darzi made it very clear that the answer was not to just throw more money at the problem – spend on the NHS was already going through the roof and even now in the age of austerity it is the one area of public finance that has been protected from cuts. Spend on the NHS has doubled in the past ten years – it currently stands at £104 bn and is still rising.

No, Darzi and the last Labour government, recognised that money alone could not solve it. We needed an overhaul in emergency care.

The Darzi review recommended a shift in emergency care with the establishment of specialist regional centres. These centres were to replace the days of the General Hospital trying to do everything but maybe not doing everything well.

These units would take in the most complex cases, offering the kind of expert care and resources that we all liked to think would be available should we be unlucky enough to need them. They are staffed 24 hours a day, seven days a week by experienced senior clinicians, they have the best care technology in the world, with all the required services that are sometimes necessary.

Currently in NWL and the country it is impossible to offer that standard of care in every A&E unit 24 hours a day, seven days a week. For one thing there aren't nearly enough senior clinicians.

Before the creation of these specialist centres people would be subject to some kind of lottery which would determine the level of expertise that they would get from their A&E unit. The sad fact is that if you were unlucky enough to have a major trauma accident on a

Sunday night, you were less likely to be treated by a senior clinician, and as a result more likely to die.

A London Health Programmes analysis of emergency admissions carried out in 2011 found that, on average, people admitted at weekends had a 10% higher mortality rate. The study concluded that changes in shift patterns, when there were fewer senior clinicians available, was a major factor in explaining this.

It went on to conclude that in London alone 500 deaths could have been avoided each year– 130 in our patch across North West London – if we had specialist centres offering concentrated care where the best clinicians were on hand seven days a week, 24 hours a day. You will never be able to replicate this standard of cover at every local A&E unit.

Meanwhile, the 2010 Sentinel Stroke Audit showed how treatment of strokes across the Capital had improved vastly within five years thanks to the emergence of concentrated centres of care, or Hyper Acute centres. Five out of the seven stroke units in the UK are now in London, including the one in our area. Furthermore a University of London report concluded that hyperacute units have saved 400 lives while reducing levels of long term disability.

This clinical history is part of the evidence that is informing the Council's position now.

In our neck of the woods St.Mary's has a specialist centre for major trauma. Hammersmith Hospital has a world class cardiology unit. Chelsea & Westminster has a world class paediatric centre.

And here is a vital point to which I gave considerable thought during the consultation – and which I am afraid maybe still lost on some. If you have a heart attack outside Charing Cross hospital tomorrow, you will be taken by ambulance to Hammersmith. If you have a major trauma incident you will be taken to St Mary's. And if your child needs paediatric care that ambulance will take you from the Fulham Palace Road to Chelsea & Westminster. We already have specialist centres in NWL. And this already saves lives.

Of course we would have preferred Charing Cross and Hammersmith to be specialist emergency centres. Sadly we lost that debate some time ago, well before Shaping a Healthier Future. It was this council that constantly banged the drum for Charing Cross, constantly highlighted the transfer of services when others accused us of scaremongering. We argued from the very beginning that specialist services should be based at Charing Cross, highlighting its proximity to Heathrow and major population centres. In particular we lobbied hard for the hyper acute stroke unit to remain where it is at Charing Cross.

Nobody has been more passionate in this debate than our former Council Leader. As everybody knows this was his number one campaigning issue.

Sadly, very sadly, we lost the debate – and that decision was taken some time ago. The Major trauma unit at St Mary's opened on 1st December 2010.

Maybe I should repeat that date... 1st December 2010 following the Darzi review. The seeds of the current decision were not just sewn back then, they have positively bloomed into the NHS we have today.

So, given the history on this – given that the decision to start the inevitable downgrade of Charing Cross's A&E unit was taken way back then, we realised that the current review was not just about A&E – it never was. Given the concentration of specialist services elsewhere – it was about the existence of the hospital itself and the everyday services that we all rely on.

Of course we would love to save the A&E unit – we still would. But there has to come a time when we recognise the historical shift that has occurred. It was never going to be possible to dismantle the future direction of the NHS which was set nationally six or more years ago. Our part of NWL was never going to be an enclave that resisted change when change is happening fast across the country with specialist emergency centres already established in every region.

And clinicians voiced their opinion loud and clear. They told us that lives would be saved through the creation of consolidated emergency departments. And they told us that without a complimentary paediatrics or major trauma department at Charing Cross – decisions taken years before – it was unlikely that it would be chosen as the location for such a specialist emergency centre. Despite the proud history of the hospital and its great transport links.

So we had a choice, a very tough choice. Do we continue campaigning and waving placards, collecting signatures. Or do we face up to reality?

Believe me it would have been so easy for us to have carried on campaigning. We would have carried on receiving favourable headlines, we could have been issuing press releases with photocalls every week.

But being in power isn't all about popularity contests. It is about responsible decision making. We have a responsibility to our residents, a responsibility to do the right thing.

We therefore took the decision to get round the negotiating table to try and hammer out the best possible deal for our residents given that history, given that context, given the direction of travel and given the clinical research which shows that regional centres of specialist care, like the one at Hammersmith Hospital, save lives.

Charing Cross was never going to become a specialist emergency centre – as I said – we lost that debate years ago. Therefore our focus had to be on preserving as many services as we possibly could given the draconian proposals originally before us which would have demoted the hospital to nothing more than a GP clinic.

And we achieved a huge amount through that negotiation – not enough for the people here tonight, but nonetheless we retain most of the everyday non-emergency services that we all rely on. Services retained or even added include MRI scans, CT scans, endoscopy, cancer care, renal services, physiotherapy, occupational therapy. I know some people like to dismiss this or talk this down but the fact is that thousands of our residents rely on these services everyday of their lives.

The current proposals do not include an A&E unit, but it does include an Urgent Care Centre which would treat around 70% of people who currently use A&E.

I totally understand that the new proposals do not go far enough for people here tonight, I fully accept that. But they are a massive step forward. Together we have ensured that Charing Cross will survive as a hospital.

Had we not decided to get around then negotiating table and to carry on campaigning, maybe talking up costly legal action that could have left our residents with a six figure bill with little chance of success, there is a prospect – a very real prospect – that we would have lost everything. We weren't prepared to take that risk.

People want more and I fully accept that. I want more **which is why we have been continuing to work with NHS and to press the case for maximising the potential of our hospitals**. We want Charing Cross to provide the best possible services for our residents, taking its place in the expert care network now established.

Let me just say this. We are talking to the NHS about whether we can improve the level of everyday emergency care services available at Charing Cross, accepting that the very specialist emergencies will continue to go to St.Mary's, Hammersmith or Chelsea & Westminster where people have a greater chance of surviving because of the concentrated care and resources available.

We are not just talking to Imperial, we are talking to a range of providers and our local commissioners. Barely a week goes by where conversations have not taken place. We said at the last Full Council meeting that the new business cases that are being developed with the new proposals are the minimum we expect.

OOH

But this is only part of the picture, we have also been doing much more – often behind the scenes – to improve healthcare in this borough and to reduce demand on A&E services at a time when demand in some parts of the country - as Carlo quite rightly points out, is increasing.

One of the problems confronting the NHS right now is that too many people are going to A&E who shouldn't have to. A study by Imperial College recently revealed that 100,000 visits a year could be avoided if patients had access to quicker GP appointments. In fact it is estimated that one in four people who attend A&E could be treated in the community, either at their GP surgery, a community health centre or at home.

And by treating patients well in these environments we can prevent the deterioration in their health and onset of crisis that will require them to visit A&E and spend time in a frightening and disorientating acute hospital environment.

And this is an area where the Council can make a huge difference.

We are working hard with GPs and other health professionals to vastly improve community health care in our borough.

As we all know accessing the healthcare that you need can be like a labyrinth for some patients, with different trusts, different providers, with their individual needs spanning across those providers. It is daunting at the best of time.

By working with GPs and NHS Trusts, vulnerable people in our borough will soon be provided with one point of reference – one person to deal with – one person to steer them round that labyrinth, making sure that they receive joined up care based around individual needs. We will be tearing down the barriers between social care and health care – all their needs will be met with one care package. This is a massive step forward which will have a huge impact on the health and wellbeing of our residents. It will totally transform the level of care people receive in their own home. And yes... it will reduce demand on A&E.

Yes, this vision could mean a little less money spent in acute hospital settings. Because a lot more is being invested to stop our frail and vulnerable residents from ending up there in the first place.

But let me assure you. Our support for the SAHF programme is based upon the achievement of these Out of Hospital advances. We want to see real changes in community care over the next few years, and real evidence that this is leading to a reduced reliance upon acute hospital services and A&E departments. We will be monitoring progress closely. We will be helping to deliver this vision. Our residents would expect no less from us.

Specially I want to measure our success in the following areas:

1. The creation of Virtual Wards which will be established across the borough as a means of delivering reductions in acute hospital activity, through improved case management and care co-ordination
2. Personalised care planning for 30,000 people at risk of admission to hospital
3. Improved Primary and Community Health Care Services, including upskilling primary care clinicians and community nurses
4. An increase in the revenue budget of £17m per year
5. Capital investment of up to £40m per year

Conclusion

So, let me sum up. I fully appreciate the concern and anger people have over the loss of emergency services at Charing Cross. It is a hospital that we all love and all rely on. I have tremendous respect for the people who have campaigned so adamantly to save it. I understand 'saving it' to them means retaining A&E services.

Tonight, I hope, I have gone some way to explaining the Council's stance and why we took the decision to negotiate and work constructively to co-design the best possible future for Charing Cross. To deny reality for short term political gain would have been an abdication of the long term responsibility that we have for our residents health.

Even though we do not agree on tactics, we all care passionately about our hospitals and our health system. We will continue to push for the best deal for our hospitals. And we will work with the NHS to keep more residents well and Out of Hospital in the first place.

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 3 JULY 2013

Question by: Mr Graham Hodgkin

To: The Leader

QUESTION

“The JOHSC [Joint Overview Health Scrutiny Committee] report, drafted by the consultants appointed to support the committee, Peter Molyneux and Mark Butler concluded with:

'Our conclusion is that the consultation process has failed to meet the standards that should be expected for such important changes to service and local facilities, which potentially affect local people significantly'

The last 2 paragraphs of the DRAFT report concluded with these two paragraphs under the heading 'Remit for Consultation':

'Boroughs and third sector partners seem to have been largely ignored as sources of help and expertise in engaging with communities they know well. This may reflect the bulk of the budget being spent on expensive external communication and public relations experts rather than those with in nurturing sustainable local commitment and developing greater public involvement skills within the public sector.

A key concern is that virtually nothing of any significance about the proposals has altered over the nine months of development and engagement. This is not a sign of the strength of the proposals but an indication that a top-down, un-engaging process has been running. It is hard to avoid feeling that this has been an essentially closed NHS process, intended to promote a highly-developed proposal, rather than to engage meaningfully with the public and staff in shaping the future. Our conclusion is that the consultation process has failed to meet the standards that should be expected for such important changes to service and local facilities, which potentially affect local people significantly'.

Furthermore

"It has been widely publicised that NHS NW London spent £7m pounds on their public consultation "shaping a healthier future"

H&F council agreed in February 2013 to, amongst other proposals, to the demolishing of the 500 bed Charing Cross Hospital Major Hospital and replacing it with a 60 bed 'health and social care hospital'.

The concept 'health and social care hospital' does not appear anywhere in the consultation documents presented to the public and has no provenance or evidence of clinical efficacy or safety.

Under Section 242 of the NHS Act 2006 requires that those responsible for NHS services involve and engage patients and the public continually in the planning and development of those health services.

Furthermore;

'Section 242 (2) (b) of the Act imposes a duty on each body to which it applies, which includes PCTs, to consult persons to whom services are being or may be provided on "the development and consideration of proposals for changes in the way those services are provided".

Therefore the Public has not been consulted under Section 242 of the NHS Act 2006 as stated above.

The consultation is not the responsibility of H&F Council but by agreeing to the proposals implies that the council is satisfied with the consultation process.

Is the council satisfied?

If not are you going to tell the Independent Panel set up by the Health Minister, Jeremy Hunt?

Finally - Can you send copies of submissions made to Jeremy Hunt's Independent panel to Save Our Hospitals [Hammersmith] Campaign."

ANSWER

You are right to point out concerns with the original consultation – indeed we were one of the most ardent critics of the consultation process.

However, to be fair to the NHS the proposals for Charing Cross were changed as a result of feedback from the consultation, as a result of the campaign around the consultation.

As I have said before, there comes a point when we have to do more than shout the loudest. We felt it was far better to constructively work with the NHS to try and get the best possible deal for our residents.

Are we satisfied? We are happy that Charing Cross has been saved as viable hospital, we are happy that the majority of everyday health services will still continue to be available but we are continuing to talk to the NHS and all healthcare providers to maximise the services that will be available – accepting the growing clinical evidence which suggests that specialists centres of care save lives.

We will be making every effort to put the case for more services, including enhanced emergency cover at Charing Cross, to the Independent Panel. At the moment the Independent Panel has made it clear that they are only interested in speaking to clinicians. We hope that will change and we will be pressing to make a submission which we will, of course, make public.

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 23 OCTOBER 2013

Question by: Ms Desiree Cranenburgh

To: Cabinet Member for Community Care

QUESTION

“Will you publically call on Jeremy Hunt to Save our Hospitals?”

Agenda Item 5.2

No. 2

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 23 OCTOBER 2013

Question by: Mr Barrie Stead

To: Cabinet Member for Community Care

QUESTION

“Could you provide copies of the minutes and give a general report of the recent meetings you’ve had with Imperial to discuss the future of the Charing Cross hospital site?”

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 23 OCTOBER 2013

Question by: Mr Peter Chutter

To: Cabinet Member for Community Care

QUESTION

“Does the council agree with Dr Mark Spencer’s comments on TV that the increased journey time to a suitable hospital, other than Charing Cross if you live in the Charing Cross Hospital area, will only be about one and half minutes?”

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 23 OCTOBER 2013

Question by: Ms Dede Wilson

To: Cabinet Member for Community Care

QUESTION

“Neither SaHF nor LBHF tackled the issue of third world voting in the Consultation through open electioneering in Option A preferred hospitals, with blue voting cards and instructions on every department reception desk at CW Hospital when other hospitals were kept in the dark. *Trust News* had guidelines for simple voting to save CW hospital whilst LBHF and SaHF knew other hospitals were not allowed to do the same. They did not monitor this third world electioneering. How can the Consultation be considered in any way valid in view of this and when only 628,384 leaflets were distributed out of 8,000, 000 people in NW London and none were distributed in LBHF?”

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 23 OCTOBER 2013

Question by: Ms Suzanna Harris

To: Cabinet Member for Community Care

QUESTION

“In their future plans for Charing Cross, has the council carried out population increase predictions, based on the number of new homes planned for the borough for the next 10 years? And for the increase in people coming to the borough daily to work ?

Have they assessed the possible numbers of people who might need treatment at an A&E in the case of a mass incident at Fulham Football Club, or the Boat Race ? Would St Mary's and Chelsea-Westminster have the capacity required ?

Already our campaign has had a number of reports about a lack of capacity, long waiting times, and admissions to less appropriate wards because of pressure on acute beds at these hospitals.”

Agenda Item 6.1

 the low tax borough	London Borough of Hammersmith & Fulham COUNCIL 23 OCTOBER 2013
APPOINTMENT OF HEAD OF PAID SERVICE	
Report of the Appointments Panel	
Open Report	
Classification: For Decision Key Decision: No	
Wards Affected: All	
Accountable Executive Director: Derek Myers, Chief Executive	
Report Author: Debbie Morris / Tasnim Shawkat	Contact Details: Tel: 020 8753 3091 E-mail: debbie.morris@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. The Council is being asked to appoint an acting/ interim Head of Paid Service for the London Borough of Hammersmith and Fulham, on the recommendation of the Appointments Panel.
- 1.2. The Head of Paid Service will also be the Joint Chief Executive for Hammersmith and Fulham and the Royal Borough of Kensington and Chelsea.

2. RECOMMENDATIONS

- 2.1. Mr Nicholas Holgate be appointed the Head of Paid Service for the London Borough of Hammersmith and Fulham.
- 2.2. Mr Holgate to act as the Joint Chief Executive for the London Borough of Hammersmith and Fulham and the Royal Borough of Kensington and Chelsea.

3. REASONS FOR DECISION

- 3.1. Mr Derek Myers, the current Joint Chief Executive will retire. A Head of Paid Service needs to be appointed to replace Mr Myers.

4. INTRODUCTION AND BACKGROUND

- 4.1. Mr Derek Myers, the current Joint Chief Executive is due to retire in November 2013. The external selection process to recruit a replacement was commenced over the summer. The position was advertised with a salary range of £155,000 - £185,000 plus retained pay.
- 4.2. An Appointments Panel was set up. The Appointments Panel comprised of Member representatives from both Hammersmith and Fulham and Kensington and Chelsea as follows:

For the London Borough of Hammersmith and Fulham

Councillor N Botterill – Leader of the Council

Councillor G Smith – Deputy Leader and Cabinet Member for Residents Services

Councillor M Ginn – Cabinet Member for Community Care

Councillor S Cowan – Leader of the Opposition

For the Royal Borough of Kensington and Chelsea:

Councillor N Paget- Brown - Leader of the Council

Councillor R Feilding-Mellen - Deputy Leader of the Council and Cabinet Member for Housing, Property and Regeneration

Councillor M Weale - Cabinet Member for Adult Social Care and Public Health

Councillor J Blakeman - Leader of the Minority Labour Group

- 4.3. The Appointments Panel met on 4 September 2013 but was not able to make an appointment from the shortlisted candidates.

5. PROPOSAL AND ISSUES

- 5.1. Following the meeting of the Appointments Panel on 4 September 2013 it was considered that it would not be practical or appropriate to commence another recruitment campaign given the time scale of the forthcoming Council elections in May 2014.
- 5.2. Therefore the Appointments Panel, advised by the current Joint Chief Executive and the Bi-borough Director of HR undertook an internal process for appointing an acting up / interim Joint Chief Executive.

- 5.3. The Leaders and Deputy Leaders of both Councils interviewed suitable internal candidates and consulted with each Member of the Appointments Panel and agreed to recommend to both Councils that Mr Nicholas Holgate should be appointed as the Head of Paid Service and Joint Chief Executive.
- 5.4. Mr Nicholas Holgate is currently the Town Clerk and Executive Director of Finance at the Royal Borough of Kensington and Chelsea, responsible for all corporate services including finance, property, IT and communications as well as housing and planning. Mr Holgate joined local government in 2008. Prior to that Mr Holgate was a civil servant who held a number of senior posts at HM Treasury before becoming Chief Operating Officer at the Department for Culture, Media and Sport.
- 5.5. Mr Holgate will be able to take up the post of Head of Paid Service and Joint Chief Executive from November 2013 following Council approval.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. Following the Appointments Panel on 4 September 2013 various options were considered. In the light of the forthcoming elections it was felt the option put forward in this report was the best option.

7. CONSULTATION

- 7.1. Members of the Appointments Panel including the Opposition Leaders of both Council have been consulted.

8. EQUALITY IMPLICATIONS

- 8.1. There are no specific equality implications for this report.

9. LEGAL IMPLICATIONS

- 9.1. The Council's Constitution provides that the full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a Committee or Sub-Committee of the Council.
- 9.2. The Constitution also provides that the full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection from any member of the Executive has been received in accordance with the procedure set out in the Constitution.
- 9.3. The appointment procedure set out in the Constitution has been followed and the Council is able to make the appointment.

Implications verified/completed by: Tasnim Shawkat, Bi-borough Director of Law

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1. The Joint Chief Executive's post was advertised at a salary range of £155,000 - £185,000 plus retained pay (excluding oncosts). It is proposed that Mr Holgate is paid £180,000 for acting up into the post. Mr Holgate's current salary is £158,600, thus he would receive an additional payment of £21,400.
- 10.2. For Hammersmith and Fulham, there would be a saving of £18,000 being the difference between the current charge for Mr Myers and the charge for Mr Holgate.


Implications verified/completed by: Hitesh Jolapara, Bi-borough Director for Finance.

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 6.3

+

 the low tax borough	London Borough of Hammersmith & Fulham COUNCIL 23 OCTOBER 2013
STATEMENT OF COMMUNITY INVOLVEMENT IN PLANNING: ADOPTION OF DOCUMENT	
Report of the Cabinet Member for Transport and Technical Services: Councillor Victoria Brocklebank-Fowler	
Open Report	
Classification - For Decision Key Decision: No	
Wards Affected: All	
Accountable Executive Director: Nigel Pallace, Executive Director Transport and Technical Services	
Report Author: Trevor Harvey, Development Plans Team Leader	Contact Details: Tel: 020 8753 3039 E-mail: Trevor.harvey@lbhf.gov.uk

1. BACKGROUND

- 1.1 Every local planning authority must prepare a Statement of Community Involvement (SCI), which is seen by the government as a means of improving the quality of the planning process through greater community involvement.
- 1.2 The Council's SCI dates from 2006, since when a number of changes to planning legislation, national guidance and local practices have made it necessary to review and revise the document.
- 1.3 The revised SCI has been prepared under the terms of the Planning and Compulsory Purchase Act 2004 and has taken into account more recent legislation including the Localism Act 2011, the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2012.

- 1.4 The revised SCI was subject to public consultation for 6 weeks commencing in May 2013. The next stage in the SCI process is adoption by full Council.

2. RECOMMENDATION

- 2.1 That the revised Statement of Community Involvement in Planning (see Appendix 2) be adopted by the Council.

3. THE STATEMENT OF COMMUNITY INVOLVEMENT

- 3.1 The purpose of the SCI is to explain how and when the community can be involved in the preparation of planning policy documents (such as the Local Plan and Supplementary Planning Documents) and in the consideration of planning applications, including pre-application proposals and appeals.
- 3.2 The revised SCI builds upon the 2006 document and received comments from 13 organisations and individuals during public consultation. These comments are included in Appendix 1 of this report in the schedule of representations and officers' responses (see Appendix 1).
- 3.3 The representations were generally supportive of the SCI and the Council's proposals for community engagement. However, some representations, mainly on points of clarification rather than principle, have led to minor and technical changes of wording. In particular, further detail has been provided on consultation on planning applications to help involve people in decision making.
- 3.4 Because there is no requirement for independent examination of the SCI, following consideration of the representations that have been received the Council can proceed to adopt the document which is set out in Appendix 2 of this report.

4. POST SCI ADOPTION REQUIREMENTS

- 4.1 After adoption, it will be necessary under the Town and Country Planning (Local Planning) (England) Regulations 2012 to make the SCI and other documents supporting the SCI available for inspection and to publish these on the council's website. The council must also make an adoption statement available and notify any person who requested to be notified of the publication of the adoption of the SCI. The adoption statement must be sent to the Secretary of State.

5. FINANCIAL AND RESOURCES IMPLICATIONS

- 5.1 The costs of adoption will be met from within existing revenue budgets in Transport and Technical Services.
- 5.2 Implications verified/completed by: Gary Hannaway, Head of Finance (Environment), ext 6071.

6. LEGAL IMPLICATIONS

- 6.1 The SCI is a local development document and as such its preparation and adoption is governed by the Planning and Compulsory Purchase Act 2004 and regulations made by the Secretary of State. The post adoption requirements are set out at paragraph 3.1 of the report. The revised SCI will replace the 2006 SCI. In preparing future local development documents (such as revisions to the Council's Local Plan or SPD), the Council must comply with the SCI (s.19(3) of the 2004 Act).
- 6.2 The adoption of the SCI must be by resolution of the full Council.
- 6.3 Implications verified/completed by: Alex Russell, ext 2771.

7. RISK MANAGEMENT

- 7.1 The subject of the report is not included on a departmental or corporate risk register.

8. EQUALITY IMPLICATIONS

- 8.1 The SCI actively takes into account the different needs of people and groups with protected characteristics, as well as the three aims of the public sector equality duty (PSED). For example, in developing an SPD, the Council will endeavour to provide the opportunity to take part in consultation on draft SPDs to all community groups including those that are more likely to be under-represented in public life such as women, disabled people, and BME groups.
- 8.2 More generally, the SCI aims to capture diverse needs when officers are consulting, in order to capture as much as possible at the start of consultations and development of policies.
- 8.3 Because the SCI captures the needs of different groups all the way through with the aim of ensuring that the PSED is addressed in our business activity, an EIA is not necessary.
- 8.4 When officers use the SCI to develop policy, EIAs may be needed as and when appropriate to the decision in hand at a later date.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Representations received during consultation from May to July 2013.	T. Harvey ext 3039	TTSD. Hammersmith Town Hall Extension
CONTACT OFFICER: Pat Cox		NAME: EXT. ext 5773	

Appendix 1. Draft Revised Statement of Community Involvement representations and officers' responses

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
Mr Andy Goymer Environment Agency		Draft Revised Statement of Community Involvement - May 2013	Support	<p>Thank you for consulting the Environment Agency on the draft revised Statement of Community Involvement (SCI).</p> <p>Having reviewed the submitted document, I have no objection to the proposed revisions to the SCI.</p> <p>I am pleased to see that the Environment Agency will continue to be consulted on local planning policy documents. In addition to written consultation we would be more than happy to attend meetings with policy planners where appropriate, particularly in the early stages before the proposed-submission stage. This will ensure that we can raise any pertinent issues and bring any relevant evidence bases to your attention with sufficient time for you to incorporate these into the development of the plan.</p> <p>We are also keen to work alongside the council on planning applications that fall within our remit.</p>	<p>Comments noted. The council welcomes the Environment Agency's desire to continue to work with the council on planning policy and planning application matters.</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
				<p>To assist case officers with 'lower risk' planning applications, we have recently rolled out some local flood risk standing advice for Hammersmith & Fulham. This advice has been designed to reduce the need for direct consultation and to speed up the consultation process. If there is any confusion regarding this standing advice, we will be happy to discuss specific sites over the phone, or provide training where required.</p>	
Carla Jackson Natural England		Draft Revised Statement of Community Involvement - May 2013	Support	<p>We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.</p> <p>We regret we are unable to comment, in detail, on individual Statements of Community Involvement but information on the planning service we offer, including advice on how to consult us, can be found at: http://www.naturalengland.org.uk/ourwork/planningdevelopment/default.aspx.</p>	Comments noted.

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
Rosemary Pettit Hammersmith Society		Draft Revised Statement of Community Involvement - May 2013	Support	The Hammersmith Society welcomes the publication of this revised document and strongly supports the Council's stated purpose (5.1) of ensuring that the most effective techniques are used to deliver the optimum levels of community involvement in the planning process.	Support welcomed.
Ms Jane Wilmot H&F Disability Forum		Draft Revised Statement of Community Involvement - May 2013	Observations	Overall it is written in straightforward language and explains how the community can get involved in planning issues. Our comments or objections are on matters of detail and not of substance.	Comments noted.
Ms Jane Wilmot H&F Disability Forum		Draft Revised Statement of Community Involvement - May 2013	Observations	P.14; p 19: p 31 we recommend that (HAFAD) is deleted as the acronym for Hammersmith and Fulham Disability Forum as it is a separate organisation.. If the SCI needs an acronym we suggest H&F Disability Forum instead. For	The SCI will be amended to refer to the acronym as suggested, namely "H&F Disability Forum".

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
		Community Involvement - May 2013		information HAFAD is planning to adopt a new name at its AGM in August 2013	
David Tatham Fulham Society		Draft Revised Statement of Community Involvement - May 2013	Observations	I have read through the above document and I have concluded that at this stage it only itemises in some detail the various steps that the Council will take in the preparation of a number of different documents, such as a new Local Plan, any Supplementary Planning documents, and the Community Infrastructure Levy Charging Schedule. As far as I can see, local interest groups and bodies such as ours will have copious opportunities to comment. Consequently, I can say that at this stage we have no comments to make on the draft Revised Statement of Community Involvement. However do please continue to keep me informed of any future developments in this regard.	Comments noted. The council will continue to consult the Fulham Society on planning matters as and when appropriate.
Claire Craig English Heritage-London Region		Draft Revised Statement of Community	Observations	As the Government's adviser on the historic environment, English Heritage is keen to ensure that the conservation and enhancement of the historic environment is fully taken into account in all elements of local planning.	Comments noted.

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
		Community Involve ment - May 2013		English Heritage wishes to thank the Borough for the clear statement of its intention to co-operate with us in paragraph 2.5 of the SCI and we acknowledge our reciprocal duty to co-operate in response. For the avoidance of doubt, please consider us a specific consultation body that does have an interest in the development of the borough's Local Plan in accordance with Regulation 18(2)(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012.	
Jill Paver St Peter's Resident's Association		Draft Revised Statement of Community Involve ment - May 2013	Observations	We are very pleased to read your 'core principles for community involvement' as laid out in the draft plan. As a local residents' association in a Conservation Area, with a large number of Grade II listed buildings and a Grade II * listed church, we are acutely aware of how important it is for residents' associations to be involved in what is happening in their area, especially within Conservation Areas.	Support welcomed.
Mr Anthony Williams		Draft Revised Statement	Observations	The Statement should make it binding on the Council to adopt community requirements unless they can adequately make a case for non-	The council will consider all comments and representations received

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
		nt of Commu nity Involve ment - May 2013		<p>adoption, based on legalities. At present the community requests and the council largely dismisses.</p> <p>The Statement should also place a binding obligation on the council to abide by its own planning policies and guidance. There has been a major failure to do this in respect of the South Fulham Riverside redevelopment in Carnwath Road with the approved scheme largely ignoring the South Fulham Riverside SDP. If this happens again it will seriously if not totally undermine the community's faith in the whole concept of community involvement.</p>	<p>from individuals, community groups and others when consulting on planning policy documents and planning applications. A strategic objective of the council's Core Strategy is to ensure there is a range of high quality community infrastructure, and this will be sought where appropriate and when opportunities arise.</p> <p>The development plan will be the starting point for decision making. Proposed development that accords with an up to date Local Plan will be approved, and proposed development that conflicts will be refused unless other material considerations indicate otherwise. SPDs are capable of being a</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
					<p>material consideration in planning, but there are other considerations, such as national Government policy.</p>
<p>Malika Hamiddou CITAS (Community Interpreting Translation Advice Service)</p>		<p>Draft Revised Stateme nt of Community Involvement - May 2013</p>	<p>Observations</p>	<p>We are a voluntary organisation in West London working to support both the Health and the Public sector by providing interpreting translation and engagement support when needing to consult with the service users from the BME communities</p> <p>Our community would have benefited from contributing to your consultation if they knew about it</p> <p>I know its too late now but in future we would like to work for you to facilitate this process.</p> <p>It would be good to receive your feed back on how far the following were achieved when addressing the MBE communities</p>	<p>Comments noted. The council's planning consultation database includes many BME groups and these were sent a letter and email about the SCI consultation. CITAS was among this group and was advised of the consultation</p> <p>The council will continue to consult CITAS on planning policy documents and will call upon its services when appropriate.</p> <p>Section 5 of the SCI sets out the council's intention to assess and monitor the</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
					effectiveness of consultation techniques in involving all groups within the community.
Mr Jerry Beere	2	Introducing our Statement of Community Involvement	Support with conditions	One problem with the PAC is that it splits along party lines, which weakens its position as a quasi-legal body. In the Goldhawk Rd development, for instance, no one had any confidence that the PAC would objectively consider the merits of the scheme. Everyone assumed that the PAC would simply go through the motions of appearing to consider the scheme objectively and then split on party lines. The public conduct of the councillors on the PAC when they came to consider the scheme unfortunately confirmed everyone's suspicions.	Comments noted. The role and make up of the Committee is governed by the council's constitution, and falls outside the remit or control of this document.
Angela Dixon Hammersmith & Fulham Historic Buildings Group	2	Introducing our Statement of Community Involvement	Support with conditions	Why you should get involved in planning? Paragraph 2.1 makes clear the great changes that are taking place from the 'South Fulham Riverside to the Old Oak Opportunity Area'. We welcome the statement in 2.2 that planning 'is about ensuring that development respects the local heritage and townscape' but we would suggest that the phrase 'takes account of the impact on the local	The council acknowledges the importance of local heritage in this borough. The policies in the council's development plan (namely the London Plan, Core Strategy and Development Management

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
				<p>area and the people living and working there' is strengthened so that the interests of the local heritage can be given greater weight when considered against outside pressures.</p>	<p>Local Plan) allow for consideration of local heritage matters. The SCI is not a planning policy document and consequently it is not considered necessary to amend para 2.2 as suggested.</p>
<p>June Bennett</p> <p>2</p>		<p>Introducing our Statement of Community Involvement</p>	<p>Observations</p>	<p>I welcome the intended changes as I believe it is more important than ever that communities and local organisations become involved in what is happening in their borough. When documents are large, 48 pages this one, guidance on sections where views would be welcome is desirable.</p> <p>The layout seen online I found very confusing as reference numbers did not relate to the tables that appeared.</p>	<p>Comments noted.</p> <p>Although all parts of a consultation document are normally open to comment, the council will consider whether it is appropriate when consulting on specific documents to highlight particular sections where it would welcome comments.</p> <p>In respect of the layout of the SCI, the council has reviewed the referencing of tables and made changes</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
				<p>2.1 a) There are so many developments taking place at the same time & I am concerned why some are even taking place now when we know the lack of housing is such a big problem.</p> <p>lb) While the needs mentioned are being recognised are they for the benefit of all residents?</p> <p>2.2 Respect for local history, especially in Fulham, is essential, however, is respect being given to the views of those living on Council Estates who have real concerns?</p> <p>2.3 Knowledge of the Council's responsibilities and financial assistance from the Government would help communities and local organisations better to engage in consultations. Council Meetings should be better advertised, agendas and any special matters to be discussed be made known so that more residents attended the meetings.</p>	<p>where appropriate.</p> <p>Re para 2.1, the council has approved many schemes that include new housing. The council's planning policies will lead to more homes and jobs and improved infrastructure throughout the borough.</p> <p>Re para 2.2, the point of concern is noted Residents on council housing estates are consulted in a variety of ways on matters affecting the estates, including as part of planning applications and on regeneration proposals.</p> <p>Re para 2.3, the point is noted and will be taken</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
				<p>At my first Council meeting I had to ask the Chairman for Agendas to be made available in the balcony where the public sit. I hope this has been corrected. Should there also be an opportunity for them to speak at certain points in the meeting without having to notify in advance?</p>	<p>into account in reviewing how the service operates these aspects of its function.</p> <p>Regarding availability of agendas, the point is noted and the comments will be passed on to the committee services team to consider.</p>
June Bennett	2	Introducing our Statement of Community Involvement	Observations	<p>CORE PRINCIPLES FOR COMMUNITY INVOLVEMENT</p> <p>The six mentioned are essential but unless it is felt by residents and organisations that the last one "Respecting and Valuing comment" takes place it is unlikely that they will take part again.</p> <p>2.5 I think some felt the Localism Act 2011 was</p>	<p>The council will ensure that all those who comment on planning policy documents and planning applications receive a response in accordance with the procedures set out in tables 3.1, 3.2, 3.3, 4.1 and 4.2 of the SCI.</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
				<p>finally recognising that the views of communities and organisations would be considered when developed and major changes were being planned. Some Borough Councils themselves have felt their views and concerns have been overlooked by the Government's recent planning changes. One does wonder the true purpose of this Act.</p>	<p>Comments noted about the Localism Act.</p>
Mr Anthony Williams	2	Introducing our Statement of Community Involvement	Observations	<p>Table 2.1 includes an intention to ensure feedback. This can only happen if those from whom feedback is desired or necessary are aware of the planning matter and the opportunity to comment. The Statement therefore needs to include a strong obligation on the Council to have an accurate and regularly updated database and to ensure that it notifies all relevant parties in a timely manner.</p> <p>PRARA's recent experiences on planning and other matters have demonstrated failures to notify and this should be a binding obligation.</p>	<p>The council updates its planning consultation database regularly and uses a variety of sources to do this. It is, of course, helpful if organisations inform the council of changes affecting their groups, for example if names and addressees of nominated contacts alter after AGMs.</p>
Andy Goymer Environment Agency	3	Consultation Planning Policy	Support	<p>I have no objection to the proposed revisions to the SCI.</p> <p>I am pleased to see that the Environment</p>	<p>Comments noted. The council welcomes the Environment Agency's desire to continue to work</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
(London Team)				<p>Agency will continue to be consulted on local planning policy documents. In addition to written consultation we would be more than happy to attend meetings with policy planners where appropriate, particularly in the early stages before the proposed-submission stage. This will ensure that we can raise any pertinent issues and bring any relevant evidence bases to your attention with sufficient time for you to incorporate these into the development of the plan.</p>	<p>with the council on planning policy matters. It is agreed that meetings to discuss policy issues will be useful in some circumstances.</p>
Angela Dixon Hammersmith & Fulham Historic Buildings Group	3	Consultation on Planning Policy	Observations	<p>It is very helpful in 3.4 to lay out the hierarchy of the current planning documents that have taken over from the UDP. The last two documents in the 'loose leaf' LDF were approved on 3rd July. We have been involved in all stages in the consultation on the LDF and are disheartened to see that more change is coming with the Local Plan. This continuing change is a discouragement to participate because of the considerable time and effort involved with sadly often little to show for it, but we accept that this is not the fault of the Council.</p> <p>We note reference on page 12 to availability of documents on the website. However it is</p>	<p>Comments noted. The Local Plan review will allow for the amalgamation of the Core Strategy and Development Management Local Plan into a new Local Plan for the borough.</p> <p>Hard copies of documents will be made available on request. The Town and</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
				<p>essential that documents are also available in hard copy on request. We are surprised that these should be 'for purchase' which will not encourage participation.</p>	<p>Country Planning (Local Planning) (England) Regulations 2012 state that "the local planning authority may make a reasonable charge" for copies of documents.</p>
<p>June Bennett</p> <p>3</p>		<p>Consultation on Planning Policy</p>	<p>Observations</p>	<p>CONSULTATION AND PLANNING POLICY</p> <p>3.1 Few people will have the need, interest or time to make themselves aware of policies that may affect them unless they are organisations or individuals concerned for and working for those in 3.18.</p> <p>3.2 PLANNING POLICY</p> <p>3.3 So many policies are in draft would knowledge of them have helped those living off Townmead Road or on the Earls Court and West Kensington Estates when they found Developers were taking them over.</p> <p>It is possible with the cut back in funding some Borough Councils might prefer not to have to</p>	<p>The council will continue to consult all relevant groups and individuals on planning policy as set out in Appendices 1 and 2 of the SCI.</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
				<p>involve too many other people in their decision making.</p> <p>3.4 If new reforms are no longer part of the Local Development Framework will individual rights be safe guarded?</p> <p>3.10 If Councils do want to involve people much better use of technical communications means, at an earlier stage must be considered. People no longer read the papers and Councils have been stopped from printing their own papers. Our three Boroughs working together make savings but will it be at the loss of communicating with their own residents and will residents in turn have less feeling of belonging to their own community.</p> <p>3.12 The Merging of Core Strategy and Simplification will make engagement easier & hopefully small organisations will become more involved.</p>	<p>The changes to planning legislation referred to in the SCi do not impact upon the status of the development plan.</p> <p>The council agrees that the “use of technical communications” should continue to improve. The council’s website and initiatives such as “e-alerts” will continue to be developed to enable better dissemination of information and improved opportunities for engagement.</p> <p>The council agree with comments on the benefits of merging development plan documents.</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
Mr Anthony Williams	3	Consultation on Planning Policy	Observations	The Statement (3.17) specifically refers to consultation on the CIL yet no such consultation seems to have taken place when setting the first levies. This is not reassuring.	Consultation on the CIL preliminary draft charging schedule was in late 2012. The council's records show that a letter was sent to you on 7 September 2012 regarding the preliminary draft charging schedule and we apologise if you did not receive it. The next round of CIL consultation will be later this year. Table 3.3 of the SCI sets out the how consultation will be undertaken.
Mr Anthony Williams	3	Consultation on Planning Policy	Observations	3.4 and 3.18 refer to a new category of Neighbourhood Plan. This was news to me. How will this work? How will the council establish the procedures for it? This needs to be included somewhere in the Statement.	The council's website includes details of neighbourhood planning (see Planning Policy pages).
Mr Jerry	4	Consult	Support	It is clearly right that residents should be	The council strongly

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
Beere		ation on Plannin g Applicati ons	with conditions	<p>consulted prior to the application being submitted. One problem with the Goldhawk Rd development was that the first the residents heard about it was after the developer had been talking to the council's planning department for a year. This lead to suspicions which were never subsequently allayed that the developers and the council were in collusion. No one had any confidence that the council could objectively judge an application it had been so closely involved in shaping prior to the application.</p> <p>Compulsory consultation with residents - and not just presenting a fait accompli - should be an integral part of this document.</p>	<p>encourages applicants to consult with residents at an early stage in the application process. However, the council is not liable to give out details of potential applications at the pre-application stage without the developer's consent. There may be a number of reasons why a developer may be treating a potential application as confidential, for example a land sale may be taking place. In any event, officers treat each application on its merits and, while they may have advised a developer on what would potentially comply with policy or not, no decision is made at pre-application stage and the due processes are still</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
					followed.
Mrs Claire McLean Canal & River Trust	4	Consultation on Planning Applications	Support with conditions	The Canal & River Trust welcome consultation at pre-application stage, and would request that the Council seeks to involve us on pre-application proposals for canal side sites.	Comments noted.
Rosemary Pettit Hammersmith Society	4	Consultation on Planning Applications	Observations	It would be helpful if the information about plans being made available for viewing via the front desk in the Town Hall Extension stated the opening hours, and also made reference to the availability (or otherwise) of a duty planning officer who could explain technicalities to those unfamiliar with the process.	The duty planning hours are available on the council's website and the duty planner is available to look at plans with a customer. In addition, the council will shortly be issuing a fact sheet to help explain how to read plans. This will be available at the reception desk and on line.
Rosemary Pettit Hammersmith Society	4	Consultation on Planning Applications	Observations	<ul style="list-style-type: none"> We request the Council actively to require planning applicants to provide the necessary information in a clear and accessible format, with all documents posted on the website numbered, and clearly labelled as to their subject, content 	The council has had many residents highlighting the need to improve application documents and referencing and we are

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
		ons		and size. This is particularly important when developers are posting very large and complex applications. (We have been given to understand that current problems in this regard are due to technological difficulties. If so, it is important that these are addressed as a matter of urgency as long strings of unlabelled documents present an unacceptable barrier to communication and community response.)	currently working to resolve this. For example, adjustments have been made to enable the publishing of the file names of documents, which in part has addressed the problem. In addition, a computer software upgrade is to be carried out in the autumn which should address the remainder of the concerns.
Rosemary Pettit Hammersmith Society	4	Consultation Planning Applications	Observations	The Council should ensure that all application documents remain available for viewing on the LBHF website up to, and including, the closing date for comments. At present this is not always the case.	The council has resolved technical issues relating to this issue. and the application documents should now be available for viewing from validation and will not be taken down.
Rosemary Pettit Hammersmith	4	Consultation Planning	Observations	The public would also find it helpful if each application included the name of the relevant planning officer, in case further clarification	The name of the case officer can be found under the "further information"

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
h Society		g Applications		should be sought. At present, only if a comment is made via the website is the name of the planning officer subsequently revealed in the acknowledgement.	tab once an application is opened on the Public Access facility on the council's Planning web page.
Rosemary Pettit Hammersmith Society	4	Consultation Planning Applications	Observations	The website includes much information about how to submit a planning application, and the necessary process. It does not include information about how to comment, or object to, an application, or the grounds on which an objection is valid. It should not be left to an association, such as the Hammersmith Society, to supply this information to residents. If the Council has a duty to consult and cooperate with residents then the means of doing this – including grounds for objection – should be set out on the website.	There is a facility on Public Access on the council's Planning web page which allows a resident to comment on any application. On major applications pages, the council also sets out the material planning reasons that people can use to object.
Rosemary Pettit Hammersmith Society	4	Consultation Planning Applications	Observations	The Hammersmith Society seeks an undertaking from the Council that, wherever possible, major consultations will not be launched in holiday periods such as Easter, the summer holidays and Christmas. Such timing inevitably means that large sections of the community will be unable to participate.	Whilst the council agrees that consultations over holiday periods are not ideal, it cannot control when an applicant submits a planning application. The statutory consultation

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
					<p>period of 21 days, set by national government, must start once the application is validated. This means that it is inevitable that sometimes consultation periods will run over holiday periods. However, the council will endeavour to extend consultations that run over the holiday periods where possible so that the community has a chance to comment. This will not be possible in all cases, but the council will try to avoid consultations running solely in holiday periods.</p>
Ms Jane Wilmot H&F Disability Forum	4	Consultation Planning Applications	Observations	<p>We consider that it will be helpful to the reader if the SCI had a clear reference to:</p> <ul style="list-style-type: none"> searching the Weekly Application List as well as searching applications by reference number etc 	<p>The SCI will include the following additional wording in table 4.1 in the section "Who will be notified and how?":</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
				<ul style="list-style-type: none"> • Weekly Application Lists being on the council website for 8 weeks before being taken down/removed. • Contact details for reporting documents missing or too small/faint to read on line. Might be useful to advise a visit to the Duty Planning Officer where planning applications on line are not legible. • P 33: the 21 day consultation period runs from the date of validation that may be earlier rather than when it goes on line in the Weekly Application List. (We believe this to be the current position). • Which broad categories of applications are approved by the Planning Applications Committee and which applications are delegated for decision by a case officer. 	<p>"The council's Public Access system allows users to search for applications in a number of ways. You can enter the reference number, address, postcode or key word into the simple search and you can also track any application that you are interested in.</p> <p>You can also check the 'Weekly List' tab, which allows you to view all planning applications either registered or determined within a seven day period. These lists remain online, so you can search previous weeks' records.</p> <p>If you have trouble viewing a planning application</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
					<p>online, you can look at a hard copy on the first floor reception of Hammersmith Town Hall Extension” .</p> <p>The SCI will include the following additional wording in table 4.1 in the section “What will the council do with your comments?”</p> <p>“Most minor planning applications are usually decided solely by a senior planning officer under delegated powers – after taking into account any comments received.</p> <p>Otherwise, a planning officer will present a recommended decision to the Planning Applications Committee” .</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
Ms Jane Wilmot H&F Disability Forum	4	Consultation Planning Applications	Observations	<p>P 34: When will a decision be made and how will you be notified?</p> <p>We note that "everyone that was consulted about the application will be notified of the decision, and the decision notice will be made available on the website". We would like suggest that the council does notify Hammersmith and Fulham Disability Forum of all decisions in relation to comments/formal advice we make on planning applications in line with this statement as this does not happen currently</p>	<p>Provision now exists for consultees to sign up to be notified of decisions when they are made. Training events for using these and other tools will be held over the summer.</p>
Andy Goymer Environment Agency (London Team)	4	Consultation Planning Applications	Observations	<p>We are also keen to work alongside the council on planning applications that fall within our remit.</p> <p>To assist case officers with 'lower risk' planning applications, we have recently rolled out some local flood risk standing advice for Hammersmith & Fulham. This advice has been designed to reduce the need for direct consultation and to speed up the consultation process. If there is any confusion regarding this standing advice, we will be happy to discuss specific sites over the</p>	<p>Comments welcomed.</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
Angela Dixon Hammersmith & Fulham Historic Buildings Group	4	Consultation Planning Applications	Observations	<p>phone, or provide training where required.</p> <p>Pre-application consultations. In our 2005 response we commented on pre-application consultations as follows: 'Our limited experience of this so far on specific applications have left us with a very sceptical view of consultation run by the applicant. Our views were misreported and there was no attempt to listen, or to amend anything to accommodate our views, only to persuade us to the developer's point of view.'</p> <p>I am pleased to say that this situation has changed. We welcome the recent practice of the applicant holding a public exhibition of his plans early in the development of the project before plans are 'set in stone' and also offering interested groups briefing meetings with the architect. This has led in some cases to welcome amendments to the original proposals. As the SCI states (para2.2) local people often 'know most about their neighbourhood and can offer detailed local knowledge to help deliver the best policies and most appropriate development.' We welcome the Council's encouragement of this approach.</p>	Comments welcomed

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response	
June Bennett	4	Consultation Planning Applications	Observations	<p>I have not been involved where private individuals have sought for Planning permission but was concerned to learn of two situations.</p> <p>4.4 a) A householder who was not made aware of structural changes being made to the house next door to them. Are the new changes ensuring this does not happen and should it not have happened before?</p> <p>b) A Planning Application being considered by the Council at a Public meeting can only be challenged by a member of the public through a Borough Councillor. As few residents know their</p>	<p>Planning Forums are a welcome innovation since the original SCI was published. It can be very helpful to discuss a proposal with the developers and question them with planning officers in attendance and to hear the views of other interested groups. There has recently been a suggestion to hold a planning forum to present a proposal where information had not been previously available for study. This would not be helpful as the success of a forum, in our view, depends on participants having had time to formulate considered views.</p>	<p>Regarding the issue of householders and neighbouring development, if a planning application is lodged, neighbours will be consulted. However, some development can take place under 'permitted development', that is without the need for planning permission. This means that in some situations the council does not have any control over</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
				<p>own Councillor let alone those in other areas of the Borough how do they know an application that they may be interested in is coming up and how do they make their views known. I hope the new plans correct this.</p>	<p>development and cannot, therefore, notify neighbours.</p> <p>Regarding the second point, this is noted, and will be taken into account in the next review of this area of the service.</p>
June Bennett	4	Consultation Planning Applications	Observations	<p>4.5 I have attended three public Development Planning meetings that I heard of through the "grape vine". One was turned down by the Council but appeared again as a Council Development. One grew into the huge Earls Court and West Kensington Estates Development, fiercely fought against by some of the Residents and taken to Court and lost. The third was to my knowledge given Council permission but has "gone to ground" but no doubt will arise again if finance is available.</p> <p>4.10 What will happen if Developments start but run out of finance who will pick up the pieces? We know some Companies pulled out before work started and other "Backers" were found but</p>	<p>Regarding the question about financing developments, a planning consent runs with the land or building and not with the developer. It is a fact that some developments may not be built by the original applicant or may be varied by a new developer. If changes require a new planning consent, any application will be advertised accordingly.</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
				with so many Developments taking place future generations may face major problems.	
June Bennett	4	Consultation Planning Applications	Observations	<p>4.12 Far better use of the LBHF Website needs to be used but this can only be used by those on the Internet and do we have any idea how many can use it in the Borough? With funding cuts to voluntary groups means some have had to cut these classes and some have been told areas where they cannot use their funding. This happened I understand to one group who had to stop their very useful regular publication to members. The future of some Forums is under review and even then some groups, children and 18 to 25 year olds are not covered so do not get consulted.</p> <p>All avenues of communication must be considered if involvement in consultation is to take place.</p>	<p>The first floor reception of the Town Hall extension has computers with the internet that members of the public are welcome to use to look at planning applications and to access the LBHF website.</p> <p>In addition, consultation letters are sent to neighbours of development schemes.</p>
Jill Paver St Peter's Resident's Association	4	Consultation Planning Applications	Observations	We have been disconcerted in recent years by the lack of any information on planning applications being forwarded to the Association. I spoke to a member of the planning team in the last week when I rang to ask why the Association had not been notified about an	Comments noted. See responses below.

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
Jill Paver St Peter's Resident's Association	4	Consultation on Planning Applications	Observations	<p>application for work on an 1830s Grade II listed house in St Peter's Square, and I was told that there was no statutory requirement for the council to notify local residents' associations, only close neighbours. I hope that this requirement will change following the finalising and adoption of the Statement of Community Involvement. This is vital since the recent legislation that impacts upon planning, including the Localism Act 2011, the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2012.</p> <p>We hope that this Statement of Community Involvement will ensure that ALL community groups are involved in local planning and other decisions which impact on their area, and that the method of communication is such that we do not have situations such as have arisen with SPRA where, despite trying to get notification of planning applications relevant to our area for several years, we have only seen applications by chance by word of mouth</p>	
					<p>Whilst the council endeavours to notify relevant community groups of developments that will be of interest to them, on occasion the council may not realise that a particular development is of interest. There is a new Public Access facility on the council's Planning web</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
Jill Paver St Peter's Resident's Association	4	Consultation on Planning Applications	Observations	Our secretary, Louise Devonshire, tried today to sign up for e-alerts for planning applications in our conservation area, a service I only discovered about when talking to someone at SCI this morning, who recommended that SPRA could should use this service Ms Devonshire had problems signing up and contacted the Planning Department who said firstly that they had never heard of CSI and then told her that she could not sign up as a residents' association, only as an individual. I find it difficult to believe that this is how communication between planners and residents is envisaged and can only presume that some wires have become crossed somewhere. I would be grateful if you could let me know how, as a residents' association, we can receive notification of planning applications in our area, something that happened as a	Any individual is able to sign up for "E-alerts", which will ensure that he or she will be notified of all applications received complying with their search parameters. A new consultation system is due to be rolled out over the summer which should also act to address this issue.
					page that allows a user to define which location they are interested in. The user will then receive an email whenever an application within that area is received by the council.

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
Mr Anthony Williams	4	Consultation on Planning Applications	Observations	<p>matter of course until about three years ago.</p> <p>The definitions in 4.10 should specify how 'directly affected' is designed. Current practice seems to use a very limited definition indeed so that many affected residents are not informed and/or do not learn about an application until it is too late.</p> <p>There also needs to be an obligation on the council to notify all those affected - whether or not they made a comment - of any outcomes. Licensing is able to do this (in respect of respondents) so why not planning?</p>	<p>The definition of 'directly affected' varies depending on the size, nature and scale of the proposed development.</p> <p>There is a new facility on Public Access on the council's Planning web page that allows a user to define which location they are interested in. The user will then receive an email whenever an application within that area is received by the council.</p>
Ms Jane Wilmot H&F Disability Forum	5	Assessment and Monitoring	Observations	<p>P 37: Assessment and Monitoring.</p> <p>We recommend that in the interests of transparency that the analysis of feedback from the community as well as professional stakeholders to consultation on policy and applications be placed in the public domain e.g.</p>	<p>Changes required to the SCI as a result of monitoring the effectiveness of consultation methods will be reported as and when appropriate, and could</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
				a report to the Planning Application Committee or the council's website.	involve reports in the council's Annual Monitoring Reports and when further reviews of the SCI are undertaken. Comments on planning applications are summarised in PAC reports and comments on policy documents, such as Local Plans and SPDs, are included in relevant consultation reports on the council's web site.
Rosemary Pettit Hammersmith Society	6	Appendices	Observations	We note that Appendix 1 (6.1), where amenity groups are named, does not mention the Hammersmith Society. After fifty-one years in the community, we would expect to be included on the list.	The Hammersmith Society will be added to the list of amenity and environmental organisations included in Appendix 1.
Ms Jane Wilmot H&F Disability	6	Appendices	Observations	P39: Appx 1: community organisations and networks: we recommend that as examples, the SCI includes Hammersmith and Fulham Disability Forum as well as CaVSA.	The H&F Disability Forum will be added to the list of special interest groups

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
Forum					included in Appendix 1.
Ms Jane Wilmot H&F Disability Forum	6	Appendices	Observations	P40: partner websites: the SCI will want to note that the Primary Care Trust ceased to exist from 1 April 2013 and its functions redistributed to Hammersmith and Fulham Council (public health); H&F Health and Well Being Board; H&F Clinical Commissioning Group (to buy most local health care); NHS England (to buy specialist health services) etc.	Comments noted.
Ms Jane Wilmot H&F Disability Forum	6	Appendices	Observations	P 41: 4th line from the top: suggest SCI deletes "signers" and replaces with "speech to text reporter". A signer is a person who signs and not an interpreter. If the SCI needs to mention an interpreter for deaf people we suggest "Using a sign language interpreter or a speech to text reporter at meetings may be appropriate."	The "Using accessible formats" section of the SCI will be amended accordingly to accord with the H&F Disability Forum's suggestion.
Ms Jane Wilmot H&F Disability Forum	6	Appendices	Observations	Glossary: a definition of Viability Assessment and Equalities Impact Assessment (see p 22) would be helpful.	.There is no formal definition of an Equality Impact Analysis (EqIA). However, the tool that we use in LBHF is used to analyse the impact of a decision on those with relevant protected

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
					<p>characteristics. It is used when it is appropriate to do so.</p> <p>In respect of the term viability assessment as used in the context of the Community Infrastructure Levy (CIL) in Table 3.3, it is considered unnecessary to include a definition in the SCI.</p>
<p>Angela Dixon Hammersmith & Fulham Historic Buildings Group</p>	<p>6</p>	<p>Appendices</p>	<p>Observations</p>	<p>We are glad we are listed as an organisation to be consulted. We are regularly consulted on planning applications and policy documents. However we are concerned that we are not consulted formally or informally on work undertaken by Highways which affects the historic environment. We have recently learnt with concern about the removal of the old iron street name plates in streets off the Fulham Palace Rd. This was done apparently in the interests of conformity. This is directly contrary to Street Smart guidance and it appears that highways did not carry out the review of their</p>	<p>Comments noted.</p> <p>The Hammersmith & Fulham Historic Buildings Group is on the Transportation and Highways consultation list and along with residents' and transport groups will be consulted on highway improvement schemes where appropriate. The Group was, of course,</p>

Name/Org	Section	Title	Nature Of Response:	Representation	Officers' Response
				<p>heritage value as required before replacing them. A similar example is the suggestion to remove the historic cobbles in front of the station in Beadon Rd which fortunately has not taken place. We ask that this anomaly with proposals from highways is investigated and a procedure for consultation - or at least advance notification allowing for comment - is set up. Once historic assets like the street signs or cobbles have gone they cannot be replaced.</p>	<p>involved in the development of StreetSmart and policy documents for the Thames Path, for example the Riverside Walk Enhancement Report..</p> <p>Regarding street name plates, it would not be practical to consult on details such as which signs are to be removed, but the council will seek to ensure that StreetSmart guidelines are followed where appropriate.</p> <p>The cobbles outside the Hammersmith and City Line are on private land. They are known to the council and their future will be taken into account in any proposals that come forward.</p>

Revised Statement of Community Involvement in Planning

October 2013

1 Explanatory Note	3
2 Introducing our Statement of Community Involvement	5
3 Consultation on Planning Policy	7
4 Consultation on Planning Applications	31
5 Assessment and Monitoring	39
6 Appendices	41
6.1 Appendix 1: Consultation Bodies and Communication Methods	41
6.2 Appendix 2: Planning Policy Document Information Points	45
6.3 Appendix 3: Glossary	46

Contents

1 Explanatory Note

1.1 The council's original Statement of Community Involvement (SCI) in Planning dated from 2006, since when changes to planning legislation and national guidance have made it necessary to review and refresh the document.

1.2 This revised SCI was subject to public consultation from May to July 2013 and has been prepared under the terms of the Planning and Compulsory Purchase Act 2004, taking into account more recent legislation that impacts upon planning, including the Localism Act 2011, the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2012.

1.3 The Statement of Community involvement can be made available in alternative forms, including Braille, easy read, large print and audio. If you require the document in an alternative format please contact us.

1.4 Further information about the SCI may be obtained from:

Development Plans Team
Transport and Technical Services
London Borough of Hammersmith and Fulham
Town Hall
King Street
London W6 9JU

-

1 Explanatory Note

Introducing our Statement of Community Involvement 2

2 Introducing our Statement of Community Involvement

Why you should get involved in planning?

2.1 Hammersmith and Fulham is a dynamic London borough undergoing significant change, from the South Fulham riverside through to the Old Oak Opportunity Area in the north of the borough, and planning for that change affects us all in many ways. It is about recognising the need for change and managing it in a way that can achieve the sustainable, safe and quality environment that ensures there are jobs, housing for all and the facilities that people need in accessible places.

2.2 Planning is also about ensuring that development respects the local heritage and townscape and takes account of the impact on the local area and the people living and working there. The Planning Division of the Transport and Technical Services Department is responsible for planning functions, including developing the plans and policies to guide development as well as determining planning applications. The council wants to engage all the borough's communities to ensure they have the widest level of opportunity to participate in its planning work, particularly at a time when it is pursuing a strategy for growth and regeneration. The council recognises that often those most affected by development are also those who know most about their local neighbourhood and can offer detailed local knowledge to help deliver the best policies and most appropriate development for the borough. It is therefore important for the council to hear from, and involve, all groups within the community.

The purpose of this SCI document

2.3 The SCI explains how and when the community can be involved in the preparation of planning policy documents and in the consideration of planning applications, including pre-application proposals and appeals. Every local planning authority must prepare an SCI, which is a means of improving the quality of the planning process through greater involvement of the whole community. The SCI aims to ensure that the appropriate type and scale of engagement is undertaken for both planning policy documents and specific development proposals at pre-application, application and appeal stages. This is in line with the council's commitment set out in the H&F Corporate Plan 2012-15 to "improve the way we communicate with residents" and "improve the way we involve people in decision-making and, in particular, increase confidence in the planning process".

Our core principles for community involvement

2.4 The council has identified a set of core principles for community involvement that has been applied to inform the kind of consultation to use and when it is best to use it for both planning policy development and consideration of planning applications. These core principles are set out below in Table 2.1.

Table 2.1: Core principles for community involvement

- Aiming to hear a full range of views
- Ensuring an inclusive approach
- Being clear about the consultation process
- Clearly communicating information and opportunities for discussion
- Enabling straightforward interaction
- Respecting and valuing comments

2 Introducing our Statement of Community Involvement

- Making the most of information technology
- Ensuring feedback and continuity
- Responsible resourcing
- Monitoring effectiveness

A Duty to co-operate

2.5 In compliance with Section 110 of the Localism Act 2011, the council is also under a duty to co-operate with neighbouring boroughs and other authorities and agencies when it reviews its planning policies. These authorities and agencies include the Mayor of London and GLA associated bodies (such as Transport for London), as well as bodies such as the Environment Agency, English Heritage, Natural England, the Civil Aviation Authority, the Clinical Commissioning Groups, the Homes and Communities Agency, the Office of Rail Regulation, the Highways Agency and neighbouring boroughs (see Town and Country Planning (Local Planning) (England) Regulations 2012 for full list of specific and general consultation bodies).

3 Consultation on Planning Policy

3.1 This section outlines how the council aims to involve the community in the preparation of its planning policy documents, a list of which can be seen in the council's Local Development Scheme (LDS) which is available online and at the Town Hall. The LDS sets out a list of policy documents to be prepared and their timetable for production. It is regularly reviewed to ensure that the public are aware of documents coming on line and have the chance to participate in their preparation.

Planning Policy

3.2 The council, as a local planning authority, is required to prepare statutory planning policy documents. These documents include policies that help shape the future development of the borough and guide developers in preparing applications that will be acceptable in planning terms. They are coordinated with, and support, the council's own strategies and those of its partners, such as TfL.

3.3 The policies run across a number of documents and are prepared in compliance with national and London guidance. The policy documents currently include the adopted Core Strategy (October 2011), the draft Development Management Local Plan Document (DM LP to be adopted July 2013) and the draft Planning Guidance Supplementary Planning Document (SPD), as well as a number of saved policies of the 2003 Unitary Development Plan (UDP, amended 2007 and 2011) and a range of regeneration area based SPDs, for example the draft White City Opportunity Area Planning Framework.

3.4 As a result of recent reforms to the planning system there have been changes to the terminology of planning policy documents. As a consequence, new policy documents will no longer be referred to as forming part of the Local Development Framework, and over the coming years the council will update its policy documents to comply with the new national reforms, to include:

- **Local Plan:** this is the plan for the future development of the borough. In law this is described as the development plan documents (DPDs) adopted under the Planning and Compulsory Purchase Act 2004. The Local Plan currently consists of the Core Strategy (October 2011) and the UDP and will include the Development Management Local Plan (formerly Development Plan Document) when this is adopted in July 2013. These documents will eventually be merged into a single comprehensive Local Plan which, together with the London Plan and any Neighbourhood Plans, will form the borough's Development Plan.
- **Supplementary Planning Documents:** the council has prepared a comprehensive Planning Guidance SPD (June 2012) that explains and expands on the policies of the Local Plan in more detail. This SPD will be adopted in July 2013. The council has also prepared a number of regeneration area SPDs, for example the Earls Court and West Kensington Opportunity Area SPD.
- **Community Infrastructure Levy (CIL):** this is the statutory charge to be levied on new development, for which the council has prepared a preliminary draft charging schedule (PDCS 2012) that was consulted on between September 7th and October 19th 2012. When the CIL is finalised and adopted it will operate alongside Section 106 obligations.
- **Neighbourhood Plans:** these are prepared by the local community with technical support from the council where required or requested. After independent examination and endorsement by a referendum they will become part of the council's Development Plan.

3 Consultation on Planning Policy

The Town and Country Planning (Local Planning) (England) Regulations 2012

3.5 The most recent Regulations that came into force in April 2012 set out the statutory requirements for the production of Local Plans and SPDs. These requirements include criteria for the preparation and publication of a draft local plan, receiving representations, consideration of representations, examination, publication of recommendations and adoption. Throughout these stages of Local Plan production, the council will seek to ensure that issues are considered and that policies are drafted that take full account of equality considerations. As part of this process there will be appropriate community involvement as set out in this document to ensure that all groups have the opportunity to engage in the planning process.

Engagement in the preparation of our planning policy documents

3.6 The minimum consultation requirements for local plans and supplementary planning documents is set out in Regulations 18-26 and 12-14 respectively of the Town and Country Planning (Local Planning) (England) Regulations 2012. Other regulations apply to the Community Infrastructure Levy and to Neighbourhood Plans. Alongside this, the Council has a public sector equality duty under Section 149 of the Equality Act 2010 to have due regard to the need to:

1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.7 Having due regard under the Equality Act 2010 to the need to advance equality of opportunity involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

3.8 The Equality Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

3.9 Because consultation is an exercise of one of the council's functions, it will be taken into account when the council designs consultations. Under the Equality Act 2010, those with protected characteristics (which includes everyone) can expect the council to take their needs into account: Age, Disability, Gender Reassignment, Pregnancy and Maternity, Race, Sex (gender), Sexual Orientation. However, Marriage and Civil Partnership will not normally apply.

Consultation on Planning Policy 3

3.10 The following sections of the SCI outline how the council will seek to engage the community in the production of these documents. In many cases the council wishes to go beyond the statutory requirements and to seek the full and active engagement of all groups within the community, especially the “hard to reach groups” that often do not get involved in planning matters. The council’s Corporate Plan states that the council “will make it easier for residents to have their say on local issues while also enabling residents to interact with decision-makers via increased use of social media”.

Local Plan

3.11 The council’s Core Strategy was adopted in October 2011 and is the overarching policy framework guiding the vision of how the borough will develop over the next twenty years. It sets out the key strategic objectives and policies to enable development to come forward in the right place, at the right time and in the right way. The draft Development Management Local Plan (DM LP) has been prepared to accompany the Core Strategy and ensure that the details of each development proposal are appropriate to their site and its setting and that the appropriate facilities are in place to ensure that new development is sustainable. The draft DM LP was examined in October 2012 and is scheduled for adoption in July 2013.

3.12 In response to national reforms to the planning system, the Core Strategy and draft DM LP will be merged into a single Local Plan at the earliest opportunity. In carrying this out, and in preparing any other planning document that will become a part of the Local Plan, the key stages will be as set out below:

Preparation of Local Plan

Identify main issues the Local Plan needs to address and consider alternative policy options.

>>>>

Publication of proposed Local Plan

Local Plan finalised with preferred policy options published for a last stage of consultation.

>>>>

Submission

Local Plan and public responses submitted to Secretary of State for Communities and Local Government, who appoints a planning inspector

>>>>

Examination

The Local Plan, public responses and written statements examined by the planning inspector at public examination. There may be further modifications published for consultation, after which a report on the soundness of the Local Plan is issued by the Inspector

>>>>

3 Consultation on Planning Policy

Adoption

The recommendations of the inspector's report are considered and the council adopts the Local Plan.

>>>>

3.13 The actions that the council will pursue whenever appropriate to ensure that all the community are involved in these Local Plan stages are set out in Table 3.1 which follows.

Consultation on Planning Policy 3

Table 3.1: Key stages and community involvement on the Local Plan

	Stage 1 PREPARATION OF LOCAL PLAN	Stage 2 PUBLICATION OF PROPOSED LOCAL PLAN	Stage 3 INDEPENDENT EXAMINATION	Stage 4 LOCAL PLAN ADOPTION
<p>What happens at this stage and how long is it?</p> <p>Consultation on the main issues identified by the council and the options for addressing them. Opportunity to raise any other issues and options for addressing them.</p> <p>No fixed period, but a minimum of 6 weeks and a maximum of 3 months to gather a comprehensive overview of issues that the policies need to address.</p>	<p>Comments can be made on proposed detailed policies and on the accompanying SA.</p> <p>Consultation period set by Government at 6 weeks.</p>	<p>The Inspector examines the proposed Local Plan and can recommend main modifications that require a further 6 week period of consultation, with potentially a further examination.</p> <p>The length of the hearing can vary depending on the number of people who wish to appear, the scope of issues the independent inspector decides need to be heard and how the Inspector organises the examination.</p>	<p>Inspector reports changes required to the Local Plan to make it sound and legally compliant. The council adopts the amended plan at a meeting of full council.</p> <p>There is no consultation at this stage.</p> <p>There is no opportunity for comment or change after the Inspector's report is received.</p>	
WHAT WE WILL DO				

3 Consultation on Planning Policy

	Stage 1 PREPARATION OF LOCAL PLAN	Stage 2 PUBLICATION OF PROPOSED LOCAL PLAN	Stage 3 INDEPENDENT EXAMINATION	Stage 4 LOCAL PLAN ADOPTION
<p>What documents will be available?</p>	<p>Issues and options document, a summary document and all relevant background studies in the evidence base, including Equality Impact Assessments, as appropriate.</p>	<p>Proposed submission Local Plan and supporting evidence base, including Equality Impact Assessments, as appropriate and SA report. Any reports on related consultation previously carried out.</p>	<p>Representations made at previous stage and evidence submitted to the Public Hearing by the council and others. (The Inspector decides who appears at the Public Hearing.)</p>	<p>The Inspector's report and the adopted Local Plan.</p>
<p>How will they be made available?</p>	<p>All documents that we publish will be available to view or download on the council website, at Local Plan information points, and available for purchase at the Town Hall. Documents will also be sent to specific consultation bodies identified in the regulations and with whom the council has a duty to cooperate, as well as made available as appropriate at any forums, workshops or other consultation event that the council undertakes (see Appendix 2 for examples of these). The documents will be made available in alternative forms, including Braille, easy read, large print and audio on request where appropriate.</p> <p>All comments and any other documents received as part of consultation will be scanned/copied and made available for others to see at Local Plan information points as appropriate) (Appendix 2). All evidence submitted to the Public Hearing will be made available electronically and in the Public Hearing "library". We will encourage everyone to submit documents electronically so that they can be easily made available on our website.</p>			

Consultation on Planning Policy 3

	Stage 1 PREPARATION OF LOCAL PLAN	Stage 2 PUBLICATION OF PROPOSED LOCAL PLAN	Stage 3 INDEPENDENT EXAMINATION	Stage 4 LOCAL PLAN ADOPTION
<p>Who will we consult/notify and how will we do this?</p>	<p>Comments will be invited from:</p> <ul style="list-style-type: none"> • General public via website and, if appropriate, local press (including links on partner websites where appropriate) • Relevant specific consultation bodies as identified in the Town and Country Planning (Local Planning) (England) Regulations, who will be contacted by email and/or letter • General consultation bodies as identified in the Town and Country Planning (Local Planning) (England) Regulations, who will be contacted by letter and/or email • Mailing list of those who inform us they wish to be consulted or notified on a particular subject and those who have commented at previous stages, who will be contacted by email and/or letter <p>We will endeavour to provide the opportunity to take part in consultation on planning documents available to all community groups, including those that are more likely to be under-represented in public life, such as women, disabled people, and black and minority ethnic groups. We will also target particular areas to gauge opinion on planning proposals so that they may be taken into account, for example on proposals in regeneration areas identified in local plan documents. Such action will help us to take account of different needs, to encourage participation from different groups and to help foster good relations between different</p>	<p>Notice of the Public Hearing will be published at least 6 weeks before it is due to commence. We will also email or write to those we have previously consulted.</p> <p>The Inspector may arrange a pre-meeting to explain the process for the Public Hearing.</p> <p>The Inspector's programme officer will contact all those who make representations on the Local Plan.</p> <p>Any major modifications proposed by the Inspector will be advertised and further consultation carried out as appropriate.</p>	<p>Notice of the adoption to all those who we have previously consulted, or made representations on the Local Plan or who took part in the Public Hearing.</p>	

3 Consultation on Planning Policy

	Stage 1 PREPARATION OF LOCAL PLAN	Stage 2 PUBLICATION OF PROPOSED LOCAL PLAN	Stage 3 INDEPENDENT EXAMINATION	Stage 4 LOCAL PLAN ADOPTION
<p>How will we consider your comments?</p>	<p>groups. Doing this will include taking account of needs such as access for disabled people and ensuring where possible that meetings are held at times of the day that facilitate participation.</p> <p>Local area workshops may be offered for aspects of the Issues and Options stage and drop-in sessions to update on other stages.</p> <p>We will also invite established community network organisations, for example the Hammersmith and Fulham Disability Forum (H&F Disability Forum) and the Community and Voluntary Sector association (CaVSA), to engage in the process and help pass on information and encourage responses.</p>	<p>The results of consultation will be reported to our Cabinet or Cabinet Member for Transport and Technical Services. We will make the reports available on our website and at Hammersmith Town Hall.</p> <p>The comments received at each stage will be taken into account in preparing documents for the next stage.</p>	<p>The Inspector will consider comments made at the submission stage together with additional written statements at the Public Hearing.</p>	<p>The Inspector's recommendations for revisions for soundness and legal compliance will be incorporated into the adopted Local Plan.</p>

Consultation on Planning Policy 3

	Stage 1 PREPARATION OF LOCAL PLAN	Stage 2 PUBLICATION OF PROPOSED LOCAL PLAN	Stage 3 INDEPENDENT EXAMINATION	Stage 4 LOCAL PLAN ADOPTION
Giving feedback	<p>We will prepare a summary of the comments and write to all participating consultees before the start of the next stage. After the comments have been considered by the Cabinet/Cabinet Member we will write to all those who commented with our response to comments and how these were considered.</p> <p>We will make all representations available for inspection at the information points listed in Appendix 3 on our website. Summaries of comments and our responses will similarly be made available. The minutes of our Cabinet meetings (including confirmed decisions) will be publicly available at Hammersmith Town Hall and on our website.</p>	<p>We will prepare a summary of all comments received at the end of the consultation period, and email or write to all participating consultees to inform them in time for preparation of evidence for the Public Hearing.</p>	<p>We will contact all participating consultees with details of the result of the examination. The Inspector's Report will be published on the council website.</p>	

3 Consultation on Planning Policy

	Stage 1 PREPARATION OF LOCAL PLAN	Stage 2 PUBLICATION OF PROPOSED LOCAL PLAN	Stage 3 INDEPENDENT EXAMINATION	Stage 4 LOCAL PLAN ADOPTION
WHAT YOU CAN DO				
How can you get more information or take part in discussions?	Officer contacts will be available to provide information by email or telephone during normal working hours. If an officer is not available to answer your enquiry an appropriate officer will contact you by email or phone. Contact details will be available on all documents that we produce.			
How can you give us your views?	<p>Written comments can be sent by email or post or made through the website. Where people are unable to provide written comments we will consider requests to provide comments in other formats. This may include making provision for people with disabilities in order to include their views in the planning process and to encourage their participation in public life.</p> <p>We will endeavour to send you an acknowledgement of your comments within 3 working days of receipt, primarily via email. We will not respond to comments at this stage.</p> <p>We will take notes of what is said at public events, but these cannot be used as formal comments.</p> <p>The format for the public hearing is round table discussions. The Inspector will decide the issues to be discussed at the hearings and will choose who to invite to the hearing sessions. If you are invited to attend a hearing session your comments can be supported by written statements. Alternatively you can rely upon written statements and not appear at the hearing. The council will ensure that venues for public hearings</p> <p>There is no further scope for comments on the Inspector's Report, which will make recommendations on any changes necessary for the Local Plan to be sound and legally compliant.</p> <p>There is also the potential for judicial review of the plan within a specified period after adoption.</p>			

Consultation on Planning Policy 3

	<p>Stage 1 PREPARATION OF LOCAL PLAN</p>	<p>Stage 2 PUBLICATION OF PROPOSED LOCAL PLAN</p>	<p>Stage 3 INDEPENDENT EXAMINATION</p> <p>are accessible and inclusive to all who wish to attend.</p>	<p>Stage 4 LOCAL PLAN ADOPTION</p>
--	---	--	--	---

3 Consultation on Planning Policy

Supplementary Planning Documents

3.14 Supplementary Planning Documents (SPDs) add detail to, and further explain, the policies and proposals set out in the Local Plan, without adding new policy. Consultation for these documents normally involves publishing a draft for comment and using the comments received in producing the final version. It may on occasion be appropriate for preliminary consultation to take place, depending on the scope and level of complexity of the SPD being prepared. Where SPDs are area based, for example in opportunity areas, the council will target the community in those areas, and where they are topic based the council will target any groups that are particularly affected.

Preliminary Consultation on draft SPD

Where necessary, identify the main areas that the draft SPD needs to address.

>>>>

Publication of the draft SPD

Draft SPD published with a minimum 4 week period for consultation.

>>>>

Consideration of Comments Received

Council considers comments made to the draft SPD and makes any necessary changes.

>>>>

Adoption

Council adopts SPD as a Local Development Document and prepares adoption statement in accordance with regulations.

The actions that the council will pursue whenever appropriate to ensure the community are involved in these SPD stages are set out in table 3.2 which follows.

Consultation on Planning Policy 3

Table 3.2: Key stages and proposed consultation methods for Supplementary Planning Documents

	PREPARATION OF SPD	DRAFT SPD	ADOPTION BY THE COUNCIL
What can you do?	You can comment on any documents that are published and take part in discussions held at this stage to inform the production of the draft SPD.	You can comment on the draft SPD.	Judicial review is also possible within 3 months after the adoption date.
How long is each stage?	Varies on the SPD subject and level of complexity.	A minimum of four weeks, but the council will ordinarily consult for a minimum of six weeks.	
Who will we consult/notify and how will we do this?	<p>Where appropriate we will informally consult relevant specific consultation bodies, relevant general consultation bodies and other relevant organisations on our mailing list by email and/or post, and via the website.</p> <p>This will include inviting involvement from established community network organisations as appropriate, for example the Hammersmith and Fulham Disability Forum (H&F Disability Forum) and the</p>	<p>We will consult: relevant specific consultation bodies, relevant general consultation bodies depending on the draft SPD subject matter, relevant mailing list organisations and the general public in the same way as the submission Local Plan.</p> <p>We will endeavour to provide the opportunity to take part in consultation on drafts SPDs to all community groups, including those that are more likely to be under-represented in public life, such as women, disabled people, and black and minority ethnic groups. We will also target particular areas to gauge opinion on proposals so that they may be taken into account. Such action will help us to take account of different needs, to encourage participation</p>	Within 10 working days we will notify relevant statutory consultees and all consultation participants.

3 Consultation on Planning Policy

	PREPARATION OF SPD	DRAFT SPD	ADOPTION BY THE COUNCIL
	Community and Voluntary Sector association (CaVSA).	from different groups and to help foster good relations between different groups. Doing this may include taking account of needs such as access for disabled people and ensuring whenever possible that meetings are held at times of the day that facilitate participation, as examples.	
How will documents be made available?	Documents will be available to view or download on the council website, at Local Plan information points, and available at the Town Hall. Documents will also be sent to relevant specific consultation bodies and those with whom the council has a duty to cooperate, as well as made available at any exhibitions, workshops or other consultation event that the council undertakes (see Appendix 2 for examples of these).		
	The documents will be made available in alternative forms, including Braille, easy read, large print and audio on request where appropriate.		
How you can get more information or take part in discussions?	Where appropriate and when requested we will hold meetings with relevant general consultation bodies and other organisations and individuals in accessible and inclusive venues, at times of the day that facilitate participation.	Officer contacts will be available to provide information by telephone and email during normal working hours. If an officer is not available to answer your enquiry an appropriate officer will contact you by email or phone, as requested, within 24 hours. Meetings to provide information on this stage will be arranged where requested.	Officer contacts will be available to provide information by telephone and email during normal working hours. If an officer is not available to answer your enquiry an appropriate officer will contact you by email or phone, as requested.
How can you give us your views?	Written comments by email, post or through the website. We will endeavour to send you an acknowledgement of your comments within 3 working days of receipt, primarily via email. We will not respond to comments at this stage.		

Consultation on Planning Policy 3

	PREPARATION OF SPD	DRAFT SPD	ADOPTION BY THE COUNCIL
	We will take notes of what is said at any public events		
How will we consider your comments?	Comments made at this stage will be taken into account in preparing the draft SPD. We will prepare a statement setting out the names of those we consulted, a summary of the issues raised and how these were addressed in the SPD.	We will consider all comments and the need for revisions. All comments, with their proposed response, will be reported to full council. We will prepare a summary of all comments received at the end of the consultation period, together with responses and action taken, and make this available for inspection and send it to all participating consultees.	We will contact all participating consultees with details of the adoption, prepare an adoption statement in accordance with Regulations The adoption statement will be sent to any person who has asked to be notified of the SPD adoption.

Community Infrastructure Levy

3.15 The Community Infrastructure Levy (CIL), for which provision was made in the Planning Act 2008 and updated in the Localism Act 2011, is a statutory, non-negotiable charge on development used to fund infrastructure provision for the benefit of the community. It can be used for a wide range of infrastructure arising as a result of development.

3.16 The preparation of CIL involves the following stages:

- Consultation on a preliminary draft charging schedule (PDCS)
- Publication of a draft charging schedule (DCS)
- Public examination
- Adoption.

3.17 Possible community involvement for each of these stages is detailed in Table 3.3 which follows.

3 Consultation on Planning Policy

Table 3.3: Key stages and community involvement on the Community Infrastructure Levy (CIL) Charging Schedule

	Stage 1 PRELIMINARY DRAFT CHARGING SCHEDULE (PDCS)	Stage 2 DRAFT CHARGING SCHEDULE (DCS)	Stage 2* SUBMISSION OF DCS	Stage 3 EXAMINATION	Stage 4 ADOPTION OF CHARGING SCHEDULE (CS)
What happens at this stage and how long is it?	Consultation for at least 6 weeks and representations on the council's initial proposals for CIL.	Consultation for at least 6 weeks and representations on the council's firm proposals for CIL.	Submission of firm proposals for CIL to an independent examiner.	Independent examiner to determine procedures and timescales.	Examiner's Report may reject, modify or approve the charging schedule, give reasons and make recommendations which the council may have to follow Approval of the schedule by Council.
WHAT WE WILL DO					
What documents will be available and how will they be made available?	PDCS, Infrastructure Plan (including the Infrastructure Planning Schedule (IPS)), Viability Assessment and Equalities Impact Assessment (EqIA) available on the website and at Local Plan information points (Appendix 2).	All previous documents and the Statement of the Representations Procedure available on the website and at Local Plan information points (Appendix 2).	After submission, all previous documents and the Summary of representations and Copies of representations made available on the website and at	All relevant examination documents available on the website (examination library)	After receipt of the Examiner's report and Council approval of the charging schedule, we will make both available on the website and at Local Plan information points.

Consultation on Planning Policy 3

	<p>Stage 1</p> <p>PRELIMINARY DRAFT CHARGING SCHEDULE (PDCS)</p>	<p>Stage 2</p> <p>DRAFT CHARGING SCHEDULE (DCS)</p>	<p>Stage 2*</p> <p>SUBMISSION OF DCS</p>	<p>Stage 3</p> <p>EXAMINATION</p>	<p>Stage 4</p> <p>ADOPTION OF CHARGING SCHEDULE (CS)</p>
			<p>Local Plan information points (Appendix 2).</p>		
	<p>All comments and any other documents received as part of consultation will be made available for others to see on the council's website and at Local Plan information points (Appendix 2). All evidence submitted to the Examination will be made available in the examination "library". We will encourage everyone to submit documents electronically so that they can be easily made available on our website. The documents will be made available in alternative forms, including Braille, easy read, large print and audio on request where appropriate.</p>				
<p>Who will we consult/notify and how will we do this?</p>	<p>We will consult:</p> <ul style="list-style-type: none"> • Local residents and communities • Local businesses and business bodies • Local voluntary bodies 	<p>We will consult all as in the previous stage as well as: those who commented at the PDCS stage</p> <p>We will do this using letters, emails, the Planning Agents' Forum and local advertisement notice.</p>	<p>After Submission, we will give notice by letter and/or email to those who requested notification at the DCS stage.</p>	<p>At least 4 weeks before an examination hearing takes place (or at least 2 weeks if a Statement of Modifications has been published) we will:</p>	<p>As soon as practicable after receipt of the Examiner's report, we will:</p> <ul style="list-style-type: none"> • Notify those who requested to be notified

3 Consultation on Planning Policy

Stage 1 PRELIMINARY DRAFT CHARGING SCHEDULE (PDCS)	Stage 2 DRAFT CHARGING SCHEDULE (DCS)	Stage 2* SUBMISSION OF DCS	Stage 3 EXAMINATION	Stage 4 ADOPTION OF CHARGING SCHEDULE (CS)
<ul style="list-style-type: none"> • Local stakeholders • Neighbouring authorities and bodies such as the Homes and Communities Agency <p>We will use emails, letters and the Planning Agents' Forum as appropriate.</p> <p>We will endeavour to contact all community groups, including those that are more likely to be under-represented in public life, such as women, disabled people, and black and minority ethnic groups. We will also target particular areas to gauge opinion on planning proposals so that they may be taken into account. This will help us to take account of different needs, to encourage participation from different</p>			<ul style="list-style-type: none"> • Place on our website and publish a notice of the time and place of the examination • Notify those who have made representations or a request to be heard at the DCS stage 	<p>After Council approve the charging schedule, we will:</p> <ul style="list-style-type: none"> • Notify those who requested to be notified • Send a copy to relevant authorities • Publish a local advertisement notice.

Consultation on Planning Policy 3

Stage 1 PRELIMINARY DRAFT CHARGING SCHEDULE (PDCS)	Stage 2 DRAFT CHARGING SCHEDULE (DCS)	Stage 2* SUBMISSION OF DCS	Stage 3 EXAMINATION	Stage 4 ADOPTION OF CHARGING SCHEDULE (CS)
<p>groups and to help foster good relations between different groups. Doing this may include taking account of needs such as access needs for disabled people and ensuring that meetings are held at times of the day that facilitate participation, as examples.</p>				
<p>How will we consider your comments?</p>	<p>We will consider representations received in light of statutory legislation and guidance to inform the next stage. We will publish a summary of the representations received and the council's response</p>	<p>No opportunity for comments at this stage.</p>	<p>The examiner will consider representations received as part of the DCS and the examination hearing</p>	<p>No opportunity for comments at this stage.</p>
WHAT YOU CAN DO				
<p>How can you get more information or take part in discussions?</p>	<p>Officers will be available to provide information by telephone during normal working hours. If an officer is not available to answer your enquiry an appropriate officer will contact</p>	<p>No opportunity for comments at this stage.</p>	<p>See DCS stage.</p>	<p>No opportunity for comments at this stage.</p>
	<p>The Statement of the Representations Procedure will set out information on:</p> <ul style="list-style-type: none"> • Time period for representations 			

3 Consultation on Planning Policy

Stage 4 ADOPTION OF CHARGING SCHEDULE (CS)	Stage 3 EXAMINATION	Stage 2* SUBMISSION OF DCS	Stage 2 DRAFT CHARGING SCHEDULE (DCS)	Stage 1 PRELIMINARY DRAFT CHARGING SCHEDULE (PDCS)	
			<ul style="list-style-type: none"> • Address for representations • How to request a right to be heard at the Examination; to be notified at the Submission stage; to be notified of the examiner's recommendations; and how to request to be notified of the final approval 	<p>you by email or phone. Contact details will be available on all documents that we produce</p>	<p>How can you give us your views?</p>
<p>No opportunity for comments at this stage.</p>	<p>See DCS stage. The format for the public hearing is round table discussions and written representations, where your comments can be made either verbally (when</p>	<p>No opportunity for comments at this stage.</p>	<p>No opportunity for comments at this stage.</p>	<p>You can give your views by Email cil@lbhf.gov.uk or by Post. Where people are unable to provide written comments we will consider requests to provide comments in other formats. We will acknowledge receipt.</p>	

Consultation on Planning Policy 3

Stage 1 PRELIMINARY DRAFT CHARGING SCHEDULE (PDCS)	Stage 2 DRAFT CHARGING SCHEDULE (DCS)	Stage 2* SUBMISSION OF DCS	Stage 3 EXAMINATION	Stage 4 ADOPTION OF CHARGING SCHEDULE (CS)
			appropriate) or written. Venues will be accessible and inclusive.	

3 Consultation on Planning Policy

Neighbourhood Planning

3.18 The Localism Act 2011 (Part 6, Chapter 3) allows for the preparation of neighbourhood plans.. Whilst previously all development plans were produced by the council, designated community groups as part of a designated Neighbourhood Forum in a clearly demarcated Neighbourhood Area now have the opportunity to prepare their own Neighbourhood Plan. This document can provide planning policies complementing the council's Local Plan to help shape the growth and development of the designated area. The government has also produced Neighbourhood Planning Regulations setting out the national requirements for neighbourhood planning. A summary diagram of these requirements is provided below:

Assess whether a neighbourhood plan is the right approach for your area in context of existing council development plan

>>>>

Apply to the council for designation of both a Neighbourhood Area and a Neighbourhood Forum

>>>>

Prepare a Neighbourhood Plan in compliance with the council's Development Plan and setting out your proposals for your Neighbourhood Area

>>>>

Consult local people on your plan

>>>>

Submit the plan to the council for approval, including details of the local consultation that has been carried out

>>>>

The council will put your Neighbourhood Plan out to formal consultation and subject it to independent examination to ensure it has met all the legal requirements

>>>>

A referendum is held in the local area and provided more than 50% of those voting agree with the plan, it will be adopted by council as part of its Development Plan

Consultation on Planning Policy 3

>>>>

3.19 Consultation requirements for the Neighbourhood Plan are set out in the Neighbourhood Planning (General) Regulations 2012. However, the council recommends that any Neighbourhood Forum preparing a Neighbourhood Plan consider using the methods of community involvement set out in this SCI as the basis for their own sound and inclusive consultation on the preparation of their neighbourhood plan.

3 Consultation on Planning Policy

Consultation on Planning Applications 4

4 Consultation on Planning Applications

4.1 The council takes, and will continue to pursue, a positive and pro-active approach to engaging the community and applicants in the planning process. This includes engagement with established community network organisations such as the Hammersmith and Fulham Disability Forum (H&F Disability Forum) and when appropriate will take place before an application has been submitted, as well as during the formal application process.

4.2 Details of consultation and engagement are outlined below as well as in Tables 4.1 and 4.2 which follow.

Pre-application Consultation

4.3 The council strongly encourages applicants to engage with both the council and residents to discuss proposals at an early stage. Early discussions with all sections of the community can help avoid problem areas and improve the quality and acceptability of a planning application.

4.4 The council offers a pre-application advice service. Discussions are confidential and any advice given is without prejudice to future decisions of the council. Where necessary, internal and external consultees may be asked for their comments on proposals.

4.5 The council encourages applicants, where appropriate, to engage with the community before submitting a planning application. For major schemes there are two main ways in which the council suggest applicants can engage with local residents:

- **Public exhibitions** - these are run by the applicant and typically give residents the opportunity to see and comment on emerging proposals. The council does not play a role in public exhibitions and consultations, but will seek to ensure that venues, times of day, as well as publicity material, are accessible and inclusive to all.
- **Planning Forums** - these are organised by the council. Representatives from local resident and amenity groups, and community network organisations, and ward councillors are invited to participate in a round table discussion with the applicants, facilitated by an independent chair person. Planning forums enable local resident groups and others to discuss proposals directly with the applicant and to make suggestions about how schemes could be improved. The council's planning officers do not participate in the discussion or give a view as to the acceptability of the proposals.

4.6 The council acknowledge that these are not the only means of community involvement available to developers, and the council welcomes any other appropriate means that developers may wish to use and which are accessible and inclusive to all.

4.7 Pre-application consultation will not remove the need for involvement and scrutiny of any subsequent planning application.

Planning applications

4.8 The scope and extent of community involvement that is possible in an individual planning application will vary according to the significance of the proposal.

4 Consultation on Planning Applications

4.9 The council encourages applicants to prepare a statement setting out how it will involve the whole community in line with the principles of the SCI. The results of any community consultation should be made available to the council to assist in understanding local views and identifying particular areas of concern raised by consultees. The results should also be made available by the applicant to the consultees, so that they can see how their comments were considered.

4.10 The council cannot refuse to accept a valid application because it disagrees with the way in which an applicant has consulted the community. However, applicants are strongly encouraged to engage with the community as thoroughly as possible in an appropriate and inclusive way.

4.11 The council wants to involve the community in decision making and will consult the community on every planning application, with the method of consultation depending on the type and location of the application. Each application has an initial consultation period of 21 days. The methods of consultation include:

- **Neighbour Notifications**:- notifications of planning applications will be sent to properties that are immediately adjacent to an application site and directly affected by an application.
- **Site Notices and Press Notices** - where statute requires, a site notice will be put up near the site and a public notice will be placed in the local press.

4.12 In some cases, the consultation period may be extended or new periods granted at the discretion of the council's case officer.

4.13 Through the LBHF website, residents and any other interested parties will also be able to sign up for 'e-alerts' for planning applications, as well as searching for planning applications by reference number, address, postcode or on a map. Current planning applications are also available to view at the Planning Reception desk on the first floor of the Town Hall Extension.

4.14 For some large schemes, the council may also produce a specific web page with information, and updates, as well as a link to the consultation page.

Appeals

4.15 When the council has been notified of an appeal by the Planning Inspectorate, it will notify all interested parties of the appeal and provide a copy of all comments made on an application to the Inspectorate. Interested parties are advised of how they can be involved in the appeal process.

4.16 If an appeal is to be considered at an informal hearing or public inquiry, the council will also notify all interested parties of the venue and time of the hearing in line with the Planning Inspectorate's requirements. The venue will be accessible.

Consultation on Planning Applications 4

Table 4.1: Consultation on pre-applications and planning applications

Stages	Pre-application	Planning applications
What consultation will there be?	Pre-application advice from the council is undertaken on a confidential basis. However, the council encourages applicants to engage the community at an early stage. The applicant is encouraged to hold a public exhibition for complex proposals to inform local residents of the proposals in an accessible and inclusive venue. Depending on the size and complexity of the proposals, the council may suggest a planning forum.	All planning applications are subject to a formal consultation period.
Who will be notified and how?	<p>Public exhibitions are organised by the applicant. For planning forums, the council will invite representatives from all known active resident groups and associations relevant to the proposals, for example the H&F Disability Forum, by email to participate in a discussion with the applicant.</p> <p>In-house consultation will also take place, as appropriate, with council departments with interests in specific target groups, for example Children's Services and Equalities.</p>	<p>Notifications of planning applications will be sent to properties that are immediately adjacent to an application site and directly affected by an application. Where statute requires, a site notice will be put up near the site and a public notice will be put into the local press. Details of all applications received and associated plans and documents will also be made available to view on the council's website. Special web pages are created for certain major applications.</p> <p>The council's Public Access system allows users to search for applications in a number of ways. You can enter the reference number, address, postcode or key word into the simple search and you can also track any application that you are interested in.</p> <p>You can also check the 'Weekly List' tab, which allows you to view all planning applications either registered or determined within a seven day period. These lists remain online, so you can search previous weeks' records.</p>

4 Consultation on Planning Applications

Stages	Pre-application	Planning applications
		If you have trouble viewing a planning application online, you can look at a hard copy on the first floor reception of Hammersmith Town Hall Extension.
How can you comment?	At Public Exhibitions, applicants are usually on hand to receive comments. At Planning Forums, representatives from resident groups and associations can express views on proposals during a round table discussion.	Comments can be sent in by post or email to the case officer for the application within the notice period. Comments can also be sent online via the council's website on the consultation pages.
How long will you have to comment?	Comments can be made directly to the applicants at public exhibitions. Planning forums are usually 2 hours long and comments are made during this time.	Each application has an initial consultation period of 21 days. In some cases the consultation period may be extended or new periods granted at the discretion of the case officer.
What kind of comments can you make?	You can usually provide any comments to the applicant at public exhibitions. At planning forums, the chairperson will facilitate a discussion on topics agreed by the participants at the table. These should include planning matters.	You can comment on anything to do with the application, however only planning matters can be taken into account.
What will the council do with your comments?	Notes will be taken at planning forums and sent to all participants, including the applicant. The applicant is encouraged to take comments from both public exhibitions and planning forums into account where possible before submitting the formal planning application. The council encourages applicants to produce a statement setting out how comments have been taken on board and submit this as part of any subsequent planning application.	The case officer for an application will take all comments received into consideration when preparing his or her report on the application. For committee level decisions, all representations will also be made known to the Planning Applications Committee. If the application is refused and the applicant appeals, comments received will also be forwarded to the Planning Inspectorate. Most minor planning applications are usually decided solely by a senior planning officer under delegated powers – after taking into account any comments received.

Consultation on Planning Applications 4

Stages	Pre-application	Planning applications
		Otherwise, a planning officer will present a recommended decision to the Planning Applications Committee.
When will a decision be made and how will you be notified?	No decisions are made at pre-application stage.	The council aims to determine delegated decisions within 8 weeks of receipt of the application, and committee level decisions within 13 weeks. However, these timescales may vary depending on the particulars of the application. Everyone that was consulted about the application will be notified of the decision, and the decision notice will be made available on the website.

4.17 The exact consultation methods appropriate to specific planning applications will depend on the complexity of the proposals.

4 Consultation on Planning Applications

Table 4.2: Consultation on appeals

Stages	Written Representations	Informal Hearings	Public Inquiries
What will the council notify you of and how?	The council will notify interested parties by letter within 2 weeks of the receipt of the appeal.	The council will notify interested parties by letter within 2 weeks of the receipt of the appeal. They will also notify interested parties of the date and venue of the hearing at least 2 weeks before the hearing.	The council will notify interested parties by letter within 2 weeks of the receipt of the appeal. The council will also notify interested parties of the date and venue of the Inquiry (which will be accessible to all) at least 4 weeks before the Inquiry.
What can you comment on and how?	You can write to the Planning Inspectorate by post, email or through the planning portal website. You can comment on anything that is relevant to planning. You do not need to repeat any comments you made at application stage as the council will forward these to the Planning Inspectorate.	You can write to the Planning Inspectorate by post, email or through the planning portal website. You can comment on anything that is relevant to planning. You do not need to repeat any comments you made at application stage as the council will forward these to the Planning Inspectorate. You can also participate in the informal hearing by turning up on the day and letting the Inspector know that you would like to speak. You can also attend the Inspector's site visit and request that the Inspector views the application site from your property if you wish.	You can write to the Planning Inspectorate by post, email or through the planning portal website. You can comment on anything that is relevant to planning. You do not need to repeat any comments you made at application stage as the council will forward these to the Planning Inspectorate. You can also participate in the Inquiry by turning up on the day and letting the Inspector know that you would like to speak. You can also attend the Inspector's site visit and request that the Inspector views the application site from your property if you wish.

Consultation on Planning Applications 4

How long do you have to comment?	You have 6 weeks from the start date of the appeal process to make your comments.	You have 6 weeks from the start date of the appeal to make your comments. If you want to speak at the hearing, the Inspector will invite you to speak during the hearing.	You have 6 weeks from the start date of the appeal to make your comments. If you want to speak at the Inquiry, the Inspector will invite you to speak during the inquiry.
What will happen to your comments?	The Planning Inspector will take all comments into account when making his or her decision on the Appeal. They will also be sent to the Appellant and the council.	The Planning Inspector will take all comments into account when making his or her decision on the Appeal. They will also be sent to the Appellant and the council.	The Planning Inspector will take all comments into account when making his or her decision on the Appeal. They will also be sent to the Appellant and the council.
When will the decision be made and how will you be notified?	The Inspectorate aims to issue a decision within 5 weeks of the hearing and the decision will be made available on the Appeal pages of the planning portal website.	The Inspectorate aims to issue a decision within 7 weeks of the hearing and the decision will be made available on the Appeal pages of the planning portal website.	The Inspector will indicate a likely timescale for the decision at the end of the Inquiry and the decision will be made available on the Appeal pages of the planning portal website.

4 Consultation on Planning Applications

5 Assessment and Monitoring

5.1 The purpose of this document is to ensure that the most effective techniques are being used to deliver the optimum levels of community involvement and that all groups in the community have the opportunity to get involved in planning policy and planning decisions. As such, it will be important for the council to assess the effectiveness of the SCI periodically and monitor the success rates of the various methods being used. This will be carried out through the analysis of feedback to consultation on policy and applications.

5.2 As and when necessary, the SCI will be reviewed and updated to reflect any changes required as identified through this monitoring as well as through any changes to national legislation. The council will undertake this task to maintain its goal of actively involving as much of the community as it can reach in the development of policy and in the assessment of planning applications.

5 Assessment and Monitoring

6 Appendices

6.1 Appendix 1: Consultation Bodies and Communciation Methods

Categories of general consultation bodies*
<p>Amenity and environmental organisations</p> <p>Representing people with an interest in planning, conservation and environmental sustainability issues in the borough or parts of it (including parks). Examples include: Hammersmith and Fulham Historic Buildings Group, the Hammersmith Society, the Fulham Society, Friends of Parks Groups and Hammersmith and Fulham Friends of the Earth.</p>
<p>Business organisations operating in the borough</p> <p>Representing businesses within particular areas or with a common type of business, including the development industry, major land owners and registered social landlords.</p>
<p>Community organisations and networks</p> <p>Representing people from particular black and minority ethnic communities, people of a particular age, gender or gender orientation, faith groups, disabled people and refugees. There is a well developed Community and Voluntary Sector Network of area and community of interest forums in the borough.</p>
<p>Special interest organisations</p> <p>Representing people with a common interest in topics such as sport or other activities. Examples include: the West London River Group and H&F Disability Forum.</p>
<p>Tenants' and Residents' Associations</p> <p>Representing the broad interests of tenants and residents within estates, streets, small areas or wards. Examples include: Stamford Brook Residents Association.</p>

* See also Town and Country Planning (Local Planning) (England) Regulations 2012.

6 Appendices

How we will communicate

Letters

We will send letters by post or hand deliver door to door where this is appropriate in small areas. Where there are issues directly affecting people in specific areas of the borough (e.g. individual sites/streets/estates) we will use targeted methods of notification, such as direct mailing or door-to-door delivery. For planning applications, or pre-application consultation, the extent of notification will vary depending on the nature of the application and the likely extent of its impact. The council will seek to notify those people or organisations that have previously made representations on a site or application.

Email

If you tell us that you would prefer to be contacted and receive information by email, we will use that method.

Council website

Wherever possible we will use electronic methods for providing information alongside a hard copy. We will use the website to provide more information for the Local Plan with copies of written documents and summaries.

Local newspapers

In accordance with the Regulations, public notices will be placed in local newspapers concerning consultation on the Local Plan and planning applications. Press releases will also be issued where appropriate.

Information points

For Local Plan consultation, we will aim to use venues that are accessible, such as borough libraries and the Town Hall to distribute information about the process and copies of documents (see Appendix 2). Where appropriate we will provide information at locations such as schools, colleges, doctors' surgeries, faith centres, shopping centres and other community meeting places.

Partner websites

We will, where appropriate, invite partners such as the Clinical Commissioning Groups and Registered Social Landlords to have links to our website for the Local Plan process.

Using accessible formats

It may often be important to make summaries of relevant information available in accessible formats, for example: audiotape, Braille, large print versions, hard copies for those without Internet access and summaries in another language. Using a sign language interpreter or a speech to text reporter at meetings may be appropriate. Where public meetings, exhibitions, workshops and other methods of community engagement are arranged, these will be in accessible buildings in safe locations and at convenient times.

6 Appendices

Quantitative methods

Opinion surveys

These are surveys designed to obtain views on a particular subject, normally from a representative sample of the population. For example, as part of the evidence gathering process for the Core Strategy we carried out a major survey of residents' views on shopping in the borough. General surveys of satisfaction with council services are carried out regularly and can identify issues to be dealt with in the development plan process. Opinion surveys can be useful for pre-application consultations but need to be carried out carefully to avoid bias. The time it takes to carry out these surveys normally makes them unsuitable for consideration of planning applications.

Qualitative methods

Exhibitions

These are most useful when explaining particular development proposals at a pre-application stage or dealing with local planning proposals. They can be used effectively with drop-in sessions where officers are available to deal with ad-hoc queries. Small displays at information points and centres can alert passing members of the public to proposals. Exhibitions may also be held by developers as part of pre-application consultation.

Workshops and focus groups

These are methods of engaging with a smaller number of stakeholders or community representatives to explore particular planning issues in more depth than is often possible at a general public meeting. We will use these as part of consultation on the local development plan documents. They may also be useful in the early stages of discussion on development proposals at pre-application stage, but not when schemes have been finalised as part of a planning application.

Public meetings

Public meetings can sometimes be effective ways of providing an introduction to particular proposals. However, there are limits to their effectiveness in gauging a wide range of opinion on all relevant issues, or engaging sufficiently wide community representation. They are not normally suitable for in depth discussions. Public meetings could be held as part of the consideration of some very major planning applications at the pre-application stage to inform people about proposals and to enable clarification, but it is for the applicant to present their proposals.

Community Initiatives

These could include local evidence or survey work carried out by local communities and interest groups.

6.2 Appendix 2: Planning Policy Document Information Points

6.1 Hammersmith Town Hall Extension, 1st floor: Reception Desk/Duty Officer, King Street, London W6 9JU.

6.2 Public reference libraries, namely

- Hammersmith Library, Shepherds Bush Road, London, W6 7AS
- Fulham Library, 598 Fulham Road, London, SW6 5NT
- Shepherds Bush, 6 Wood Lane, London W12 7BF

6 Appendices

6.3 Appendix 3: Glossary

CIL: The Community Infrastructure Levy (CIL) is a new power which enables a charge to be levied on the net increase in gross internal area floorspace arising from development in order to fund infrastructure that is needed to support development in the area.

Core Strategy: sets out the long-term spatial vision for the local planning authority area, the spatial objectives and strategic policies to deliver that vision. The Core Strategy is a Development Plan Document.

Development plan: as set out in Section 38(6) of the Act, a London local authority's development plan consists of the London Plan and the Development Plan Documents contained within its Local Plan and neighbourhood plans.

Development plan documents: spatial planning documents that are subject to independent examination, and together with the London Plan, will form the development plan for the borough for the purposes of the Act. They can include a Core Strategy, Site Specific Allocations of land, and Area Action Plans (where needed). Other Development Plan Documents, including Development Management Policies, can be produced. Individual Development Plan Documents or parts of a document can be reviewed independently from other Development Plan Documents. Each authority must set out the programme for preparing its Development Plan Documents in the Local Development Scheme.

Development management policies: these will be a suite of criteria-based policies which are required to ensure that all development within the areas meets the spatial vision and spatial objectives set out in the Local Plan. They may be included in any Development Plan Document or may form a stand alone document.

Issues and Options: produced during the initial stage of the preparation of Development Plan Documents.

Local development document: the collective term for Development Plan Documents and Supplementary Planning.

Local development framework: the name previously used for the portfolio of Local Development Documents. It consisted of Development Plan Documents, Supplementary Planning Documents, a Statement of Community Involvement, the Local Development Scheme and Annual Monitoring Reports.

Local development scheme: sets out the programme for preparing Local Development Documents.

Local strategic partnership: partnerships of stakeholders who develop ways of involving local people in shaping the future of their neighbourhood in how services are provided. They are often single non-statutory, multi-agency bodies which aim to bring together locally the public, private, community and voluntary sectors.

Local Plan: The Local Plan consists of Development Plan Documents drawn up by the Local Planning Authority to guide the future development of the local area. It also consists of Neighbourhood Plans for Neighbourhood Areas, where these have been examined and approved at referendum.

London Plan: the Spatial Development Strategy for London. The Plan came into effect in February 2004 and set out an integrated social, economic and environmental framework for the development of London for 15-20 years. The most recent iteration was adopted in July 2011, which provides the London wide context within which individual boroughs set their local planning policies as part of their Development Plan.

Neighbourhood Plan: A Neighbourhood Plan is prepared by a designated Neighbourhood Forum (or parish or town council) for their Neighbourhood Area. It sets out the policies for development and use of land for all or part of the neighbourhood area. Neighbourhood plans are subject to examination and referendum, after which they are adopted as part of the Development Plan for the local area. As such, they must be in conformity with the council's Local Plan.

Planning Inspectorate: is a government body whose main work involves processing planning and enforcement appeals and holding inquiries into local development frameworks.

Planning Portal: A national website that offers a wide range of services and guidance on the planning system advising on planning permission, online planning applications, planning appeals and how the planning system works (see <http://www.planningportal.gov.uk/>).

Planning Obligations: Legal agreements between a planning authority and a developer, or undertakings offered unilaterally by a developer, that ensure that certain extra works related to a development are undertaken. For example, the provision of highways. Sometimes called "Section 106" agreements or Planning Agreements.


6 Appendices

Proposals map: the adopted proposals map illustrates on a base map all the policies contained in Development Plan Documents. It must be revised as each new Development Plan Document is adopted, and it should always reflect the up-to-date planning strategy for the area.

The Regulations: Town and Country Planning (Local Planning) (England) Regulations 2012.

Supplementary planning documents: provide supplementary information in respect of the policies in Development Plan Documents and may take the form of design guides, development briefs, master plans or issue based documents that supplement the policies in a DPD. They do not form part of the Development Plan and are not subject to independent examination.

Sustainability appraisal: tool for appraising policies to ensure they reflect sustainable development objectives (i.e. social, environmental and economic factors) and required in the Act to be undertaken for all Local Plan documents.

 <p>h&f the low tax borough</p>	<p>London Borough of Hammersmith & Fulham</p> <p>COUNCIL</p> <p>23 OCTOBER 2013</p>
<p>TREASURY REPORT 2012/13 OUTTURN</p>	
<p>Report of the Leader of the Council: Councillor Nicholas Botterill</p>	
<p>Open Report</p>	
<p>Classification - For Information</p>	
<p>Key Decision: Yes</p>	
<p>Wards Affected: All</p>	
<p>Accountable Executive Director: Jane West Executive Director of Finance & Corporate Governance</p>	
<p>Report Author: Halfield Jackman Tri Borough, Treasury Manager</p>	<p>Contact Details: Tel: 020 7651 4354 E-mail: hjackman@westminster.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1. This report presents the Council's Outturn Treasury Report for 2012/13 in accordance with the Council's treasury management practices (TMS). It is a regulatory requirement for this outturn report to be presented to Council by 30 September each year.
- 1.2. There are two aspects of Treasury performance – debt management and cash investments. Debt management relates to the Council's borrowing and cash investments to the investment of surplus cash balances. This report covers:
 - the treasury position as at 31 March 2013 which includes the investment and the borrowing strategy and outturn for 2012/13;
 - the UK economy and interest rates
 - compliance with treasury limits and prudential indicators

- 1.3. The borrowing amounts outstanding and cash investment for the relevant periods are as follows in the table below.

£ million	31/3/2013	31/3/2012	31/3/2011
Total borrowing	262.07	262.17	475.52
Total cash balances	206.17	109.30	70.00

2. RECOMMENDATIONS

- 2.1 To note that the Council has not undertaken any borrowing for the period 1 April 2012 to 31 March 2013.
- 2.2 To note the investment activity for the period 1 April 2012 to 31 March 2013.

3. INTRODUCTION AND BACKGROUND

- 3.1. This report presents the Council's Outturn Treasury Report for 2012/13 in accordance with the Council's treasury management practices. This report covers:
- the treasury position as at 31 March 2013 which includes the investment and the borrowing strategy and outturn for 2012/13;
 - the UK economy and interest rates
 - compliance with treasury limits and prudential indicators.

4. TREASURY POSITION AS AT 31 MARCH 2013

Investments

- 4.1. The table below provides a breakdown of the cash deposits, together with comparisons from the previous year.

Investment Type	Value 31 March 2013 (£million)	Value 31 March 2012 (£million)
Liquid Deposits	44.52	18.80
Term Deposits	121.65	69.50
Money Market Funds	40.00	21.00
Total	206.17	109.30

- 4.2. The total investments increased by £97 million in 2012/13, the increase was attributable to a rise in usable reserves and unapplied capital receipts.
- 4.3. Liquid deposits consisting of overnight deposits with the Debt Management Office (DMO) and a Call Bank A/c.

- 4.4. The Council had £40 million invested in four money market funds (£10 million in each) run by Goldman Sachs, Blackrock, Insight and Prime Rate. The funds return ranged from 0.29 per cent to 0.49 per cent (all are rated AAA by at least one, and in most cases two, rating agencies).
- 4.5. The term deposits comprise 15 fixed term deals with maturities ranging from April 2013 to August 2013. The investments were deposited with DMO, Lloyds Bank, Barclays Bank, London Borough of Islington and Woking Borough Council.
- 4.6. The weighted average interest rate of return on the investments over the year was 0.90 per cent, with a total interest received of £1.52 million (compared with a weighted average of 1.18 per cent and a total interest £1.19 million for 2011/12).
- 4.7. The investment strategy for 2012/13 was to place cash investments with certain institutions as set out in the Treasury Management Strategy, to focus on the security and liquidity of the investments rather than to seek yield. Where security and liquidity criteria could be satisfied, investments would then be placed taking yield into account.

Borrowing

- 4.8. All external borrowing is with the Public Work Loan Board (PWLB) at various fixed rates and split between the General Fund and Housing Revenue Account (HRA).
- 4.9. Total borrowings decreased by £0.1 million to £262.07 million due to maturing debt. No new borrowing was undertaken during the year.
- 4.10. The Council is currently maintaining an under-borrowed position. This means that the capital borrowing need, has not been fully funded by external loan debt, the balance being funded by cash reserves. This strategy is prudent as investment returns are low and counterparty risk is high.
- 4.11. The closing General Fund debt as measured by the Capital Financing Requirement (CFR)¹ for 2012/13 at quarter 4 is £78.4 million (in quarter 3 £91.4 million), as shown in table below.

In accordance with the debt reduction strategy, all year-end surplus general fund receipts have been directed towards debt reduction. This maximises the revenue savings associated with debt reduction in the subsequent year.

¹ The Capital Financing Requirement is a measure of the Council's underlying need to borrow for capital expenditure or to finance its other long term liabilities.

Movement in the Capital Financing Requirement (CFR)

	Q3	Movement	Q4
	£million	£million	Outturn £million
Opening Capital Financing Requirement (CFR)	99.8		99.8
Revenue Repayment of Debt (MRP)	(2.3)		(2.3)
Net Impact of Appropriations between General Fund and HRA		0.5	0.5
Annual (Surplus) in Capital Programme	(6.1)	(13.5)	(19.6)
Closing CFR	91.4	(13)	78.4
<i>Net Movement from £99.8m</i>	<i>(8.4)</i>	<i>(13)</i>	<i>(21.4)</i>

4.12. Following the implementation of Housing Finance Reform on the 28 March 2012 Central Government abolished the Housing Subsidy System and replaced it with the “self financing” regime. The Housing Revenue Account (HRA) debt was reduced by £197.4 million (repayment of debt by DCLG) from £414.7 million to £217.3 million. This resulted in a reduction in annual interest costs of £10.2million. In return, the Council agreed to give up the annual Housing Subsidy payment (this was worth £10.4million in 2011/12). The end result is the HRA is now responsible for servicing 82.9 per cent of the Council’s external debt, the General Fund holds the remaining 17.1 per cent.

4.13. The table below shows the details around the Council’s external borrowing (as at 31 March 2013), split between the General Fund and HRA.

	General Fund (£million)	Average Interest rate	HRA (£million)	Average Interest rate	Total external borrowing (£million)	Combined Average Interest Rate
Total / average	44.77	5.61%	217.30	5.61%	262.07	5.61%

5. THE ECONOMY AND INTEREST RATES

5.1. Given the rapidly moving state of the European debt crisis, the details below focus on the last financial year, and it should be recognised that events have moved on since.

5.2 **Sovereign debt crisis.** During 2012-13 financial markets remained apprehensive, fearful of the potential for another financial crisis prompted by a European Sovereign Government debt default. The European Authorities were keen to do whatever it took to stabilise the Euro and financial markets. The European Central Bank (ECB) cut rates and in September committed to unlimited purchases of peripheral sovereign debt.

- 5.3 This action was mirrored in the US where the Federal Reserve implemented further quantitative easing measures by increasing the amount of open-ended purchases from \$40 billion to \$85 billion per month. The Monetary Policy Committee (MPC) increased the quantitative easing program by a further £50 billion in July 2012 but has not acted further.
- 5.4 The UK coalition Government maintained its fiscal policy stance. Both Fitch and Moody's downgraded the UK long term debt rating due to the weaker economic and fiscal outlook. The downgrades had little market impact.
- 5.5 **UK growth** proved mixed over the year. In quarter 2, GDP growth was -0.4 per cent, but then quarter 3 showed a return to growth of 0.9 per cent quarter on quarter before moving back into decline (-0.3 per cent) in quarter 4. The UK grew by 0.3 per cent in the first three months of 2013 and avoided a triple dip recession. The Office for National Statistics said that strong growth in the services sector and a recovery in North Sea oil/gas output helped the economy grow in the first quarter of 2013. Falling real incomes, the deficit reduction plan and the poor state of the European economy are holding back economic growth. However, there was also a return of some optimism for growth outside the EU as the Federal Reserve in America continued to provide quantitative easing to boost growth.
- 5.6 **UK CPI inflation** peaked at the start of the year at 3 per cent before ending the year at 2.8 per cent. Inflation is forecast to exceed 3 per cent over the next year.
- 5.7 In the latest Budget, the MPC were given more flexibility to make tradeoffs to support the economy. The implication is that the MPC will be able to justify above target inflation over the medium term if the broader economic backdrop is deemed to require measures to boost growth.
- 5.8 **Gilt yields** fell for much of the year, as concerns continued over the EU debt crisis. This resulted in safe haven flows into UK gilts.
- 5.9 **Bank Rate** was unchanged at 0.5 per cent throughout the year while expectations of when the first increase would occur were steadily pushed back to the second half of 2015 at the earliest. Deposit rates fell throughout the year as the government implemented its Funding for Lending scheme.
- 5.10 **Risk premiums** remained throughout the year. Widespread and multiple downgrades of the credit ratings of many banks and sovereigns, continued Euro zone concerns, and the significant funding issues still faced by many financial institutions, meant that investors remained cautious of longer-term commitment.

6. COMPLIANCE WITH TREASURY LIMITS AND PRUDENTIAL INDICATORS

- 6.1. During the financial year to March 2013, the Council operated within the treasury limits as set out in the TMS. The outturn for the Treasury Management Prudential Indicators are shown in Appendix A.

7. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

7.1 These are contained within the report.

8. COMMENTS OF THE DIRECTOR OF LAW

8.1 There are no direct legal implications for the purpose of this report.

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.	Loans and Investments ledger	Halfield Jackman. Tel: 020 7651 4354	Tri-borough Treasury Manager, Westminster City Council
2.	CIPFA Treasury Management Code of Practice (published)	Halfield Jackman. Tel: 020 7651 4354	Tri-borough Treasury Manager, Westminster City Council

APPENDIX A

LBHF – TREASURY MANAGEMENT PRUDENTIAL INDICATORS 2012-13

Authorised Limit and Operational Boundary 12/13

Indicator	Approved Limit	Actual Debt	No. of days Limit Exceeded
Authorised Limit ²	£351m	£262.07m	None
Operational Boundary ³	£284m	£262.07m	None

Limits on Interest Rate Exposure

Interest Rate Exposure	Upper Limit	Lower Limit	Actual at 31 Mar 2013
Fixed Rate Debt	£330m	£0m	£262.07m
Variable Rate Debt	£66m	£0m	£0m


Maturity Structure of Borrowing

Maturity Structure of Borrowing	Upper Limit	Lower Limit	Actual at 31 Mar 2013
Under 1 year	15%	0%	4%
1 year to 2 years	15%	0%	1%
2 years to 5 years	60%	0%	12%
5 years to 10 years	75%	0%	10%
Over 10 years	100%	0%	73%

² The Authorised Limit is the maximum requirement for borrowing taking into account maturing debt, capital programme financing requirements and the ability to borrow in advance of need for up to two years ahead.

³ The Operational Boundary is the expected normal upper requirement for borrowing in the year.

Agenda Item 6.5

 the low tax borough	London Borough of Hammersmith & Fulham COUNCIL 23 OCTOBER 2013
ANNUAL REVIEW OF THE CODE OF CONDUCT AND CONSTITUTION REPORT	
Report of the Monitoring Officer - Tasnim Shawkat	
Open Report	
Classification: For Decision	
Key Decision: No	
Wards Affected: All	
Accountable Executive Director: Jane West, Executive Director of Finance and Corporate Governance	
Report Author: Janette Mullins Principal Solicitor (Housing and Litigation)	Contact Details: Tel: 020 8753 2744 E-mail: janette.mullins@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. The Council at its meeting on 4 July 2012 delegated to the Audit, Pensions and Standards Committee the statutory role under the Localism Act 2011 and the specific responsibility of maintaining high standards of conduct for Members. The Council also approved the Members Code of Conduct and the arrangements for dealing with complaints alleging a breach of the Code.
- 1.2. The new arrangements have been in operation for just over a year and officers have undertaken a review, as a matter of good practice. This report highlights the outcome of the review and makes recommendations for some minor changes. Council is asked to consider these revisions to the Code and the Arrangements.

2. RECOMMENDATIONS

- 2.1. That the proposed changes to the "Arrangements for dealing with complaints alleging a breach of the Members' Code of Conduct" set out in paragraph 5.6 of the report and Appendix 1, be approved.
- 2.2. That the Audit, Pensions and Standards Committee's terms of reference include "To consider any applications for dispensations from Councillors

and co-opted members to allow them to participate in decisions”, be approved.

- 2.3. That in the event of an application for dispensation being received, a three member, Audit, Pensions and Standards (Dispensation) Sub Committee would be set up to consider the request, be noted.
- 2.4. That the draft guidance for applications for dispensations attached at Appendix 2, be approved.
- 2.5. That the Director - Property Service and Asset Management and Head of Building Services be granted authority to deal with Party Wall Matters under the Building Act 1984 and Party Wall Act 1996, be agreed.

3. REASONS FOR DECISION

- 3.1. The Localism Act 2011 places a duty on a local authority to ensure that its Members and co-opted Members maintain high standards of conduct. It must set out the rules that the authority wants to put in place with regard to requiring Members to register and disclose pecuniary and non-pecuniary interests and adopt a code of conduct for its Members.
- 3.2. As the new regime has been in place for only one year it is appropriate to review its operations and make any necessary changes.

4. INTRODUCTION AND BACKGROUND

- 4.1. The Localism Act 2011 abolished the Standards regime and introduced a new framework for the regulation of Member conduct. The Act placed a duty on local authorities to ensure that their Members and co-opted Members maintain high standards of conduct.
- 4.2. The Council approved its Code of Conduct for Members on 4 July 2012 along with the arrangements to deal with allegations that Members have failed to comply with the Code. The Audit, Pensions and Standards Committee was charged with the responsibility to review the operation of the Code and the arrangements for dealing with complaints after a year.
- 4.3. The Code and the Arrangements are all on the Council’s website.
- 4.4. The Parliamentary Committee on Standards on Public Life published its 2012 – 13 Annual Report in August 2013. It welcomed the mandatory requirement for all local authorities to adopt a local code of conduct. It also listed some concerns in paragraphs 38 to 40 of its report attached as appendix 3 as follows:
 - The new regime is likely to do less well where there is inadequate leadership to support the process,
 - The current sanctions against poor behaviour are insufficient,

- The current level of involvement of the Independent Person is not sufficient to provide assurance that justice is being done, and equally important, that it is seen to be done, and
- By June 2012, many local authorities had not adopted a local code of conduct nor appointed an Independent person.

5. PROPOSAL AND ISSUES

• REGISTER OF INTERESTS

- 5.1. All Members have submitted the requisite forms to register their disclosable pecuniary interests. During the year all changes have been sent to the Governance section which has updated the Members' records online.
- 5.2. Following the election next year, new Members will be asked to complete registration of disclosable pecuniary interests forms. As part of this exercise, the Monitoring Officer will be reminding returning Members to ensure that their registration is up to date.

• COMPLAINTS

- 5.3. Since the Arrangements were adopted in July 2012, the Monitoring Officer has received two complaints about Members.
- 5.4. The first was received on 22 June 2012 and it was not possible to deal with it by 1 July 2012 when the law changed the new Arrangements. The complaint was that the Councillor had brought his office into disrepute. The Monitoring Officer met with the Independent Person and concluded, on the basis of the evidence presented, that there had not been a breach of the Code of Conduct and as such the complaint did not merit an investigation.
- 5.5. The second complaint was withdrawn after the Councillor concerned apologised for overlooking some correspondence and dealt with the matters raised.

• ARRANGEMENTS FOR DEALING WITH COMPLAINTS

- 5.6. Paragraph 4.3 of the Arrangements sets out the criteria which the Monitoring Officer will take into account to decide whether or not a complaint merits investigation. It is suggested that two of the criteria need further clarification namely:
- (c) The complaint is not "tit for tat"
 - (d) The complaint appears not to be politically motivated
- 5.7. Notes have been added to the relevant paragraphs as set out in Appendix 1 to clarify these criteria.

- **INDEPENDENT PERSON**

- 5.8. On 4 July 2012 Council agreed that two Independent Persons should be appointed in conjunction with the Royal Borough of Kensington and Chelsea, to consider complaints against Members and to offer their impartial views on each case, including any investigations undertaken.
- 5.9. Ms Janis Cammel OBE was appointed on 4 July 2012 and Ms Johanna Holmes was appointed on 29 May 2013.

- **DISPENSATIONS**

- 5.10. The Localism Act 2011 also places the responsibility for considering any applications from Councillors and co-opted members to allow them to participate in decisions in circumstances where they have disclosable pecuniary interests on the Council. The Members' Code of Conduct sets out which interests are disclosable pecuniary interests. A Member with a disclosable pecuniary interest, in a matter being considered at a Committee or by the Executive, must not participate in that decision unless he or she has been granted a dispensation.
- 5.11. Section 33 of the Localism Act 2011 provides that a dispensation may be granted only if, having had regard to all the relevant circumstances, the Committee considers that:
- without the dispensation, the number of Members prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
 - granting the dispensation is in the interests of persons living in the Borough;
 - without the dispensation each member of the Cabinet would be prohibited from participating in any particular business to be transacted by the Cabinet; or
 - it is otherwise appropriate to grant a dispensation.
- 5.12. A dispensation may be granted for one meeting or for a specific period (up to a maximum of 4 years).
- 5.13. Currently, this function is not clearly stated in the Committee's terms of reference. The Council is requested to amend the Audit, Pensions and Standards Committee's terms of reference as follows:-
- To consider any applications for dispensations from Councillors and co-opted members to allow them to participate in decisions.

5.14. Council is also requested to note that in the event of an application being received a three member Audit, Pensions and Standards (Dispensation) Sub Committee would be set up to consider the request. The membership would be from the main Committee.

5.15. Council is asked to approve the draft guidance for applications for dispensations attached at Appendix 2. Once approved, it will be put on the Council's website for use.

- **RELATED PARTY TRANSACTIONS**

5.16. For the purposes of the Council's Statement of Accounts, Members are required annually to complete and return a related party transactions form. This form is returned to the Corporate Accountancy and Capital team acting on behalf of Executive Director of Finance and Corporate Governance. The form declares whether a Member or any close members of their families, companies they own or have a major shareholding in or other organisations over which they have an element of control have been in receipt of income or made payments to the Council. The forms must be returned, at the very latest, by early June in time for the issuing of the Council's draft Statement of Accounts for the preceding financial year. The forms are made available to and reviewed by the Council's external auditors.

5.17. The opportunity will be taken to align this process with the declaration of any related party transactions for the previous financial year.

- **PARTY WALL MATTERS (Building Act 1984 and Party Wall Act 1996).**

5.18. Currently, the Director - Building & Property Management is responsible for this Party Wall matters. Officers are requesting for additional officers – the Director - Property Service and Asset Management and Head of Building Services to be granted responsibility for this function as Party Wall Matters are mainly related to Housing & Regeneration Department (Housing Properties).

6. CONSULTATION

6.1. The Independent Person and Audit, Pensions, Standards Committee have been consulted.

7. EQUALITY IMPLICATIONS

7.1. There are no specific equality and diversity implications for this report.

8. LEGAL IMPLICATIONS

8.1. The legal implications are contained in the body of the report.

Implications completed by: Janette Mullins, Principal Housing and Litigation Solicitor

9. FINANCIAL AND RESOURCES IMPLICATIONS

9.1. There are none.

10. RISK MANAGEMENT

10.1. Not applicable.

11. PROCUREMENT AND IT STRATEGY IMPLICATIONS

11.1. There are no procurement related issues contained in this report.

Implications completed by: Janette Mullins, Principal Housing and Litigation Solicitor.

- **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		

**London Borough of Hammersmith and Fulham
Arrangements for dealing with complaints alleging a breach of the Members’
Code of Conduct**

1. Context

- 1.1 Under Section 28 of the Localism Act 2011, the Council must have in place “arrangements”, under which allegations that a Member or co-opted Member of the Council, or of a Committee or Committee of the Council, has failed to comply with the Members’ Code of Conduct can be investigated and decisions made on such allegations.
- 1.2 These “arrangements” set out how you may make a complaint that an elected or co-opted Member of the **London Borough of Hammersmith and Fulham** (“the Council”) has failed to comply with the Members’ Code of Conduct (“the Code”) and sets out how the Council will deal with allegations of a failure to comply with the Code.
- 1.3 Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a Member or co-opted Member against whom an allegation has been made.

2. The Code

- 2.1 The Code adopted by the Council is on the Council’s website and paper copies can be requested from Governance and Scrutiny Team, Town Hall, King Street, London, W6 9JU.

3. Making a complaint

- 3.1 If you wish to make a complaint, please complete a copy of the complaint form, available on the Council’s website or on request from Governance Services, and send or email it to:

The Monitoring Officer
Legal and Democratic Services
Town Hall
King Street
London W6 9JU

email Tasnim.Shawkat@lbhf.gov.uk

- 3.2 The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the Register of Members’ Interests and who is responsible for administering these arrangements.

- 3.3 Please provide all the details requested on the complaint form. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. The Monitoring Officer will consider your request but in the interests of fairness the presumption is that the Member concerned is entitled to know who has made the complaint. If, in exceptional circumstances, your request is granted we will not disclose your name and address to the Member against whom you make the complaint without your prior consent.
- 3.4 The Council will not investigate anonymous complaints unless the Monitoring Officer considers that there is a strong and clear public interest in doing so.
- 3.5 The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it and will keep you informed of the progress of your complaint.

4. Will your complaint be investigated?

- 4.1 The Monitoring Officer will consider each complaint received and will decide, on the basis of the information set out in the complaint form or submitted with the complaint, whether it merits formal investigation. Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, investigating a complaint involves spending public money as well as the cost of officer and Member time. The Council, therefore, takes a proportionate approach to the issue of whether or not a complaint merits investigation bearing in mind the sanctions which can be imposed if a Member is found to be in breach of the Code, and the costs to the Council and, therefore, to the public of undertaking an investigation. The performance of Members in terms of how they represent those in their wards is ultimately a matter for the electorate if a Member seeks re-election.
- 4.2 A complaint will only be considered to merit formal investigation if it complies with all the criteria in paragraph 4.3 or one or more of the criteria in paragraph 4.4 below. The Monitoring Officer will consult the Independent Person before coming to a final decision as to whether or not a complaint which meets the relevant criteria should be investigated.
- 4.3 The relevant criteria are:
- a) The complaint raises matters which would be a breach of the Code;
 - b) The complaint is sufficiently serious to warrant investigation;
 - c) The complaint is not “tit-for-tat”; i.e. the complaint has not been made by another Member only because he or she has been complained about by the Member who is the subject of the complaint;
 - d) The complaint appears not to be politically motivated; (A complaint will not be adjudged to be politically motivated just because the complainant is from a different political group to the Member complained about);

- e) It is about someone who is still a Member or co-opted Member of the Council;
 - f) The complaint has been received within 3 months of the alleged failure to comply with the Code unless there are exceptional circumstances for the delay and the delay does not mean that it would be difficult for a fair investigation to be carried out;
 - g) The same, or similar, complaint has not already been investigated;
 - h) It is not an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code;
 - i) The Member complained about has not already apologised and/or admitted making an error; and
 - j) If the complaint reveals a criminal offence and a complaint has been made to the Police, that the Police investigation and any proceedings have concluded or the Police have confirmed no proceedings will be issued.
- 4.4 a) The complaint reveals a continuing pattern of behaviour that is significantly and unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation; or
- b) The complaint is made by the Chief Executive or the Monitoring Officer
- 4.5 This decision will normally be taken within 28 working days of receipt of your complaint. The Monitoring Officer will inform you of his/her decision and the reasons for that decision.
- 4.6 In appropriate cases, where the Monitoring Officer has decided in accordance with the criteria set out above that a complaint would merit investigation, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was in breach of the Code and offering an apology, or other remedial action such as correcting the Register of Interests. Where the Member makes a reasonable offer of informal resolution, but you are not willing to accept the offer, the Monitoring Officer will take account of this in deciding whether the complaint should be investigated.
- 4.7 In consultation with the Independent Persons and Chairman of the Audit, Pensions and Standards Committee, the Monitoring Officer will refer to the Police for investigation a complaint which falls under Section 34 of the Act which makes it a criminal offence if a Member or co-opted Member fails, without reasonable excuse, to comply with requirements to register or declare disclosable pecuniary interests (but not other such interests as the Council may include in its Code), or takes part in Council business at meetings or when acting alone when prevented from doing so.

5 How is the investigation conducted?

5.1 If the Monitoring Officer decides that a complaint merits investigation, he/she may conduct the investigation but will normally appoint an investigating officer, who may be another senior officer of the Council, an officer of another Council or an external investigator (“the Investigating Officer”). The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the detail of your complaint and so that you can explain your understanding of events and suggest what documents need to be seen and who needs to be interviewed.

5.2 The Investigating Officer will normally write to the Member against whom you have complained and provide him/her with a copy of your complaint, and ask the Member to provide his/her explanation of events, and to identify what documents he/she needs to see and who he/she needs to interview.

In exceptional cases, where the Monitoring Officer has decided to keep your identity confidential your name and address will be deleted from the papers given to the Member.

5.3 At the end of his/her investigation, the Investigating Officer will produce a draft report (“the Investigation Report”) and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to correct any factual inaccuracies.

5.4 Having received and taken account of any comments which you may make on the draft Investigation Report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6 What happens if the Investigating Officer or Monitoring Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

6.1 The Monitoring Officer will review the Investigating Officer’s report and, if he/she is satisfied that the Investigating Officer’s report is sufficient, the Monitoring Officer will write to you and to the Member concerned notifying you that he/she is satisfied that no further action is required, and give you both a copy of the final Investigation Report. There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer.

7 What happens if the Investigating Officer or Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

7.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer’s report, seek the views of the Independent Person and will then arrange for the Audit, Pensions and Standards (Complaints) Sub Committee to consider the complaint. The Sub Committee will consider the Investigator’s Report, the written opinion of the Independent Person and any written representations from the Member concerned before

deciding whether the Member has failed to comply with the Code and, if so, whether to take any action in respect of the Member.

- 7.2 The meeting will be held in public so you may attend the meeting as can other members of the public. The Committee will usually consider the matters on the papers but, in exceptional cases, the Member may be permitted by the Committee to make representations on his or her own behalf, although he or she will not be entitled to be represented by a solicitor or other legal representative. Whether or not the case in question is an “exceptional case” is a matter for the discretion of the Committee but might include, for example, cases where the Member’s version of the relevant facts is significantly at odds with the conclusions reached in the Investigating Officer’s report and as a consequence the Committee would like to hear from the Member.
- 7.3 The Committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code, and dismiss the complaint. If the Committee concludes that the Member did fail to comply with the Code, the Chairman will inform those present at the meeting of this finding and the Committee will then consider what action, if any, the Committee should take as a result of the Member’s failure to comply with the Code. In doing this, the Committee may give the Member an opportunity to make representations but will consider any written representations from the Member and take into account the views of the Independent Person, before deciding what action, if any, to take in respect of the matter.

8 What action can the Audit, Pensions and Standards Committee take where a Member has failed to comply with the Code of Conduct?

The Committee may:-

- 8.1.1 Censure the Member;
- 8.1.2 Report its findings to a meeting of the Council for information;
- 8.1.3 Recommend to the Council that the Member be issued with a formal censure;
- 8.1.4 Recommend to the Member’s Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council; or
- 8.1.5 Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities.

9 What happens at the end of the hearing?

- 9.1 At the end of the hearing, the Chairman will announce the decision of the Committee as to whether the Member failed to comply with the Code and as to any sanctions imposed.
- 9.2 As soon as reasonably practicable thereafter, the Monitoring Officer will write to you and the Member concerned confirming the decisions taken.

10. Appeals

- 10.1 Where a Member is dissatisfied with the decision of the Audit, Pensions and Standards (Complaints) Sub-Committee in respect of a complaint against him/her, he/she may appeal to an Audit, Pensions and Standards (Appeals) Sub-Committee comprising a different membership to the original Sub-Committee, to reconsider the decision. The Member will be required to set out in detail, within 14 days of the Committee meeting, the grounds upon which an appeal is sought.
- 10.2 Upon receipt of notification of appeal, the Monitoring Officer will consult an Independent Person for his/her views. The Monitoring Officer will forward a report detailing the allegations, views of the Independent Person and the findings of the investigation to the Audit, Pensions and Standards (Appeals) Committee who will determine the appeal. The Appeals Sub-Committee can either endorse the previous decision or conclude that there is no breach and dismiss the complaint.

11 What are the responsibilities of the Audit, Pensions and Standards Committee?

- 11.1 The Audit, Pensions and Standards Committee is charged with considering those written complaints that a Member or co-opted Member has failed to comply with the Code referred to it following an investigation of the complaint. The Committee may decide to impose a sanction if it finds that the Member has failed to comply with the Code. The duty to consider complaints has been delegated to its Complaints Sub Committee.

12 Who is the Independent Person?

- 12.1 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and has been appointed by the Council. There are a number of statutory restrictions on who may be appointed. For example, a person cannot be appointed as an independent person if he or she is, or has been within the past 5 years, a Member, co-opted Member or officer of the Council.
- 12.2 The Independent Person may be invited to attend meetings of the Committee and his/her views are sought and taken into consideration before the Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code and as to any action to be taken following a finding of failure to comply with the Code.

13 Revision of these arrangements

13.1 The Council may by resolution agree to amend these arrangements.

Guidance on Applications for Dispensations

This guidance explains:

- the circumstances which dispensations can be granted
 - the procedure for applying for dispensations
 - the criteria which the Audit, Pensions and Standards Committee will apply in determining applications
1. The Audit, Pensions and Standards Committee may at its discretion grant dispensations to Members allowing them to speak and vote at a meeting in circumstances where they have a disclosable pecuniary interest. This function is delegated to the Audit, Pensions and Standards (Dispensation) Sub Committee.
 2. This procedure sets out how requests for dispensations should be made, the process that will be followed when the request is considered and the criteria that will be applied when the request is determined.
 3. A Member seeking a dispensation should send the completed form (attached to this guidance) to the Monitoring Officer. The application should be submitted as early as possible. Upon receipt of the application, a meeting of Audit, Pensions and Standards (Dispensation) Sub Committee will be convened. In deciding whether to grant the dispensation the Sub Committee will consider:
 - (a) whether the legal criteria for the grant of a dispensation are met (see paragraph 4 below);
 - (b) the reasons why the applicant Member considers the dispensation should be granted; and
 - (c) the matters referred to in paragraph 6 below
 4. The Audit, Pensions and Standards (Dispensation) Sub Committee has the power to grant a dispensation in the following circumstances if, having had regard to all relevant circumstances, the Committee considers that:
 - (a) without the dispensation the number of Members prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
 - (c) granting the dispensation is in the interests of persons living in the Borough;

Appendix 2

- (d) without the dispensation each member of the Cabinet would be prohibited from participating in any particular business to be transacted by the Cabinet; or
- (e) it is otherwise appropriate to grant a dispensation.

A dispensation may be granted for just one meeting or for a specified period (up to a maximum of 4 years).

5. In coming to a decision the Sub Committee will take into account the following, where relevant;
 - *Is the nature of the Member's interest such that allowing them to participate would not damage public confidence in the conduct of the authority's business?* A dispensation is unlikely to be granted where the decision is one having a direct and significant financial effect on the applicant Member. For example, a dispensation allowing a Member to be on the Planning Applications Committee determining his or her planning application would be extremely unlikely to be granted.
 - *Can the decision be readily taken in an alternative way without damage to public confidence in the conduct of the authority's business?* It may not be in the public interest if the decision, in the absence of dispensations being granted, could be taken only by a small number of Members or by an officer under delegated powers.
 - *Is the participation of the Member in the business that the interest relates to justified by the Member's particular role or expertise?*
6. The Sub Committee may grant a dispensation to allow the Member to speak and not vote, or to speak and vote. In most cases it will be appropriate to grant a dispensation allowing full participation. The Sub Committee will also consider how long the dispensation should apply.
7. The Monitoring Officer will notify the Member of the Sub Committee's decision and the reasons for it at the earliest opportunity. Then the nature and duration of any dispensation granted will be recorded in writing and kept with the register of Members' interests.

Application to the Audit, Pensions and Standards Committee for a Dispensation

To: Audit, Pensions and Standards Committee, c/o The Monitoring Officer.

<p>1. Full name of Member seeking dispensation <i>Note: the application must be submitted by the individual Member seeking the dispensation</i></p>
<p>2. The disclosable pecuniary interest for which a dispensation is sought</p>
<p>3. Nature and duration of the dispensation sought <i>Note: dispensations may be granted for speaking only or for speaking and voting. They may be granted for a particular meeting or may be granted for a specified period of time (up to a maximum of 4 years)</i></p>
<p>4. Date of the meeting at which the interest will arise, if relevant</p>

5. Reasons why you think the Committee should grant the request for a dispensation.

Note: Please read the *Guidance on Applications for Dispensations* which sets out the matters which the Audit, Pensions and Standards Committee will take into account in coming to a decision.

Signed:

Name (block caps):

Dated:

UNCLASSIFIED

Annual Report 2012-13

Committee on Standards
In Public Life

August 2013

UNCLASSIFIED

CONTENTS

Foreword	3
Introduction	4
Overview of Activities	5
Review of best practice	6
Fifth biennial survey	9
Triennial review	10
Strategic Plan 2012–15.....	11
Standards Check	12
Party funding	12
Lobbying.....	14
Local government standards.....	14
Independent adviser on Ministerial interests.....	16
The Leveson Inquiry.....	16
MPs' pay and expenses	17
Outstanding Risks	17
Representations and Speeches	19
Appendix 1: About the Committee	21
Terms of reference	21
Status	22
Funding and administration.....	22
Policy on openness	22
Appendix 2: Members of the Committee	23
Members active in 2012-13 who are currently members	23
Members active in 2012-13 who have subsequently stood down	26
New members in 2012-13	24
Research Advisory Board	26
Members' attendance (1 April 2011 - 31 March 2012).....	27
Remuneration.....	27
Appendix 3: Financial Information	29
Appendix 4: Reports and Publications	30

INTRODUCTION

1. The Committee on Standards in Public Life has wide terms of reference.

“To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life and to review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements.”¹

2. The Committee fulfils this role partly through its formal inquiries. In addition, we routinely monitor and consider issues and concerns relating to standards in public life, track public perception of standards of conduct of public office holders and seek to promote the Seven Principles of Public Life. We contribute to public policy development through meetings, seminars, research, speaking engagements, and by responding to consultation papers on relevant issues.
3. This report provides an overview of the Committee’s activities over the course of the financial year 2012/13. The Committee’s main project in this year has been to produce its Fourteenth Report, *Standards matter: A review of best practice in promoting good behaviour in public life*. This report aimed to analyse what has been shown to work best in promoting high standards and to take stock of current areas of risk. The project was launched in May 2012, and the final report was published in January 2013. The Committee also carried out its fifth biennial survey of attitudes to standards in public life, the results of which will be published in September 2013.
4. A triennial review of the Committee was carried out this year, the report of which was published by the Government in February 2013. As a result, on 5 February 2013, the terms of reference of the Committee were clarified in two respects: *‘...in future the Committee should not inquire into matters relating to the devolved legislatures and governments except with the agreement of those bodies’* and *‘...the Committee’s remit to examine “standards of conduct of all holders of public office” [encompasses] all those involved in the delivery of public services, not solely those*

¹ Hansard (HC) 25 October 1994, col. 758, Hansard (HC) 12 November 1997, col. 899 and Hansard (HC) 25 October 1994, col 758

*appointed or elected to public office.*²

5. Following an open competition, Lord Bew has been appointed the new Chair of the Committee effective from 1 September 2013. His term of office is for five years and is non-renewable. Following the end of Sir Christopher Kelly's term on 31 March 2013, David Prince served as interim Chair until 31 July 2013.
6. The appendices to this report provide detail about the structure and finances of the Committee.

OVERVIEW OF ACTIVITIES

General Overview

7. This year we reflected on what has been achieved since the Committee's first report in 1995. We asked ourselves whether the task was completed and, if not, what more still needs to be done. We found that while many of the original "Nolan Principles" - such as integrity, accountability and openness are widely understood and resonate closely with public expectations - the principles as a whole were still not being lived out everywhere in spirit as well as letter. There needed to be more active implementation and embedding within the day to day business of many organisations.
8. More disturbingly, the year's news was dominated by stories of governance failures and other inappropriate behaviour in institutions previously enjoying high levels of public trust and confidence, and by the failure of leadership in others, both private and public, to inculcate a culture of high standards in tune with public expectations. Many instances have involved deliberate attempts to get around codes of practice and conduct, and in some cases there are allegations involving covering up, concealment and even criminal activity. Moreover, when some individuals attempted to raise ethical issues or standards concerns they were prevented or inhibited from raising those concerns internally or speaking out on issues in the public interest.
9. So, while much of the infrastructure is now in place to support high standards - statements of principles, codes of conduct, independent scrutiny, and while standards of behaviour have improved in many areas of public life, high standards are still not yet understood everywhere as a matter of integrity and personal responsibility. Recent lapses have occurred not because individuals, often in key leadership roles, have been unaware of their responsibility and of what

² Hansard (HC) 5 February 2013, col. 7WS

Lobbying

36. The Committee continues to regard lobbying as an area in which there are genuine concerns involving suspicions that some lobbying may be taking place in secret and some individuals or organisations have more access to policy makers, so that it is not known who or what is influencing a particular decision. However, we remain doubtful that a statutory register of third party lobbyists, as proposed by the Government in a consultation paper in 2012, is the key to further reform. We believe it would be better to build on the steps already taken to increase transparency. Greater transparency might include, for example, enhancing the level of disclosure around meetings between ministers and those lobbying on behalf of a particular interest, as proposed in a report published in July 2012 by the Political and Constitutional Reform Committee. The Government renewed its commitment to introducing a statutory register of lobbyists and increasing transparency around lobbying in its mid-term review of the Coalition published in January and has recently restated that legislation will be introduced in July 2013.
37. As set out in our annual work plan, the Committee has been considering the transparency issues around lobbying, focusing particularly on those who are lobbied. To progress this work, the Committee issued a call for evidence in June and will be holding a meeting after the Parliamentary recess with interested parties, to look at what more can be done to bring greater integrity to existing arrangements. With the evidence gathered we aim to produce proportionate recommendations which will complement the proposed statutory provision and help restore the public's trust and confidence.

Local government standards

38. Under the Localism Act 2011 the new local government standards regime came into effect on 1 July 2012. The Committee welcomed the introduction of a mandatory requirement for local authorities to adopt a local code of conduct based on the Seven Principles of Public Life and the intention to encourage a greater sense of local responsibility for standards and to reduce the number of vexatious complaints.
39. While we recognise that the new system needs time to properly bed in, we do, however, have certain concerns:
- Due to the emphasis on local ownership of standards we would expect the new regime, like the previous one, to function well in those areas where party leaders are prepared to provide the

UNCLASSIFIED

necessary leadership and example. It is likely to do less well where such leadership is inadequate.⁵ History suggests that problems are most likely in areas with monolithic political cultures and correspondingly little political challenge, where partisan rivalry is most bitter and tit-for-tat accusations most common, or in those predominantly rural areas with significant numbers of independent members without the benefit of party discipline.

- Under the previous arrangements local authorities and an independent tribunal had the power to suspend members for varying periods of time as a sanction against poor behaviour. The only sanctions now available, apart from through the use of a political party's internal discipline procedures are censure or criminal prosecution for deliberately withholding or misrepresenting a financial interest. We do not think these are sufficient. The last few years have seen a number of examples of inappropriate behaviour which would not pass the strict tests required to warrant a criminal prosecution, but which deserves a sanction stronger than simple censure. While censure may carry opprobrium in the political arena it is often considered unacceptably lenient by the public relative to other areas of their experience. Coercion of other members or officers is one category of offence with which it will be difficult to deal adequately under the new arrangements.
- Under the previous arrangements allegations about poor behaviour were determined by standards committees independently chaired by individuals who were not themselves members of the local authority. Under the new arrangements every local authority must appoint at least one independent person whose views it will seek, and take into account, before making its decision on an allegation that it has decided to investigate. We doubt that this will be sufficient to provide assurance that justice is being done and, equally important, that it is seen to be done.
- In the transition to the new system local authorities may have lacked proper time to prepare. In early June 2012 we wrote to all local authorities in England to ask about their preparations for implementing the new regime which came into force on 1 July 2012. The Committee was concerned that so late in the day, nearly half of those who responded had yet to adopt a new code and around four fifths had yet to appoint an independent person. The fact that the Regulations and Order which took effect from 1 July were laid only on 6 June cannot have helped their preparations.

⁵ Not forgetting that in several prominent recent cases it is the behaviour of leaders themselves that have been under question.

UNCLASSIFIED

40. While inevitably there have been various teething problems with the new regime, the Committee will continue to monitor the implementation and its effectiveness, particularly in relation to public confidence that any wrongdoing is tackled promptly and transparently in the absence of any external investigation and scrutiny.


Independent Adviser on Ministerial Interests

41. In a report published in March 2012, the Public Administration Select Committee (PASC) raised the possibility that the Independent Adviser on Ministerial Interests was in practice insufficiently independent, as he or she is appointed personally by the Prime Minister, is supported from within the Cabinet Office, and cannot instigate his or her own investigations. Investigations can only be undertaken at the request of the Prime Minister. We agreed, and argued for the independence of the role to be increased and the power to instigate investigations to be granted.
42. The Independent Adviser on Ministerial Interests has carried out one investigation since then, finding in June 2012 that the then Conservative Co-Chairman had committed a minor breach of the Ministerial Code by not declaring a business relationship. However, there has also been controversy over the Prime Minister's decisions not to refer allegations made in 2012 about a possible breach of the code by the then Secretary of State for Culture, Media and Sport in relation to the bid by News Corporation for BSkyB to the Independent Adviser, on the basis that the issue would be looked at during evidence sessions for the Leveson Inquiry. It would in our view have taken much of the politics out of the issue, to everyone's advantage, if the decision on whether to investigate separately had been taken by the Independent Adviser – even if, as he might well have done, he had taken the same view. It is too easy for a Prime Ministerial decision not to refer, to be interpreted, however unfairly, as being motivated by a desire to avoid uncomfortable revelations.
43. In July 2012 our then Chair, Sir Christopher Kelly, issued a statement arguing for the Adviser to have the power to instigate investigations. The debate is still ongoing, and we continue to monitor it with interest.

The Leveson Inquiry

44. Part 1 of the Leveson Inquiry into the culture, practice and ethics of the press was published in November 2012. The Committee submitted written evidence to the Inquiry in 2011, and welcomed the contribution it made to the debate on press regulation and public standards in the UK more

Agenda Item 6.6

 the low tax borough	London Borough of Hammersmith & Fulham COUNCIL 23 OCTOBER 2013
ANNUAL REPORT OF THE AUDIT, PENSIONS AND STANDARDS COMMITTEE 2012/13	
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 of Finance & Corporate Governance	
Report Author: Geoff Drake, Chief Internal Auditor	Contact Details: Tel: 020 8753 2529 E-mail: Geoff.Drake@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 The following report relates to the period 1 April 2012 to 31 March 2013. As there is separate reporting arrangements in relation to the Pensions element of the Audit, Pensions and Standards Committee's work this report excludes all matter relating to pensions. It also excludes matters relating to standards; there is another report on the Council agenda which covers this area.
- 1.2 The Audit, Pensions and Standards Committee (the Committee) has a wide ranging 'audit committee' brief that underpins the Council's governance processes by providing independent challenge and assurance of the adequacy of governance, risk management, and internal control. This includes audit, anti-fraud and the financial reporting framework; the Committee is also the Council's Approval of Accounts Committee.
- 1.3 The Terms of Reference for the Committee for 2012/13 are reproduced at Appendix 1 for information.

2. RECOMMENDATIONS

- 2.1 That the annual report be approved.

Audit, Pensions and Standards Committee

Annual Report 2012/13

Introduction

- 1 This report relates to the period 1 April 2012 to 31 March 2013. As there is separate reporting arrangements in relation to the Pensions element of this Committee's work this report excludes all matter relating to pensions. The Audit, Pensions and Standards Committee (the Committee) has a wide ranging 'audit committee' brief that underpins the Council's governance processes by providing independent challenge and assurance of the adequacy of governance, risk management, and internal control. This includes audit, anti-fraud and the financial reporting framework; the Committee is also the Council's Approval of Accounts Committee. The Terms of Reference for the Committee for 2012/13 are reproduced at Appendix 1 for information.
- 2 The table below details last year's Committee members. I would like to thank all members for their positive contributions throughout the year. The members have a wide range of skills and bring both technical and professional experience to the role. Within the Committee all members have some experience or have received development training in relation to the governance processes they challenge.

Members of the Audit Committee

Member	Role
Councillor Mike Adam	Chairman
Councillor Michael Cartwright	Vice Chairman
Councillor Robert Iggulden	Member
Councillor Lucy Ivimy	Member
Councillor PJ Murphy	Member
Councillor Marcus Ginn	Member
Eugenie White	Co-opted Member

- 3 To further support the Committee members, officers have been offered development training.
- 4 This report details the key successes and work of the Committee in relation to its role as an audit committee in 2012/13. The Committee has overseen transformation in all areas of its responsibilities and has actively contributed to leading and shaping those changes. Key achievements include:
 - Improved arrangements for risk management including monitoring of the Bi-Borough Enterprise Wide risks and a Tri-borough risk management

strategy. The background to this has been the development of more formal Bi-borough working on risk, including sharing a Bi-borough Risk Manager with the Royal Borough of Kensington and Chelsea. Centralised reporting from departments own business, programme and project risks feed into regular reports to the committee and has helped provide transparency. Risks are also examined in the areas of Finance, Information Management and Technology, Procurement, Counter Fraud, Health and Safety, Insurance and Business Continuity.

- Continued performance improvements in responding to internal audit reports and recommendations across the Council, and delivery of the Internal Audit plans;
- Oversight of a number of key issues including the employment of consultants and interims, a significant fraud in relation to business rates, and allegations made in respect of a regeneration project;
- Scrutiny of the Council's Annual Governance Statement;
- Review of compliance with the new Public Sector Internal Audit Standards;
- Approval of the 2011/12 year annual accounts.

Governance

- 5 The Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions which includes arrangements for the management of risk. The governance framework comprises the systems, processes, culture, and values by which the authority is directed and controlled and it engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.
- 6 The Council has reviewed its code of corporate governance and found them to be consistent with the principles of the CIPFA/SOLACE *Framework Delivering Good Governance in Local Government*.
- 7 The Committee has a responsibility to assess the adequacy and effectiveness of the corporate governance arrangements that have been put in place. This is achieved in a number of ways. The Committee reviews in detail the Annual Governance Statement (AGS) that accompanies the annual accounts, to ensure it properly identifies the Council's governance arrangements, and that it accurately identifies significant control weaknesses. The process for producing the statement is outlined at Appendix 2. The statement in the 2012/13 draft accounts demonstrates evidence of responding to issues by monitoring the clearance of 3 significant control weaknesses.
- 8 The Committee also considers the work of Internal Audit and risk management in identifying and evaluating risks and ensuring arrangements are put in place to manage them. The Audit, Pensions and Standards Committee's view of governance is reflected in the Annual Governance Statement. The supporting review of governance states that the Council is compliant with the CIPFA/SOLACE governance guidance issued in 2007.

- 9 The authority's financial management arrangements conform with the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2010).

Internal Control

- 10 A pivotal role of the Committee is its work in overseeing the Council's internal control and assurances processes culminating in the Annual Governance Statement (AGS). Part 2 of section 4 of the Accounts and Audit (A&A) Regulations 2011 require the Council to review the effectiveness of its governance arrangements including the system of internal control and to publish an AGS each year to accompany the financial statements. The information for the AGS is generated through the Council's Assurance framework which is outlined in Appendix 2, encompassing:

- Risk management; Tri-borough and Bi-borough issues
- Internal Audit;
- Anti-Fraud programme;
- External Audit;
- Third party assurances such as other inspection and review agencies;
- Annual assurance statements from departmental heads and specialist interest areas such as IT and procurement.

The Committee leads this review by receiving reports at every meeting from most of these areas.

Risk Management

- 11 Risk Management is a business discipline that public and private sector organisations use to maximise the potential for successful delivery of business opportunities and at the same time control costs and mitigate against potential threats that may impact on the achievement of corporate objectives. It also forms a key part of the Council's corporate governance arrangements, strategic management, project, financial and performance management process and aids the scrutiny process by providing transparency of decision making of officers plus policy and agenda setting of Members.
- 12 Operationally the engagement, ownership, management and delivery of risk management, including TriBorough risk management, as part of daily business practice has been maintained throughout the year. The process has been particularly effective in raising Members' and officers' awareness of both the risk and opportunities associated with major projects and programmes of work plus the development of risk registers into specialist areas has embedded the process further into the organisation.
- 13 There has been some inconsistency in business risk assessment during major service reorganisation programmes mainly due to the differing approaches adopted by the three councils. Risks have decreased as a result of management and mitigation in a number of major regeneration areas including the Earls Court and King Street development programmes. In these

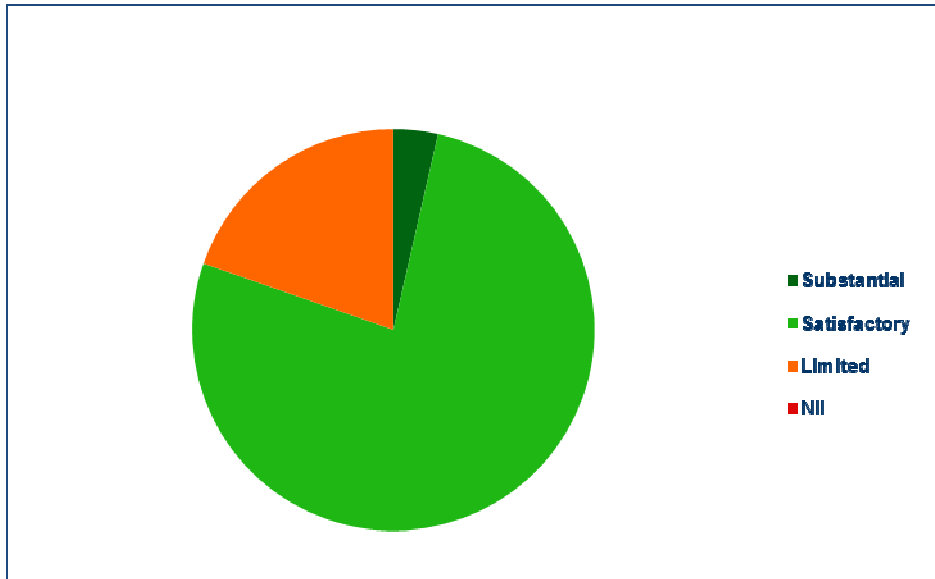
areas the risks reduced significantly due to the success of their respective planning decisions and changes to design following further consultation exercises. In some cases risks have increased due to planned changes for benefits and plans for Universal Credit. The Eurozone has also provided great volatility due to the international sovereign financial crisis. Risks have been monitored throughout the year on major change programmes including Managed Services and Facilities Management where risks and issues logs exist that alert Programme Boards to improve controls. Improvements to risk management in contractor supply chain monitoring has made the council more responsive to resilience matters and the effect of the negative impact on businesses of a sluggish economy. The H&F Business Board have focussed on addressing these key areas of risks through the ongoing review and maintenance of the Enterprise Wide Risk Register.

- 14 This has been delivered through very testing economic times and the comprehensive scrutiny of risk undertaken quarterly by the Committee has been robust and effective. The council is moving into a period of significant change with major change risk to the Finance, Procurement and Human Resources areas of business as newly procured systems come on-stream in 2012-2014. Benefits from management of the process where risk is acknowledged and quantified include improved organisational resilience and improved performance in service delivery to the community.

Internal Audit

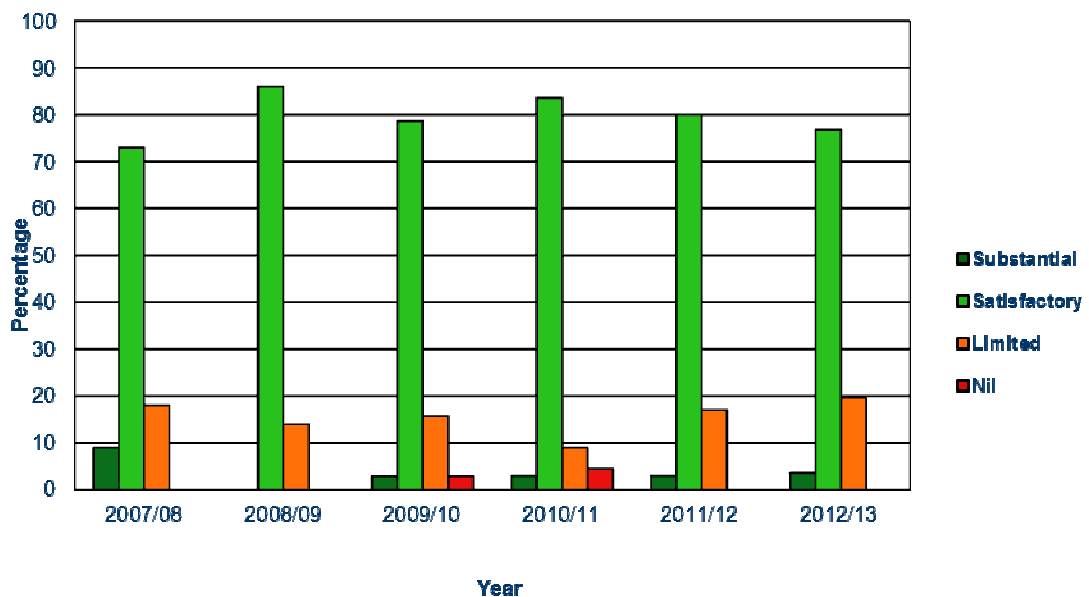
- 15 The Council's internal audit service is outsourced to under a framework agreement with LB Croydon to Deloitte & Touche Public Sector Internal Audit Ltd, who began delivering the service on 1 October 2004 and has won the contract re-tenders since.
- 16 The Internal Audit plans for the 2012/13 year were based on the departmental and the corporate risk registers supported by the production of an Assurance Framework. The draft plans were then reviewed and updated with departments through planning meetings with their Department Management Teams and were approved by the Business Board and the Committee.
- 17 The audit work that was completed for the year to 31 March 2013 involved 74 separate reviews of which 62 received an audit assurance. The levels of audit assurance achieved on the systems audited by year end are depicted in the chart below. This shows that 79% of the systems audited achieved an assurance level of substantial or higher, while 21% received a limited assurance level.

Assurance Levels for the year to 31 March 2013



- 18 The bar chart below shows the levels of assurance provided for all systems audited since the 2007/08 financial year. The distribution of assurance opinions shows a slight increase in Limited assurance reports over the last three years; however, over a longer period the number of Nil and Limited assurance reports has remained broadly stable. Given the significant changes taking place across the Council, which would usually be expected to increase levels of control weakness, and that some of the limited assurance audits were at management request for known areas of weakness this is considered a positive outcome.

Assurance Levels of Reports from 2007/08 to 2012/13



- 19 The table below shows the percentage of recommendations past their implementation date reported as implemented. 100% of all recommendations made up to 2009/10 have been implemented. The volume of recommendations that have been implemented over the period help demonstrate the value of Internal Audit as an agent for change and improvement. Outstanding recommendations that have not been implemented will continue to be reported to Departmental Management Teams and the Committee.

Financial year	Recommendations Raised	Recommendations Implemented	% Implemented as at 31 March 2013
2012/13	324	321	99%
2011/12	327	322	98.5%
2010/11	274	271	98.9%

Anti-Fraud

- 20 During the 2012/13 year CAFS (Corporate Anti-Fraud Service) delivered 165 successful outcomes against a target of 130. These figures include 12 successful prosecutions, the remaining cases include administrative penalties, recovered properties, and removals from the Housing Register.
- 21 As a consequence of its counter fraud work the unit identified total fraud to the value of approximately £8.2 million. This figure includes £510k recovered by the council, £5 million that is potentially recoverable by the Council for the public purse. Where possible a financial value to the Council has been placed on the counter fraud work that CAFS undertakes on tenancies using the Audit Commission calculation that each recovered property is worth £18k to councils. Therefore the 25 recovered tenancies plus the 66 tenancies prevented have been valued at £2 million. All these financial values do not include values recovered from debts arising from fraud work in previous years. Nor does it account for any additional value such as the deterrent effect achieved from successful casework and the publicity gained from the results, plus the fraud awareness activity and the proactive work undertaken to prevent fraud occurring in the first place.
- 22 The work undertaken by the service has continued to expand with increased referrals for tenancy fraud and internal fraud, plus joint work undertaken with the police. The service now has three qualified Financial Investigators and a fully functioning Proactive resource and a legal officer. The service is also looking to use council intelligence more effectively.

Annual Accounts and Financial Reporting

- 23 Following some additional training provided to the Committee on local government accounts, the Committee reviewed the 2011/12 year annual accounts in its meeting in June 2012 in undertaking its role as the Approval of Accounts Committee. The training helped ensure that the Committee interpreted the accounts effectively and raised informed questions prior to approving the accounts.

Significant Issues

- 24 The Committee dealt with a number of significant issues during the 2012/13 year. These included the use of consultants and interims, allegations made regarding regeneration schemes, and the fraud that occurred in relation to NNDR.

Recruitment of consultants and interims

- 25 LBHF had a process for recruiting consultants and interims through personal service companies (PSC's) which was not fit for purpose and was given nil assurance opinion in an Internal Audit report in June 2011. A robust new procedure was developed and implemented in August 2011.
- 26 As the Council identified a total of 94 people who had been incorrectly treated for tax and National Insurance Contributions (NIC's) purposes as self-employed, a voluntary disclosure was made to HMRC. After detailed exchanges of information and a series of meetings a final liability of £357k including penalties of no more than £6k and interest over a six year period from 2006 - 20121 has been agreed. Given a worst case scenario of £640k, this represents the best outcome that the Council could have achieved. HMRC have complimented the Council on the effectiveness and efficiency with which it has managed its voluntary disclosure and that has led to a nil penalty for most of the liability.
- 27 An Internal Audit follow up report published in March 2013 has confirmed that all the recommendations made in its June report have been implemented and no further action is required. The Council has successfully concluded a difficult and sensitive issue and in doing so learned important lessons and played an important part in clearing up the distinction between independent contractors and people who should be treated as employees.

Regeneration Programme Allegations

- 28 Following allegations made by members of the public in relation to the Earls Court Regeneration Scheme the Committee commissioned an independent investigation into the claims. The report was presented to Committee in May 2013 and advised that there was no evidence to support the claims made.

Business Rates Fraud

- 29 Operational management became concerned that a council employee in the National Non-Domestic Rates (NNDR) team had been granting empty rate relief without proper controls and when properties were not empty and that this had happened on numerous instances. The individual was suspended and the matter was accepted for criminal investigation by the CAFS team at LBHF in May 2012. The officer and another individual have been charged under the fraud act and a full trial is pending, a parallel discipline investigation resulted in the dismissal of the officer from his employment in November 2012. An audit was undertaken to identify weaknesses in processes, a further audit has been undertaken confirming that effective controls have now been put in place to manage the risks. The losses incurred are to the public purse and not to LBHF finances.

Future developments

- 30 Some of the more significant issues likely to have a focus for the Committee are considered to include:
- a. The continued pressure being applied to councils through the new financial realities for public finances;
 - b. The organisational change programme within the council including that related to the tri-borough arrangements. This will include ensuring that control is maintained for existing services and projects, plus ensuring that new processes have control designed into them;
 - c. The Single Fraud Investigation Service linked to Universal Credit. This needs to be kept under review to be clear on the potential impact on the fraud service.

AUDIT, PENSIONS AND STANDARDS COMMITTEE
TERMS OF REFERENCE

1. Membership

1.1 The Committee will have the following membership:

4 Administration Councillors

2 Opposition Councillors

1.2 The Chairman will be drawn from one of the Administration Councillors; the Vice-Chairman will be an Opposition Councillor.

1.3 The Committee may co-opt non-voting independent members as appropriate.

1.4 The agenda of meetings of the Committee will be divided into separate sections for Audit, Pensions and Standards matters.

1.5 The Pension Fund's external investment managers will be required to attend meetings of the Committee when dealing with Pensions matters and to submit reports and make presentations as required.

1.6 The Trades Unions and representatives from the admitted and scheduled bodies in the Pensions Fund shall be invited to attend and participate in meetings considering Pensions matters, but shall not have a formal vote.

1.7 The Committee may ask the Head of Internal Audit, a representative of External Audit, the Risk Management Consultant, Assistant Director (Business Support) and any other official of the organisation to attend any of its meetings to assist it with its discussions on any particular matter.

2. Quorum

2.1 The quorum of the Committee shall be 3 members.

3. Voting

3.1 All Councillors on the Committee shall have voting rights. In the event of an equality of votes, the Chairman of the Committee shall have a second casting vote. Where the Chairman is not in attendance, the Vice-Chairman will take the casting vote.

4. Procedures

- 4.1 Except as provided herein, Council Procedure Rules (as applicable to all Committees) shall apply in all other respects to the conduct of the Committee.
- 4.2 Meetings of the Committee shall be held in public, subject to the provisions for considering exempt items in accordance with sections 100A-D of the Local Government Act 1972 (as amended).

5. Meetings

- 5.1 The Audit, Pensions and Standards Committee will meet at least four times a year.
- 5.2 Meetings will generally take place in the spring, summer, autumn, and winter. The Chairman of the Committee may convene additional meetings as necessary.
- 5.3 The Chief Executive may ask the Committee to convene further meetings to discuss particular issues on which the Committee's advice is sought.

6. Reporting

- 6.1 The Audit, Pensions and Standards Committee will formally report back in writing to the full Council at least annually.

7. Responsibilities

(a) Audit

- 7.1 The Audit, Pensions and Standards Committee will advise the Executive on:
 - the strategic processes for risk, control and governance and the Statement on Internal Control;
 - the accounting policies and the annual accounts of the organisation, including the process for review of the accounts prior to submission for audit, levels of error identified, and management's letter of representation to the external auditors;
 - the planned activity and results of both internal and external audit;
 - the adequacy of management responses to issues identified by audit activity, including the external auditor's annual letter
 - the Chief Internal Auditor's annual assurance report and the annual report of the External Auditors.
 - assurances relating to the corporate governance requirements for the organisation;
 - (where appropriate) proposals for tendering for either Internal or External Audit services or for purchase of non-audit services from contractors who provide audit services.

7.2 The Committee's responsibilities in relation to the annual accounts will include:

- to approve the Council's Statement of Accounts, in accordance with the deadlines set out in the Accounts and Audit Regulations 2003;
- acting as the Approval of Accounts Committee, to be held in June;
- to consider any report as necessary from the External Auditor under Statement of Auditing Standard 610;
- to re-approve the Council's Statement of Accounts following any amendments arising from the external audit, in accordance with the deadlines set out in the Accounts & Audit Regulations 2003.

7.3 The Committee's responsibilities in relation to risk management will encompass the oversight of all risk analysis and risk assessment, risk response, and risk monitoring. This includes:

- the establishment of risk management across the organisation, including partnerships;
- awareness of the Council's risk appetite and tolerance;
- reviewing of the risk portfolio (including IT risks);
- being appraised of the most significant risks;
- determining whether management's response to risk and changes in risk are appropriate.

7.4 The Council has nominated the Committee to be responsible for the effective scrutiny of the Treasury Management Strategy and policies.

(b) Pensions - Decision-Making Powers (The following powers are hereby delegated on behalf of the Council)

7.5 To determine the overall investment strategy and strategic asset allocation of the Pension Fund.

7.6 To appoint the investment manager(s), custodian, actuary and any independent external advisors felt to be necessary for the good stewardship of the Pension Fund.

7.7 To monitor the qualitative performance of the investment managers, custodians, actuary and external advisors to ensure that they remain suitable.

7.8 To review on a regular basis the investment managers' performance against established benchmarks, and satisfy themselves as to the managers' expertise and the quality of their internal systems and controls.

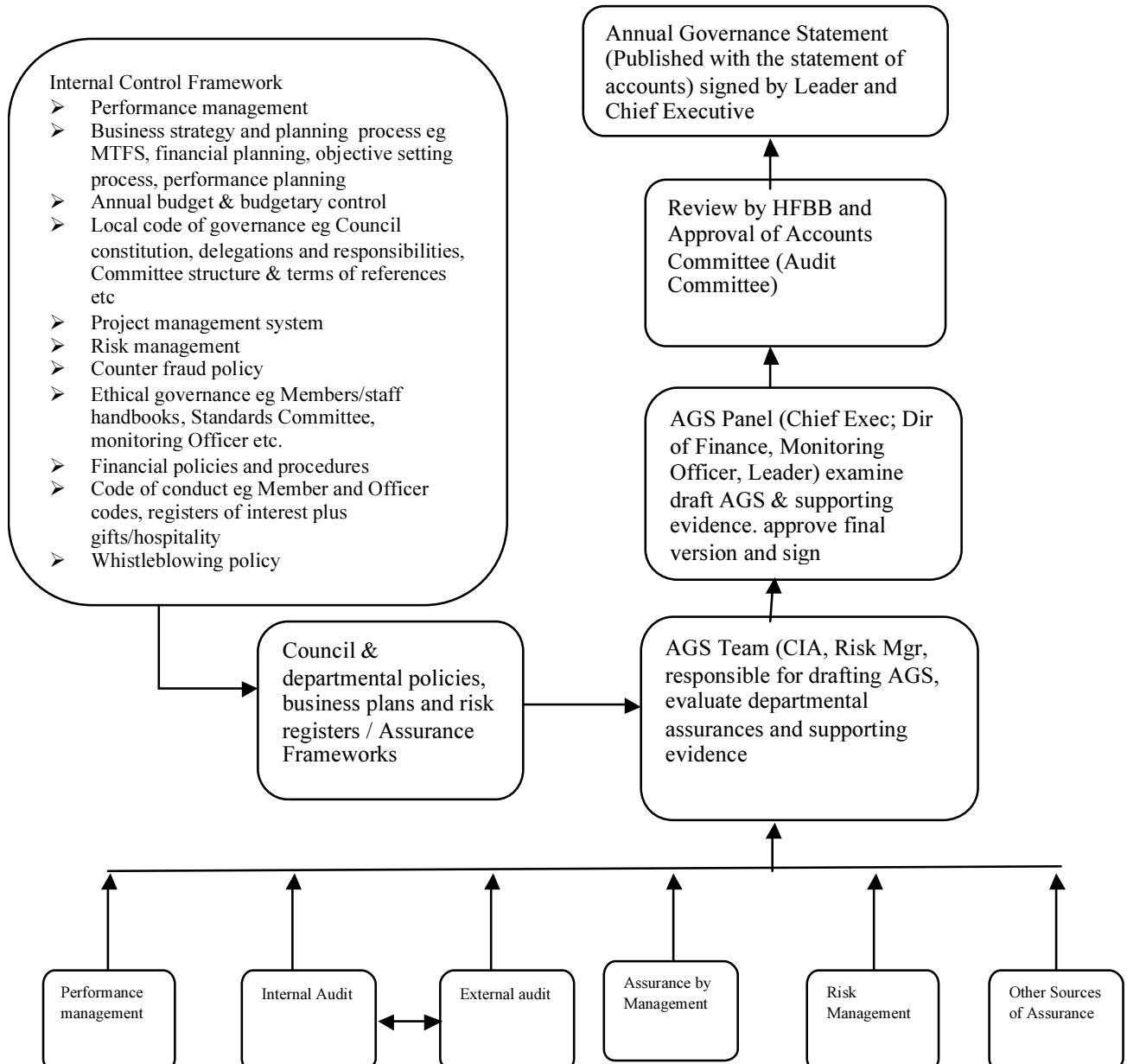
7.9 To prepare, publish and maintain the Statement of Investment Principles, and monitor compliance with the statement and review its contents.

- 7.10 To prepare, publish and maintain the Funding Strategy Statement, the Governance Compliance Statement, and the Communications Policy and Practice Statement, and to revise the statements to reflect any material changes in policy.
- 7.11 To approve the final accounts and balance sheet of the Pension Fund and approve the Annual Report.
- 7.12 To receive actuarial valuations of the Pension Fund regarding the level of employers' contributions necessary to balance the Pension Fund.
- 7.13 To oversee and approve any changes to the administrative arrangements and policies and procedures of the Council for the payment of pensions, compensation payments and allowances to beneficiaries.
- 7.14 To consider any proposed legislative changes in respect of the Compensation and Pension Regulations and to respond appropriately.
- 7.15 To approve the arrangements for the provision of AVCs for fund members.
- 7.16 To receive and consider the Audit Commission's report on the governance of the Pension Fund.

(c) Standards

- 7.17 To promote and maintain high standards of conduct by the Executive, non-executive Councillors, co-opted Members and church and parent governor representatives;
- 7.18 To assist Councillors, co-opted Members, and church and parent governor representatives to observe the Members' Code of Conduct;
- 7.19 To advise the Council on the adoption or revision of the Members' Code of Conduct;
- 7.20 To monitor the operation of the Members' Code of Conduct;
- 7.21 To advise and recommend training for Councillors, and co-opted Members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- 7.22 To fulfil the requirements under Section 28 of the Localism Act 2011 to put in place "arrangements" under which allegations that a Member or co-opted Member of the Council, or of a Committee or Committee of the Council has failed to comply with Code of Conduct are considered, investigated and determined.

Council Framework for the Annual Governance Statement



LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	CIPFA publication 'Audit Committees – practical guidance for local authorities	Geoff Drake Ext. 2529	Finance and Corporate Services department 6 th Floor Town Hall Extension

Agenda Item 7.1

SPECIAL MOTION NO. 1 – TRANSPARENCY

Standing in the names of:

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

“The Council agrees that elected representatives serve at the pleasure of the public and that the public has a right to know what is done in their name. It notes that no verbatim minutes are kept of any council meeting and that allowing members of the public to make audio and video recordings will cost nothing, make for a more comprehensive public record and will help improve public scrutiny.

The Council therefore resolves to delete the current Standing Order 21(g) and replace it to read:

“Members of the public are entitled to photograph, film and make audio recordings of all public council meetings and committees.”

SPECIAL MOTION NO. 2 – HAMMERSMITH FLYUNDER

Standing in the names of:

- (i) Councillor Nicholas Botterill
- (ii) Councillor Harry Phibbs

“This Council:

1. Welcomes the appointment of the borough’s “Flyunder Champion” Neale Stevenson and the Council’s taskforce on the Hammersmith Flyunder.
2. Resolves to work towards a tunnel replacement for the Hammersmith Flyover.”

Agenda Item 7.3

SPECIAL MOTION NO. 3 – FLYUNDER

Standing in the names of:

- (i) Councillor Stephen Cowan
- (ii) Councillor Wesley Harcourt

“This Council recognises that it is important to run an effective cross-party campaign that demonstrates to the public and key government and GLA decision makers how all of the London Borough of Hammersmith and Fulham Council’s elected representatives back the Hammersmith Flyunder project.

The Council determines that in order to properly influence current and future London Mayors and UK governments it will need to propose a strong case that properly sets out how the Flyunder can be financed, the economic and regeneration benefits, the strategic advantages and how this will best improve London’s infrastructure in preparation for rapid population expansion over the next two decades.”