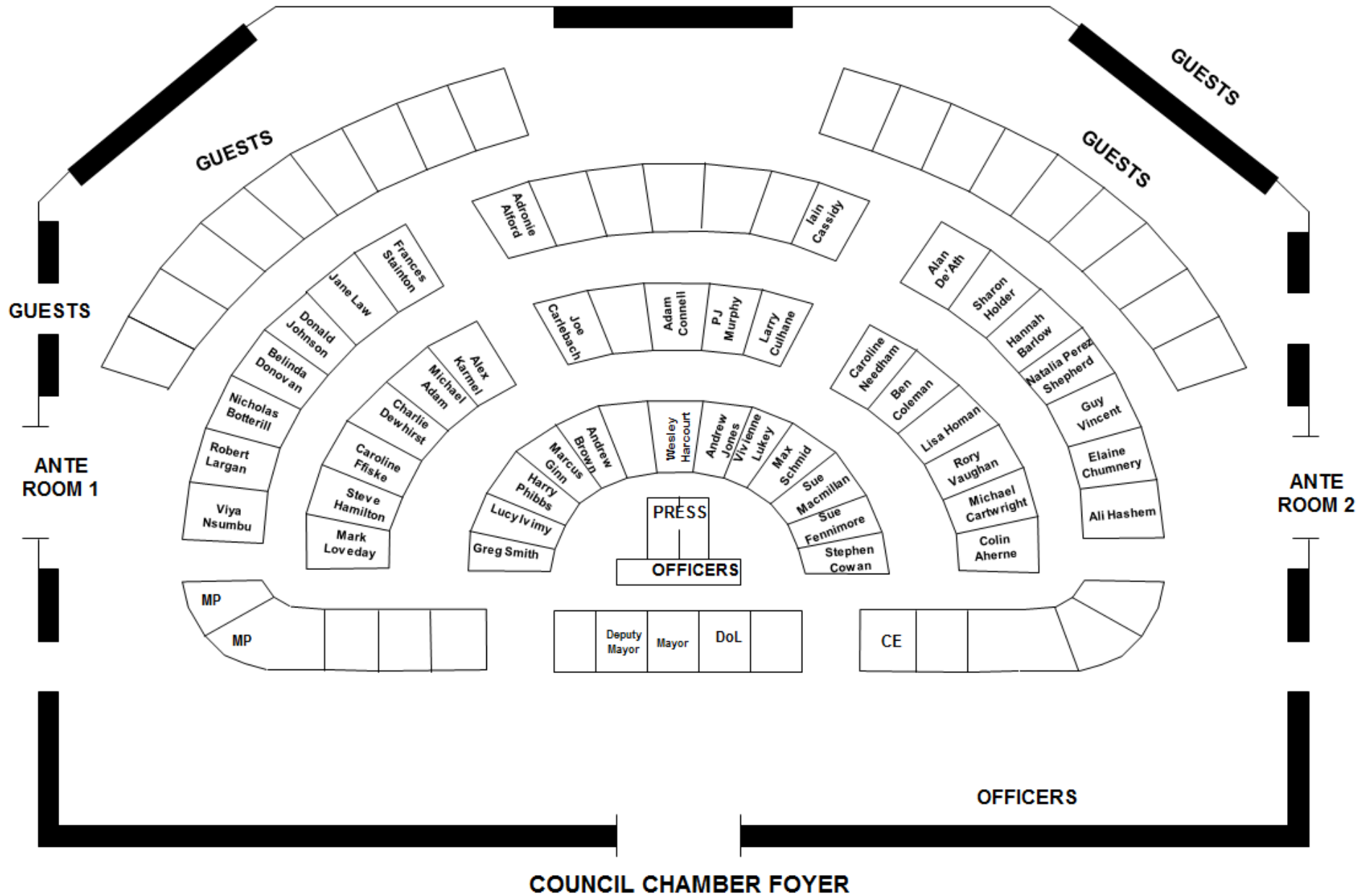


COUNCIL AGENDA

ANNUAL COUNCIL MEETING

Wednesday 20 May 2015

COUNCIL CHAMBER SEATING 2015/16



ADDISON

Adam Connell (L)
Belinda Donovan (C)
Sue Fennimore (L)

ASKEW

Lisa Homan (L)
Caroline Needham (L)
Rory Vaughan (L)

AVONMORE &
BROOK GREEN

Hannah Barlow (L)
Joe Carlebach (C)
Caroline Ffiske (C)

COLLEGE PARK &
OLD OAK

Elaine Chumnerly (L)
Wesley Harcourt (L)

FULHAM BROADWAY

Ben Coleman (L)
Alan De'Ath (L)
Sharon Holder (L)

FULHAM REACH

Iain Cassidy (L)
Vivienne Lukey (L)
Guy Vincent (L)

HAMMERSMITH
BROADWAY

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

MUNSTER

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

NORTH END

Daryl Brown (L)
Larry Culhane (L)
Ali Hashem (L)

PALACE RIVERSIDE

Marcus Ginn (C)
Donald Johnson (C)

PARSONS GREEN AND
WALHAM

Nicholas Botterill (C)
Mark Loveday (C)
Frances Stainton (C)

RAVENS COURT PARK

Charlie Dewhirst (C)
Lucy Ivimy (C)
Harry Phibbs (C)

SANDS END

Steve Hamilton (C)
Robert Largan (C)
Jane Law (C)

SHEPHERDS BUSH
GREEN

Andrew Jones (L)
Natalia Perez Shepherd (L)
Mercy Umeh (L)

TOWN

Andrew Brown (C)
Viya Nsumbu (C)
Greg Smith (C)

WORMHOLT AND
WHITE CITY

Colin Aherne (L)
Sue Macmillan (L)
Max Schmid (L)

SUMMONS

Councillors of the London Borough of
Hammersmith & Fulham
are requested to attend the
Meeting of the Council on
Wednesday 20 May 2015
at Hammersmith Town Hall, W6

The Council will meet at 7.00pm.

06 July 2015
Town Hall
Hammersmith W6

Nigel Pallace
Chief Executive

Full Council Agenda

20 May 2015

<u>Item</u>		<u>Pages</u>
1. ELECTION OF MAYOR		
	To receive nominations for the election of a Mayor for the 2015/16 Municipal Year.	
	To appoint a Deputy Mayor for the 2015/16 Municipal Year.	
2. MINUTES		1 - 13
	To approve and sign as an accurate record the Minutes of the Budget Council Meeting held on 25 February 2015.	
3. APOLOGIES FOR ABSENCE		
4. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS		
5. DECLARATIONS OF INTERESTS		
	<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.</p>	

6.	ITEMS FOR DISCUSSION/COMMITTEE REPORTS	
6.1	APPOINTMENT OF THE CHIEF EXECUTIVE The Council is asked to approve the appointment of Mr Nigel Pallace as the Chief Executive and Head of Paid Service for the London Borough of Hammersmith and Fulham.	14 - 16
6.2	PARTY APPOINTMENTS FOR 2015/16 MUNICIPAL YEAR To note the Chief Executive's report on the various appointments made by the Party Groups on the Council for the 2015/16 Municipal Year.	17
6.3	COUNCIL APPOINTMENTS TO LOCAL GOVERNMENT ORGANISATIONS AND OUTSIDE BODIES This report asks the Council to appoint Council representatives to Local Government Organisations and Outside Bodies.	18 - 24
6.4	REVIEW OF THE CONSTITUTION To approve and re-adopt the Council's Constitution for the 2015/2016 Municipal Year.	25 - 104
6.5	MEMBERS' ALLOWANCES SCHEME: REVISION This report provides an update to the Members' Allowance Scheme.	105 - 111
6.6	COMMUNITY INFRASTRUCTURE LEVY This reports seeks Council's adoption of the Community Infrastructure Levy charging schedule.	112 - 182
6.7	PETITIONS: ANNUAL REPORT 2014/15 This report outlines the operation of the Council's Petitions Scheme over the past 12 months.	183 - 185
7.	SPECIAL MOTIONS To consider and determine any Special Motions:	
7.1	SPECIAL MOTION 1 - APPOINTMENT BY THE LEADER OF THE DEPUTY LEADER AND CABINET MEMBERS	186
7.2	SPECIAL MOTION 2 - APPOINTMENT OF CHAIRS AND MEMBERSHIPS OF REGULATORY, POLICY AND ACCOUNTABILITY AND OTHER COMMITTEES 2015/16	187 - 191
7.3	SPECIAL MOTION 3 - COUNCIL CALENDAR 2015/16 AND 2016/17	192 - 194
8.	INFORMATION REPORTS - TO NOTE	
8.1	TO RECEIVE THE LEADER'S ANNUAL REPORT (ORAL)	

8.2 POLICY AND ACCOUNTABILITY COMMITTEES ANNUAL REPORT 2014/15 195 - 212

This report highlights the achievements of the Policy and Accountability Committees during 2014/15 municipal year.



COUNCIL MINUTES

(BUDGET COUNCIL MEETING)

WEDNESDAY 25 FEBRUARY 2015



PRESENT

The Mayor Councillor Mercy Umeh
Deputy Mayor Councillor Ali Hashem

Councillors:

Michael Adam
Adronie Alford
Colin Aherne
Hannah Barlow
Nicholas Botterill
Daryl Brown
Joe Carlebach
Michael Cartwright
Iain Cassidy
Elaine Chumnerly
Ben Coleman
Adam Connell
Stephen Cowan
Larry Culhane

Alan De'Ath
Belinda Donovan
Sue Fennimore
Caroline Ffiske
Marcus Ginn
Steve Hamilton
Wesley Harcourt
Sharon Holder
Lisa Homan
Lucy Ivimy
Donald Johnson
Andrew Jones
Alex Karmel
Robert Largan

Jane Law
Mark Loveday
Vivienne Lukey
Sue Macmillan
PJ Murphy
Caroline Needham
Viya Nsumbu
Natalia Perez Shepherd
Max Schmid
Greg Smith
Frances Stainton
Rory Vaughan
Guy Vincent

37. MINUTES

RESOLVED:

That the minutes of the Council Meeting held on 28 January 2015 were confirmed and signed as an accurate record.

38. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Charlie Dewhirst, Harry Phibbs and Andrew Brown.

Apologies for lateness were received from Councillor Joe Carlebach.

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

The Mayor congratulated Councillor Andrew Jones on the birth of his baby girl.

The Mayor informed the chamber that Councillor Andrew Brown was in hospital with his wife who had gone into labour. The Council sent them their best wishes.

The Mayor congratulated Ted Loveday, Councillor Mark Loveday's son, who was team captain of the Gonville and Caius College, Cambridge on reaching the University Challenge semi-finals. The Council wished them the best in the competition.

The Mayor congratulated Mel Barrett on his appointment as the Chief Executive of Basingstoke and Deane Borough Council. The Leader of Council, Councillor Stephen Cowan, and the Opposition Whip, Councillor Mark Loveday, congratulated Mel Barrett and made speeches appreciating his hard work and dedication to the authority.

40. DECLARATIONS OF INTERESTS

In respect of agenda item 6.5 Pay Policy of the London Borough of Hammersmith and Fulham 2015-16, Councillor Larry Culhane declared a significant interest as he was an employee of Phoenix High School. He considered that this did not give rise to a perception of a conflict of interests and, in the circumstances it would be reasonable to participate in the discussion and vote thereon.

In respect of agenda item 6.7, Local Government Pension Scheme 2014 – Discretionary Policies, Councillors Adronie Alford, Michael Cartwright, Stephen Cowan, Lisa Homan, Alex Karmel, and PJ Murphy declared significant interests as they were deferred members of the LBHF local government pension scheme. They considered that this did not give rise to a perception of a conflict of interests and, in the circumstances it would be reasonable to participate in the discussion and vote thereon.

Councillor Larry Culhane declared a significant interest as a deferred member of the pension scheme and Councillor Caroline Needham declared a significant interest as a member of the LBHF local government pension scheme in respect of this item. They considered that in the circumstances it would be unreasonable to participate in the matter and therefore left the room during the discussion without speaking or voting thereon.

In respect of agenda item 6.8 The Establishment of a Pension Board, Councillor PJ Murphy declared a significant interest as he was a deferred member of the LBHF local government councillor pension scheme. He considered that this did not give rise to a perception of a conflict of interests and, in the circumstances it would be reasonable to participate in the discussion and vote thereon.

41. PUBLIC QUESTIONS (20 MINUTES)

41.1 Question 1 - Mary Smith

7.10pm - The Mayor called on Mary Smith who had submitted a question to the Cabinet Member for Finance, Councillor Max Schmid, to ask her question. Councillor Schmid responded. Mary Smith asked a supplementary question which was also answered.

(A copy of the public question submitted and the reply given is attached at **Appendix 1** to these minutes).

42. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

42.1 Abolition of Charging for Home Care Services

7.15pm - The report and recommendations were formally moved for adoption by the Cabinet Member for Health and Adult Social Care, Councillor Vivienne Lukey.

Speeches on the report were made by Councillors Vivienne Lukey and Rory Vaughan (for the Administration) and Councillor Lucy Ivimy (for the Opposition).

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

FOR	NOT VOTING
AHERNE	ADAM
BARLOW	ALFORD
BROWN (D)	DONOVAN
CARTWRIGHT	FFISKE
CASSIDY	GINN
CHUMNERY	HAMILTON
COLEMAN	IVIMY
CONNELL	JOHNSON
COWAN	KARMEL
CULHANE	LARGAN
DE'ATH	LOVEDAY
FENNIMORE	NSUMBU
HARCOURT	SMITH
HASHEM	STANTON
HOLDER	
HOMAN	UMEH
JONES	
LUKEY	
MACMILLAN	
MURPHY	
NEEDHAM	
PEREZ SHEPHERD	
SCHMID	
VAUGHAN	
VINCENT	

FOR	25
AGAINST	0
NOT VOTING	15

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

7.34pm **RESOLVED:**

- (1) To abolish charging for home care services provided to customers of the Borough on 31 March 2015.
- (2) To note that for services delivered up to 31 March 2015, charges will still apply, and to agree that these charges be pursued for a period of 3 months ending 30 June 2015.
- (3) To write-off total estimated outstanding home care debt of £133,000 as at 1 July 2015 and delegate authority to write-off the debts to the Executive Director of Finance and Corporate Governance and Deputy Executive Director and Director of Finance and Resources, Adult Social Care and Health.
- (4) To request additional provision for bad debt of £91,000 from Corporate Finance from the bad debt provision account.

42.2 Revenue Budget and Council Tax Levels 2015/16

7.35pm - The report and recommendations were moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

In accordance with Council convention, the Leader of the Council, Councillor Stephen Cowan, and the Leader of the Opposition, Councillor Greg Smith, were given unlimited time to speak on the Budget report. Speeches on the report were also made by Councillors Sue Fennimore, Max Schmid and Andrew Jones (for the Administration) and Councillors Lucy Ivimy and Marcus Ginn (for the Opposition).

Councillor Stephen Cowan (for the Administration) made a speech winding up the debate. The report and recommendations were put to the vote and a roll-call was done, in accordance to voting on the budget:

FOR	AGAINST	NOT VOTING
AHERNE	ADAM	UMEH
BARLOW	ALFORD	
BROWN (D)	BOTTERILL	
CARTWRIGHT	CARLEBACH	
CASSIDY	DONOVAN	
CHUMNERY	FFISKE	
COLEMAN	GINN	
CONNELL	HAMILTON	
COWAN	IVIMY	

CULHANE
 DE'ATH
 FENNIMORE
 HARCOURT
 HASHEM
 HOLDER
 HOMAN
 JONES
 LUKEY
 MACMILLAN
 MURPHY
 NEEDHAM
 PEREZ
 SHEPHERD
 SCHMID
 VAUGHAN
 VINCENT

JOHNSON
 KARMEL
 LARGAN
 LAW
 LOVEDAY
 NSUMBU
 SMITH
 STAINTON

FOR 25
 AGAINST 17
 NOT VOTING 1

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

9.03pm **RESOLVED:**

- (1) A 1% cut in the Hammersmith & Fulham element of the council tax charge is approved.
- (2) Council tax be set for 2015/16 for each category of dwelling, as calculated in accordance with Sections 31A to 49B of the Localism Act 2011, as outlined below and in full in Appendix A of the report:
 - (a) The element of council tax charged for Hammersmith & Fulham Council will be £727.81 per Band D property in 2015/16.
 - (b) The element of council tax charged by the Greater London Authority will be £295.00 per Band D property in 2015/16
 - (c) The overall Council Tax to be set at £1,022.81 per Band D property in 2015/16.

Category of Dwelling	A	B	C	D	E	F	G	H
Ratio	6/9 £	7/9 £	8/9 £	1 £	11/9 £	13/9 £	15/9 £	18/9 £
A) H&F	485.21	566.07	646.94	727.81	889.55	1,051.28	1,213.02	1,455.62
b) GLA	196.67	229.44	262.22	295.00	360.56	426.11	491.67	590.00
c) Total	681.88	795.51	909.16	1022.81	1,250.11	1,477.39	1,704.69	2,045.62

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.

- (3) The Council's own total net expenditure budget for 2015/16 is set at £158.428m.
- (4) Fees and charges are approved as set out in paragraph 6.1.
- (5) The budget projections, made by the Executive Director of Finance and Corporate Governance to 2018/19, be noted.
- (6) The statement made by the Executive Director of Finance and Corporate Governance under Section 25 of the Local Government Act 2003 regarding the adequacy of reserves and robustness of estimates be noted (section 14).
- (7) The Executive Director of Finance and Corporate Governance be authorised to collect and recover National Non-Domestic Rate and Council Tax in accordance with the Local Government Finance Act 1988 (as amended), the Local Government Finance Act 1992 and the Council Schemes of Delegation.
- (8) That all Executive Directors be required to report on their projected financial position compared to their revenue estimates in accordance with the Corporate Revenue Monitoring Report timetable.
- (9) Executive Directors be authorised to implement their service spending plans for 2015/16 in accordance with the recommendations within the report and the Council's Standing Orders, Financial Regulations and relevant Schemes of Delegation.
- (10) Members' attention is drawn to S106 of the Local Government Finance Act 1992 which requires any Member, who is two months or more in arrears on their Council Tax, to declare their position and not to vote on any issue that could affect the calculation of the budget or Council Tax.
- (11) The Executive Director of Finance and Corporate Governance be authorised to implement the business rates retail relief scheme as proposed by the Government.

42.3 Four Year Capital Programme 2015/16 to 2018/19

9.04pm - The report and recommendations were formally moved for adoption by the Cabinet Member for Finance, Councillor Max Schmid.

Speeches on the report were made by Councillors Lisa Homan and Ben Coleman (for the Administration).

The report and recommendations were put to the vote:

FOR	25
AGAINST	16
NOT VOTING	0

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

9.15pm **RESOLVED:**

- (1) To approve the General Fund Capital Programme budget at £31.7m for 2015/16 (paragraph 5.1, Table 2 and Appendix 1 of the report).
- (2) To approve the continuation of the Council's rolling programmes and the continued use of internal funding for 2015/16 General Fund Programme as set out in Table 3 (paragraph 5.2 of the report) and specifically as follows:
 - Capital receipts amounting to £5.48m to fund the Council's rolling programmes as follows:

	£m
Disabled Facilities Grant [ASC]	0.45
Planned Maintenance/DDA Programme [TTS]	2.50
Footways and Carriageways [TTS]	2.03
Parks Programme [ELRS]	0.50
Total	5.48

- Contributions from revenue amounting to £0.544m to fund the Council's rolling programmes as follows:

	£m
Controlled Parking Zones [TTS]	0.275
Column Replacement [TTS]	0.269
Total	0.544

- (3) To note existing capital receipts funded schemes in the Schools programme of £441k, previously approved, but now scheduled for 2015/16 (paragraph 5.2, Table 3 of the report).
- (4) To approve the Housing Programme at £94.2m for 2015/16 as set out in Table 5 (paragraph 7.2) and Appendix 1 of the report.
- (5) To approve the annual Minimum Revenue Provision policy statement for 2015/16 in Appendix 4 of the report.
- (6) To approve the Chartered Institute of Public Finance & Accountancy (CIPFA) Prudential Indicators as set out in Appendix 5 of the report.

42.4 Treasury Management Strategy Report 2015/16

9.16pm - The report and recommendations were formally moved for adoption by the Cabinet Member for Finance, Councillor Max Schmid.

A speech on the report was made by Councillor Max Schmid (for the Administration), before being put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

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

9.21pm **RESOLVED:**

- (1) That approval is given to the future borrowing and investment strategies as outlined in the report and that the Executive Director of Finance and Corporate Governance be authorised to arrange the Council's cash flow, borrowing and investments in 2015/16.
- (2) In relation to the Council's overall borrowing for the financial year, to note the comments and the Prudential Indicators as set out in the report and the four year capital programme 2015/16 to 2018/19.
- (3) That approval is given to pay the Housing Revenue Account (HRA) investment income on unapplied HRA receipts and other HRA cash balances calculated at the average rate of interest (approximately 0.5% p.a.) earned on temporary investments with effect from 1 April 2014.

42.5 Pay Policy of the London Borough of Hammersmith and Fulham 2015-16

9.21pm - The report and recommendations were formally moved for adoption by the Cabinet Member for Finance, Councillor Max Schmid.

A speech on the report was made by Councillor P J Murphy (for the Administration), before being put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

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

9.26pm **RESOLVED:**

- (1) That Council is recommended to approve the pay policy statement for 2015/16 as set out in the document attached to the report.
- (2) That Council endorses the pay schemes attached as Appendices 1, 2 and 3 of the pay policy.

42.6 Members' Allowances Scheme: Annual Review

9.27pm - The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

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

FOR	Unanimous
AGAINST	0
NOT VOTING	0

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

9.41 pm **RESOLVED:**

That the Members' Allowances Scheme 2015/16 as set out in Appendix 1 of the report be adopted.

42.7 Local Government Pension Scheme 2014 - Discretionary Policies

9.41pm - The report and recommendations were formally moved for adoption by the Cabinet Member for Finance, Councillor Max Schmid.

The report and recommendations were put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

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

9.42pm **RESOLVED:**

That the Council:

- (a) Adopts as local employer discretionary policy the positions set out in paragraphs 5 – 5.5 of the report.
- (b) Delegates to the Bi-Borough Director of Human Resources (in conjunction with the Executive Director for Finance and Corporate Governance as relevant with

regard to the policies set out at paragraphs 5.3 (Discretion to permit flexible retirement) and 5.4 (Discretion to permit early payment of pension) of the report the power to make decisions on any application for the Council to exercise its discretionary powers via the Council's Adjudicating Panel.

- (c) Adopts as an administering authority policy the positions set out in paragraphs 6 – 6.3 of the report.

(Councillors Larry Culhane and Caroline Needham left the room before the consideration of this item and did not vote on it.)

42.8 The Establishment of a Pension Board

9.43pm - The report and recommendations were formally moved for adoption by the Cabinet Member for Finance, Councillor Max Schmid.

The report and recommendations were put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

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

9.43pm **RESOLVED**:

- (1) That the establishment of a Pension Board and its terms of reference attached at Appendix 1 of the report be approved.
- (2) That the approval of the Pension Board Code of Conduct, Conflicts of Interests Policy, Training Policy and the process for selecting non-councillor members of the Board be delegated to the Executive Director of Finance and Corporate Governance following consultation with Chair of the Audit, Pension and Standards Committee.

43. **INFORMATION REPORTS - TO NOTE (IF ANY)**

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

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

Meeting started: 7.00 pm
Meeting ended: 9.44 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 – 25 FEBRUARY 2015

Question by: Mary Smith

To: Cabinet Member for Finance

QUESTION

“Has the Council made any cuts to the street cleaning and environmental budget in the last 18 months?”

ANSWER

Thank you for your question Mrs Smith. In short, the current administration has made no cuts at all to the street cleaning service. Unfortunately however the previous administration made cuts of £465K in November 2013. As a result the new administration has literally been cleaning up the previous administration’s mess.

I will explain in more detail. H&F street cleaning was outsourced by the last administration to SERCO in 2008. It was originally a 7 year contract which would have expired in June 2015 with an option for a further 7 years. However a few years before that SERCO approached the former administration complaining that the contract wasn’t working for SERCO. They asked for the contract to be renegotiated. I am told the basis of the negotiations was to see if efficiencies could be achieved that would benefit both parties.


As reported to the Cabinet in November 2013 a new contract was awarded to SERCO that would run to 2021. The context of this renegotiation was steadily worsening litter and fly tipping scores being achieved by the Council in 2013 and in early 2014. This decline in service standards was measured both through its internal survey and an external independent survey. I’ll give an example of the scores. They do 3 tests in the year, and for litter, the external survey, lower is better, higher is worse, was 2.14 in early 13/14 that went up to 5.45, much worse, the in-house survey went up from 1.94 up to 2.56.

You would think the reaction to the steadily worsening standards being achieved by SERCO would have been either to invest in the services and improve it or to find a new supplier that would provide better results expected by residents.

However we learn from the exempt Cabinet report for November 2013 that the opposite was done. The former administration's Cabinet voted to make cuts of £440K per year in the SERCO contract and to reduce the quality of the service being provided. This increased to a £465K reduction in the final signed agreement. In order to make these savings the former administration agreed that SERCO would, and I quote, discuss and agree reduced response times for restoring cleaning grade, so for the red and blue roads, the most popular roads, the response time went up from 2 hours to 4 hours under the agreement they signed. For all other roads the response times went up from 12 to 24 hours for some, 6 to 12 for others and 3 hours to 4 hours for others. This is the sorry situation that we inherited and which my colleague Councillor Harcourt is busy putting right.

A street cleansing emergency response team has been created but we have chosen not to make the street cleansing staff reductions the former administration had planned in the contract provision. As a result because of our interventions, SERCO have reduced their staffing by 3 less posts than would have been done by those sitting opposite. Four new street cleaning machines have been brought into service. The Cabinet Member does a walkabouts on a monthly basis with streets chosen to him on the morning after studying reports from residents of litter and fly tipping. As a result scores are once again improving but there is still much more to do to repair the damaging cuts made by former administration.

Agenda Item 6.1

	London Borough of Hammersmith & Fulham COUNCIL 20 MAY 2015
APPOINTMENT OF HEAD OF PAID SERVICE	
Report of the Leader of the Council – Councillor Stephen Cowan	
Open Report	
Classification - For Decision Key Decision: No	
Wards Affected: All	
Accountable Director: Tasnim Shawkat – Monitoring Officer	
Report Authors: Debbie Morris, Bi Borough Director of HR and Tasnim Shawkat Bi Borough Director of Law	Contact Details: Tel: Debbie Morris: 020 8753 3068 E-mail: debbie.morris@lbhf.gov.uk Tel: Tasnim Shawkat 020 8753 2700 E-mail: tasnim.shawkat@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 The Council is asked to approve that Mr Nigel Pallace is appointed as Chief Executive for the London Borough of Hammersmith and Fulham.
- 1.2 The Chief Executive will also be the Head of Paid Service for the London Borough of Hammersmith and Fulham.

2. RECOMMENDATIONS

- 2.1 That Mr Nigel Pallace be appointed as the Chief Executive for the London Borough of Hammersmith and Fulham with effect from 21st May 2015.
- 2.2 That Mr Nigel Pallace be appointed the Head of Paid Service for the London Borough of Hammersmith and Fulham with effect from the same date.

3. REASONS FOR DECISION

- 3.1 An Appointments Panel was held on the 14th April 2015. The unanimous decision of that Panel was to appoint Mr Pallace to the role of Chief Executive for the London Borough of Hammersmith & Fulham.

4. INTRODUCTION AND BACKGROUND

- 4.1 A recent review of the Shared Services arrangements under a Critical Friends Board, Chaired by Lord Andrew Adonis, recommended that the London Borough of Hammersmith and Fulham's sovereignty be strengthened by the appointment of an exclusive Chief Executive for the London Borough of Hammersmith and Fulham.

5. PROPOSAL AND ISSUES

- 5.1 It is proposed that Mr Nigel Pallace be appointed to the role of Chief Executive for the London Borough of Hammersmith & Fulham.
- 5.2 Mr Nigel Pallace will additionally be designated the Council's Head of Paid Services with effect from 21st May 2015.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1 In light of the recent recommendations arising from the Critical Friends Board report it is proposed that there be a permanent recruitment to the sovereign role of Chief Executive for the London Borough of Hammersmith and Fulham.

7. CONSULTATION

- 7.1 The Appointments Panel voted unanimously to appoint Mr Pallace.

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.
- 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 Implications verified / completed by: Tasnim Shawkat, Bi-borough Director of Law, Tel: 020 8753 2700


10. FINANCIAL AND RESOURCES IMPLICATIONS

10.1 The cost of the Chief Executive's salary of £185,000 plus any on costs is contained within existing budgets.

10.2 Implications verified / completed by: Hitesh Jolapara, Director of Finance Tel: 020 8753 2501

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

	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
	None		

	<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">COUNCIL</p> <p align="center">20 MAY 2015</p>
<p>PARTY APPOINTMENTS FOR THE 2015/16 MUNICIPAL YEAR</p>	
<p>Report of the Chief Executive – Nigel Pallace</p>	
<p>Open Report</p>	
<p>Classification - For Information</p>	
<p>Key Decision: No</p>	
<p>Wards Affected: None</p>	
<p>Accountable Director: Tasnim Shawkat – Monitoring Officer</p>	
<p>Report Author: Kayode Adewumi, Head of Governance and Scrutiny</p>	<p>Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1 The Council is asked to note the following Party appointments that have been made for the Municipal Year 2015/16:

ADMINISTRATION

Administration Leader – Councillor Stephen Cowan
 Administration Deputy Leader – Councillor Michael Cartwright
 Administration Chief Whip – Councillor Colin Aherne
 Administration Deputy Whips – Councillors Larry Culhane and Ali Hashem


OPPOSITION

Opposition Leader – Councillor Greg Smith
 Opposition Deputy Leader – Councillor Lucy Ivimy
 Opposition Whip – Councillor Mark Loveday
 Opposition Deputy Whip – Councillor Viya Nsumbu

2. RECOMMENDATION

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

Agenda Item 6.3

	London Borough of Hammersmith & Fulham COUNCIL 20 MAY 2015
COUNCIL APPOINTMENTS TO LOCAL GOVERNMENT ORGANISATIONS AND OUTSIDE BODIES	
Report of the Leader of the Council – Councillor Stephen Cowan	
Open Report	
Classification: For Decision	
Key Decision: No	
Wards Affected: None	
Accountable Executive Director: Nigel Pallace, Chief Executive	
Report Author: Kayode Adewumi, Head of Governance and Scrutiny	Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. This report asks the Council to appoint representatives to Local Government Organisations and other Outside Bodies.

2. RECOMMENDATION

- 2.1. That the Council's appointments to Local Government Organisations for 2015/16, as set out in Appendix 1, and to Outside Bodies, as set out in Appendix 2, be agreed.

3. REASONS FOR DECISION

- 3.1 The Council is asked annually to nominate Members to various Local Government Organisations in order to participate in discussions and contribute to policy development on issues affecting local government in general and Hammersmith and Fulham residents in particular. The appointments to the various Outside Bodies by the Council are in fulfilment of its commitment to support the 3rd sector in Hammersmith & Fulham.

4. INTRODUCTION AND BACKGROUND

- 4.1. Every year, the Council is approached by the Local Government Association, the London Councils and other key local government bodies to nominate representatives to their Committees or Boards. These representatives work on committees which lobby the Government and develop policy which affects local authorities.
- 4.2. The Council is also approached by local community organisations and charities to nominate people to their Management Boards or as Trustees or Directors. The Council acknowledges the significant contribution that these organisations make to the social fabric of our borough. Therefore Councillors and residents who are actively involved in the local community and are willing to bring their wealth of experience to these organisations are appointed.
- 4.3. The Council is requested to make the appointments to Local Government Organisations for 2015/16, as set out in Appendix 1, and to Outside Bodies, as set out in Appendix 2 of the report. Any midyear appointments to or removal from appropriate outside bodies, charitable organisations and Council-owned companies and subsidiaries will be undertaken by the Leader.

5. CONSULTATION

- 5.1. Local representatives have been consulted on their nominations.

6. EQUALITY IMPLICATIONS

- 6.1. There are none.

7. FINANCIAL AND RESOURCES IMPLICATIONS

- 7.1. There are no direct financial implications.
- 7.2. Implications verified/completed by: Kayode Adewumi, Head of Governance and Scrutiny 020 8753 2499.

8. LEGAL IMPLICATIONS

- 8.1. Full Council has the authority to appoint representatives to Outside Bodies.
- 8.2. Implications completed by: Tasnim Shawkat, Bi-Borough Director of Law. Tel: 020 8753 2088.

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		

Appendix 1

LOCAL GOVERNMENT ORGANISATIONS 2015/16


<u>NAME OF OUTSIDE ORGANISATION</u>	<u>NUMBER OF REPS/RATIO</u>	<u>NOMINATION 2015/16</u>	<u>TERM/ EXPIRES</u>
<u>London Councils Leader's Committee</u>	1 Rep. + 2 Deps. (1 vote per authority)	Rep: Councillor Stephen Cowan (Dep.1 Councillor Michael Cartwright) (Dep.2 Councillor Sue Fennimore)	1 year to 18.05.16
<u>London Councils Transport and Environment Committee</u> (Assoc. Joint Cttee)	1 Rep + up to 4 Deps.	Rep. Councillor Wesley Harcourt	1 year to 18.05.16
<u>London Councils Grants Committee</u> (Assoc.Joint Cttee)	1 Rep. + up to 4 Deps.	Rep: Councillor Sue Fennimore (Dep1. Councillor Vivienne Lukey) (Cabinet Member only)	1 year to 18.05.16
<u>Greater London Employment Forum (GLEF)</u>	1 Rep + 1 Dep [Nomination]	Councillor Ben Coleman	1 year to 18.05.16
<u>Greater London Provincial Council (GLPC)</u> (Appointment will be made from Leader's Cttee + GLEF nominated members)	[Nomination]	Councillor Andrew Jones	1 year to 18.05.16
<u>Local Government Association (LGA) General Assembly</u>	Up to 4 Reps & 4 Votes	1. Councillor Stephen Cowan* 2. Councillor Michael Cartwright 3. Councillor Guy Vincent 4. Councillor Sue Macmillan [* Cllr. currently holds the 4 votes]	1 year to 18.05.16
<u>LGA Urban Commission</u>	Up to 2 Reps	Councillor Larry Culhane	1 year to 18.05.16

Outside Body	Current Appointments	Date Of Expiry	Term of Appointment	Portfolio
Lyric Theatre Hammersmith Ltd (Board Of Directors)	Councillor Hannah Barlow (L)	16/06/16	1 Year	Residents Services
	Councillor Adam Connell (L)	16/06/16	1 Year	Residents Services
	Councillor Sue Fennimore (L)	16/06/16	1 Year	Residents Services
	Councillor Belinda Donovan (C)	16/06/16	1 Year	Residents Services
Lyric Theatre Hammersmith Ltd (Members of the Company)	See Above (Can appoint up to 10, but Directors must be members of company)	Indefinite (until end of term as Councillor	Indefinite (until end of term as Councillor	Residents Services
Riverside Trust Limited	Joe Gribble (L)	16/06/16	1 year	Residents Services
	Councillor PJ Murphy (L)	16/06/16	1 year	Residents Services
	Jasmine Pilgrem (L)	16/06/16	1 year	Residents Services
Alternative Theatre Limited (Bush Theatre)	Khafi Kareem (L)	16/06/17	3 years	Residents Services
Mortlake Crematorium Board	Councillor Michael Cartwright (L), Councillor Adronie Alford (C) , Councillor Larry Culhane	16/06/18	4 years	Residents Services

Fulham Palace Trust	Matthew Bruce, Daniel Murphy	16/06/18	4 years	Residents Services
Groundwork London	Councillor Larry Culhane (L)	16/06/17	3 Years	Residents Services
Western Riverside Environment Fund	Councillor Larry Culhane (L)	Indefinite		Residents Services
Western Riverside Waste Authority	Councillor Michael Cartwright (L),	16/06/18	4 Years	Residents Services
	Cpuncillor Wesley Harcourt (L)	16/06/18		Residents Services
London Archaeological Forum	Alexandra Sanderson (L)			Residents Services
SACRE (Standing Advisory Committee On Religious Education)	Councillor Rory Vaughan (L)	16/06/18	4 Years	Children's Services
Schools Admission Forum	Councillor Caroline Ffiske (C)	16/06/17	3 Years	Children's Services
	Councillor Alan De'Ath (L)	16/06/17		Children's Services
	Councillor Caroline Needham (L)	16/06/17		Children's Services
St Paul's Court Limited	Vacancy		1 year	Children's Services

Dr Edwards and Bishop Kings Fulham Charity	Councillor Adronie Alford (C); 1 Vacancy (L)	16/06/18	4 Years	Community Care
Pocklington Apprenticeship Trust	Tamara Jackson (C)	16/06/18	4 Years	Community Care
Court Of Imperial College	Rowan Ree (L)	16/06/18	4 Years	Community Care
Hammersmith and Fulham Community Law Centre	Councillor Guy Vincent (L)	16/06/18	4 Years	Community Care
The Reserve Forces and Cadets Association in Greater London	Councillor Alan De'Ath (L)	16/06/17	3 Years	Community Care
Volunteer Centre	Zarav Qayyum (L)	16/06/16	1 Year	Community Care
Hammersmith United Charities	Julian Hillman (L) Councillor Iain Cassidy (L) Councillor Vivienne Lukey (L) Councillor Charlie Dewhurst (C)	16/06/18 16/06/18 16/06/18	4 Years	Community Care Community Care Community Care Community Care
London Heliport Consultative Committee	Councillor Larry Culhane (L) Plus resident representative	16/06/16	1 Year	TTS

Lygon Almshouses	Councillor Marcus Ginn (C)	16/06/18	4 Years	Housing
	David Morris [L]	16/06/18	4 Years	Housing
	Sinclair Budd [L]	16/06/18	4 Years	Housing
	Vie Lawrence - Gray [L]	16/06/18	4 Years	Housing
	Catherine McNair [C]	16/06/18	4 Years	Housing
		16/06/18	4 Years	Housing
Sir William Powell Almshouses	Esmond Jackson (C)	16/06/18	4 Years	Housing
	Susan Dixon (C)	16/06/18		Housing
		16/06/18		Housing
		16/06/18		Housing
				Housing
Earls Court and Olympia Charitable Trust	Councillor Larry Culhan (L)	16/06/16	2 Years	Leader
	Councillor Daryl Brown (L)	16/06/16		Leader
Greater London Enterprise	Councillor Ben Coleman (L)	16/06/16	1 Year	Leader
Fulham Community Trust	Councillor Sharon Holder (L)	16/06/17	3 Years	Leader
Urban Partnership Group	Kamini Sanghani (L)	16/06/16	2 Years	Strategy

	<p>London Borough of Hammersmith & Fulham</p> <p>COUNCIL</p> <p>20 MAY 2015</p>
<p>REVIEW OF THE CONSTITUTION</p>	
<p>Report of the Leader of the Council: Councillor Stephen Cowan</p>	
<p>Open Report</p>	
<p>Classification - For Decision</p> <p>Key Decision: No</p>	
<p>Wards Affected: All</p>	
<p>Accountable Director: Tasnim Shawkat, Monitoring Officer</p>	
<p>Report Author: Kayode Adewumi, Head of Governance and Scrutiny</p>	<p>Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1. The Council's Monitoring Officer is required to review the Council's Constitution each year to ensure that its aims and principles are given full effect in accordance with Article 15 of the Constitution. A report on this subject is therefore included on the Annual Council Meeting agenda each year.
- 1.2. The Council's Constitution is based on a model published by the Government following the introduction of the Local Government Act 2000. The Council adopted a new model Constitution in May 2002, with a Leader, Cabinet and Overview and Scrutiny Committees.
- 1.3. This report proposes the creation of a new Cabinet Portfolio, changes to the Scheme of Delegation and Contracts Standing Orders. It also seeks an increase from 2 years to 3 years (extendable for a further three years) of the Pensions Board Members' term of office. Finally, it requests Members to note the Council's Membership of the Joint Health Overview and Scrutiny Committee (JHOSC) and the changes made by the Monitoring Officer under delegated powers during the year.
- 1.4. The Constitution was last reviewed at the Annual Council on 16 June 2014.

2. RECOMMENDATIONS

- 2.1 That a new Cabinet Member post be created (portfolio details in Appendix 1) and amendments be made to all the relevant Cabinet Portfolios to reflect the new shared responsibilities.
- 2.2 That the amendments to the Council's Constitution as set out in the report including changes to Officer Scheme of Delegation, Appendix 2 (Executive Director of Adult Social Care and Health - Scheme of Delegation) and Appendix 3 (Contracts Standing Orders) of the report, be agreed.
- 2.3 That the Pensions Board Members' term of office be increased from 2 years to 3 years (extendable for a further three years).
- 2.4 To note that the Council's Membership of the Joint Health Overview and Scrutiny Committee (JHOSC) will be one voting member only with a named substitute member to whom the Borough's vote can be transferred when the nominated voting member is unavailable.
- 2.5 To note the changes made to the Constitution by the Monitoring Officer under delegated powers.
- 2.6 That subject to the approval of recommendations above, the Council's Constitution be adopted for the 2015/16 Municipal Year.

3. REASONS FOR DECISION

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

4. INTRODUCTION AND BACKGROUND

- 4.1 Each Local Authority is required to publish the arrangements it has made to discharge its functions in a "constitution" prepared in accordance with Section 37 of the Local Government Act 2000.
- 4.2 The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure business is conducted in an efficient, transparent, and accountable manner. Some of the content of the Constitution is required by law; the remainder is for the Council itself to determine.
- 4.3 Annually the Constitution is reviewed to ensure it continues to promote timely, effective, transparent and lawful decision making reflecting the arrangements Members have put in place for the running of the Council.
- 4.4 In-year amendments were approved by Council to:
 - increase the Policy and Accountability Committees co-optees to up to 5 non-voting members

- enable Cabinet Members to set up advisory Groups which can advise on policy issues
- change the Licensing Committee and Licensing Sub Committee Terms of Reference to clarify the Committees' powers in relation to Street Trading
- create two Lead Member posts outside the Cabinet
- allow Members to receive Council Summons electronically
- some further in year changes to reflect updates to the Officer Scheme of Delegation as a result of changes in legislation, reorganisations and revisions to officer titles and posts were also made.

4.5 The Monitoring Officer has a duty to keep the Constitution under review and has delegated authority to amend the Constitution where there has been a change in law, job title, structure, rearrangement of job responsibilities or for general administrative convenience. All extensive changes to the Constitution, however, must be approved by Full Council.

5 PROPOSALS AND ISSUES

CABINET MEMBER PORTFOLIOS

5.1 The Administration is proposing the creation of a Cabinet Member portfolio for Commercial Revenue and Resident Satisfaction. The primary responsibility of this portfolio is to generate commercial revenue, improve residents' satisfaction and ensure the Council is properly geared to effectively respond to public concerns at every level of its operation.

5.2 The Cabinet Member portfolio will cover:-

Commercial Revenue Generation

5.3 The Administration has an objective of putting more money back into residents' pockets. Therefore, it intends to look at every commercial opportunity for raising revenue and thus delivering greater value to residents.

Resident Satisfaction

5.4 The Administration has noticed that too often residents' engagement with the council is in stark contrast with their experience of engaging with the best organisations elsewhere. High performing organisations in competitive environments make it a priority to increase customer satisfaction and improve the customer experience. Therefore, the Administration aims to improve residents' experience when dealing with the council or experiencing its services. This role will be responsible for building a culture of continuous improvement and a commitment to total customer satisfaction which is central to its objectives.

5.5 This role also combines a cross-cutting portfolio with shared responsibility across the Cabinet to develop, implement and monitor strategic policies and programmes.

- 5.6 The size of the Council's Cabinet will increase by one Member to 10. The Cabinet (Executive) will consist of the following ten Members (portfolio details in Appendix A):
- The Leader
 - The Deputy Leader
 - Cabinet Member for Children and Education
 - Cabinet Member for Commercial Revenue and Resident Satisfaction
 - Cabinet Member for Economic Development and Regeneration
 - Cabinet Member for Environment, Transport and Resident Services
 - Cabinet Member for Finance
 - Cabinet Member for Housing
 - Cabinet Member for Health and Adult Social Care
 - Cabinet Member for Social Inclusion
- 5.7 Council is requested to approve the creation of a new Cabinet Member post and approve amendments to all the relevant Cabinet Portfolios to reflect new shared portfolio responsibilities.

NEW ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014 (PUBLIC SPACE PROTECTION ORDERS)

- 5.8 The Anti-Social Behaviour Crime and Policing Act 2014 introduced powers enabling the Council to issue Public Space Protection Orders.
- 5.9 Paragraph 2.1 (Community Safety functions) of the Deputy Leader's portfolio will be amended to read "The development, monitoring and implementation of the Council's policies and powers in relation to reducing crime and anti-social behaviour". The amendment will allow the Council to act upon the new powers.

PENSION BOARD (TERM OF OFFICE)

- 5.10 In line with the Public Service Pensions Act 2013, Council on 25 February 2015 established a Pension Board to assist the Council to monitor and ensure compliance with the regulations and other legislation relating to the management of the Pension Fund.
- 5.11 Our Shared Services Councils approved their Pension Board Members' term of office to be three years (extendible for a further three years) rather than the two as previously agreed by H&F. This report is asking the Council to align H&F Pension Board Members' term of office with that of the Royal Borough of Kensington & Chelsea and Westminster City Council.

CONTRACTS STANDING ORDER

- 5.12 These proposed changes have been brought about by new statutory requirements contained in the Public Contracts Regulations 2015 that were enacted on 26 February 2015. A minor consequence of the new Regulations is the introduction of a £25,000 threshold and it is proposed to increase internal thresholds in line with their provisions. Council is requested to agree the amended Contracts Standing Order attached as appendix 3 to this report.

THE NORTH WEST LONDON JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE (MEMBERSHIP)

- 5.13 The Health, Adult Social Care and Social Inclusion Policy and Accountability Committee at its meeting on 4th February 2015 considered two options for H&F membership of the Joint Health Overview and Scrutiny Committee (JHOSC):
- one nominated voting member from each participating council, plus one other nominated member to whom the vote can be transferred (on the basis of that member being an elected member of the council they are representing), Or
 - nominate one voting member only with a substitute member. The vote can also be transferred to the substitute member where he or she is an elected member of the council and the voting member is unavailable.
- 5.14 The Committee agreed that the Council should nominate one voting member only with a named substitute member to whom the Borough's vote can be transferred to when the nominated voting member is unavailable. This has been reflected in the Council's appointment to the JHOSC.

SCHEME OF DELEGATION

The Care Act 2014

- 5.15 The Care Act which received Royal Assent on 14 May 2014, is the most significant legislative change to Adult Social Care for over 60 years, introducing new responsibilities for local authorities. It has major implications for adult care and support providers, people who use services, carers and advocates.
- 5.16 The Act consolidates over a dozen pieces of legislation within a single modern law. In summary the Care Act:
- Delivers commitments made in the "Caring for our future: reforming care and support" White Paper to put in place a modern care system that enables people to prevent and postpone the need for care and support,
 - Strengthens the rights for carers to access support,
 - Introduces a new adult safeguarding framework,
 - Takes forward recommendations made by the Dilnot Commission (on the funding of care and support) to introduce a cap on the costs that people will have to pay for care in their future.
- 5.17 In light of the new legislation, proposed changes to the Executive Director of Adult Social Care scheme of delegation is set out in Appendix 2 of the report for approval.

Monitoring Officer's Updates to Scheme of Delegation

- 5.18 As in previous years, the detailed Scheme of Delegation (which sets out how responsibilities are assigned from the Council to its Executive Directors and other officers) have been reviewed and updated where necessary throughout the year. The Monitoring Officer approved under delegated authority changes to the Chief Executive and Executive Director of Finance and Corporate Governance schemes of delegation as a result of Jane West's secondment to Royal Borough of Kensington & Chelsea and Westminster City Council. Also changes were made to the Executive Director of Housing and Regeneration scheme of delegation to reflect the current vacancy.

New Scheme of Delegation Updates

- 5.19 The proposed amendments to the Scheme of Delegation to officers in the Planning Division are primarily to update recent changes to the structure of the division, and to reflect updates to relevant legislation. The revised division structure has necessitated changes to certain job titles as well as reintroduction of the Senior officer level which had been absent from the structure for several years.
- 5.20 A modification is made to the powers delegated to officers to determine planning applications, item 221, whereby an exclusion relating to compliant small scale domestic applications is applied to Members' requests for decisions to be made by Committee.

Legislative Changes

- 5.21 The changes relate in particular to matters covering Listed Buildings that were amended in the Enterprise and Regulatory Reform Act 2013, aimed at reducing the burden of regulation.

Revised Layout

- 5.22 As previously agreed, except for the Scheme of General Delegation to Chief Officers, the Chief Executive's Scheme of Delegation and the Schemes of Delegation to the Executive Director of Finance and Corporate Governance, Section 151 Officer, the Monitoring Officer and the Director of Law, these Schemes will not form part of the main Constitution document but will be maintained as Annexes to it, in order to reduce the size and complexity of the document.
- 5.23 The main changes are set out in the body of this report. The Council is recommended to approve these changes and note the minor changes to statutory functions and the titles of officer posts which have already been approved by the Monitoring Officer under delegated arrangements. If the changes proposed in this report are agreed, there will be consequential changes to terminology and nomenclature throughout the Constitution.

6 EQUALITY IMPLICATIONS

6.1 There are none.

7 LEGAL IMPLICATIONS

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

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

8 FINANCIAL AND RESOURCES IMPLICATIONS

8.1 There are no direct financial implications.

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

9 RISK MANAGEMENT

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

10 PROCUREMENT AND IT STRATEGY IMPLICATIONS

10.1 There are no procurement or IT strategy implications.

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

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

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

EXECUTIVE MEMBERS: GENERIC RESPONSIBILITIES AND FUNCTIONS

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

These roles include:

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

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

Functions

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

1. To be responsible for ensuring that the objectives set by the Council and by the Executive in respect of his/her portfolio are met, and that adequate systems are in place to monitor performance against those objectives.
2. To make recommendations to the Cabinet on Key Decisions relating to his/her portfolio ('Key Decisions' being defined by Article 12 of this Constitution).
3. To make recommendations to the Cabinet on proposals in relation to

the Council's Budget and Policy Framework, on matters relating to his/her portfolio. (Such proposals may be initial or final, before or after consideration by relevant Policy and Accountability Committees in accordance with the Budget and Policy Framework rules set out in this Constitution).

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

An Executive Councillor may establish an Advisory Group to advise him/her on policy issues.

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

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

AMENDED JUNE 2014, JULY 2014, MAY 2015

EXECUTIVE MEMBERS: RESPONSIBILITIES AND PORTFOLIOS

LEADER OF THE COUNCIL

Introduction

- 1.1 The Leader of Hammersmith and Fulham Council is elected by the full Council to provide clear and visible leadership and political accountability for the services and activities covered by his/her portfolio. He/she is responsible for all executive functions of the Council and shall determine by means of schemes of delegation or otherwise how these functions are to be discharged.
- 1.2 The Leader has authority to discharge any executive function him/herself, or to decide to delegate any executive function to the Executive, or to any other Executive member in accordance with the Responsibilities and Portfolios of the Executive maintained in Part 3 of the Constitution, or to Officers, or to any other authority or any joint arrangements.

Scope of Portfolio

The portfolio covers the following areas:

- 1.3 Appointing to and removing from office up to nine Cabinet Members, one of whom shall be appointed his/her Deputy, Lead Members and Cabinet Assistants.
- 1.4 Ensuring collective deliberation with Cabinet Members.
- 1.5 Representing and acting as ambassador for the Authority and providing community leadership.
- 1.6 Strategic policy initiatives.
- 1.7 The provision of services in respect of electoral and other registration Services.
- 1.8 Reports from an independent person designated to investigate allegations of misconduct against the Council's Head of Paid Service.
- 1.9 Appointing or nominating and where appropriate removing the Authority's representatives on appropriate outside bodies, charitable organisations and Council-owned companies and subsidiaries.
- 1.10 The development, monitoring and implementation of the Authority's Communication Strategy and the provision of information regarding the Authority's services.

- 1.11 The content and production of the Authority's Community Strategy.
- 1.12 Responsibility for ensuring that that the Council is responsive to the needs of local neighbourhoods and serves them well.
- 1.13 Subject to the Council's Contract Standing Orders, the Leader may (under the "strong Leader model") take any decision likely to incur savings or expenditure of more than £100,000 if he/she considers in all the circumstances that it is impracticable to defer the decision until the next scheduled meeting of the Executive (Cabinet). Any such decision shall be taken in compliance with the Access to Information Procedure Rules.
- 1.14 Ensuring the delivery of greater value services that seek to improve outcomes and customer services.
- 1.15 Promotion of democracy and public engagement .

Note: the Leader is responsible for :

In conjunction with all Cabinet Members:

Chief Executive

All Executive Directors

JUNE 2014, AMENDED OCTOBER 2014, MAY 2015

EXECUTIVE MEMBERS : RESPONSIBILITIES AND PORTFOLIOS

DEPUTY LEADER

1. Scope of Portfolio

- 1.1 In the absence of the Leader, those areas assigned to the Leader, except with regard to those areas/powers specifically reserved for decision to the Council itself.
- 1.2 Representing the Council's views on matters of corporate or strategic policy and any other matters which are within these terms of reference.
- 1.3 The development, implementation and monitoring of the Authority's Performance Review Strategy, including the monitoring of risk management registers, and the Authority's response to the Audit Commission's Annual Performance Indicator Reports.
- 1.4 The content and publication of the Annual Local Performance/ Corporate Plan, and the establishment and setting of corporate targets for achievement, together with the establishment and setting of targets for individual services provided by the Authority.
- 1.5 The development and monitoring of the Authority's policies and procedures with regard to services, reviewing Corporate practice/procedures in this area (including contractual matters and tender evaluation), and ensuring the Council's compliance with all relevant UK and EU legislation.
- 1.6 The Council's contract processes, including approval of changes to the Council's Contracts Standing Orders and Approved List of Contractors, ensuring services are in compliance with EU Procurement Directives and Legislation in relation to service provision.
- 1.7 The effectiveness of the Authority's procedures to secure public access to information and open government, including procedures relating to petitions, deputations and other representations.
- 1.8 In consultation with the relevant portfolio holder, the planning, implementation and review of public consultation and community engagement initiatives relating to strategic, borough-wide issues.
- 1.9 In consultation with the relevant portfolio holder, the impact of the Council's representation on external organisations.
- 1.10 To establish appropriate forums for liaising and co-operating with and supporting amenity groups operating within the borough.

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

1.12 Neighbourhood governance and empowerment.

2. Community Safety functions:

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

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

2.3 Responsibility for ensuring the parks constabulary, Neighbourhood Wardens and other enforcement officers concerned with tackling anti-social behaviour perform well and work alongside the Metropolitan Police.

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

2.5 Policy and strategy for the Safer Neighbourhoods Division.

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

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

2.7 Taking action to reduce fear of crime.

3. Member Development

3.1 Advising on Councillors' training and development needs in relation to their representative roles, and liaison with the Executive Director of Finance and Corporate Governance in respect of appropriate provision.

3.2 Informing Councillors of appropriate conferences and seminars, and making arrangements for them to attend such events.

4. Function shared with the Cabinet Member for Health and Adult Social Care

- 4.1 The development, monitoring and implementation of drug and alcohol policies.

5. Function shared with the Cabinet Member for Housing

- 5.1 Responsibility for anti-social behaviour on Housing land.

Note: The Deputy Leader is responsible for:

In conjunction with Leader, the Cabinet Member for Environment, Transport and Residents Services and the Cabinet Member for Economic Development and Regeneration:

Bi Borough Executive Director for Environment, Leisure and Residents Services

In conjunction with the Cabinet Member for Finance

The Executive Director of Finance and Corporate Governance

In conjunction with all Cabinet Members:

Chief Executive

All Executive Directors

JUNE 2014, MAY 2015

EXECUTIVE MEMBERS : RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR FINANCE

1. Scope of portfolio

- 1.1 The Authority's capital and revenue budgets, including the medium term financial strategy, annual proposals on the Council Tax base, Council Tax levels and budget allocations between departments.
- 1.2 Responsibility for the monitoring of revenue and capital budgets.
- 1.3 Responsibility for Pension Fund management.
- 1.4 Responsibility for Treasury Management.
- 1.5 Probity and financial monitoring.
- 1.6 Preparation of annual accounts.
- 1.7 Responsibility for managing the Council's non-housing property, including acquisitions and disposals.
- 1.8 Responsibility for the Council's Corporate Procurement Strategy and the implementation of the National Procurement Strategy.
- 1.9 Responsibility for procurement.
- 1.10 Responsibility for the Strategic Partner for Information Technology.
- 1.11 The strategic implementation of the Authority's Information Technology Strategy and the achievement of the Government's targets for electronic service delivery.
- 1.12 Responsibility for Organisational Development.
- 1.13 Employee relations.
- 1.14 Council communications
- 1.15 Responsibility for the monitoring and effective delivery of Shared Service Programme and other joint working initiatives.
- 1.16 Representing the Council's views on strategic policies related to Shared Service Corporate Services and any other matters which fall within the Tri-borough Corporate Services remit.
- 1.17 H&F Direct and Customer Access strategy.

- 1.18 The Council's customer care and complaints policies.
- 1.19 Review and approve all requests for management consultants.

Function shared with the Cabinet Member for Commercial Revenue and Resident Satisfaction

- 1.1 Responsibility for the Council's overall corporate procurement strategy.

Note: for the purposes of estimate preparation, monitoring and control and staffing/industrial relations issues, the Cabinet Member for Finance is responsible for all non-housing budgets and (in conjunction with the Cabinet Member for Housing) for all housing budgets:

In conjunction with the Deputy Leader and Cabinet Member for Commercial Revenue and Resident Satisfaction

The Executive Director of Finance and Corporate Governance

In conjunction with all Cabinet Members :

Chief Executive

All Executive Directors

JUNE 2014, MAY 2015

EXECUTIVE MEMBERS: RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR ECONOMIC DEVELOPMENT AND REGENERATION

1. Scope of portfolio

- 1.1 Responsibility for the renewal and regeneration of the most deprived parts of Hammersmith & Fulham.
- 1.2 Developing policies and programmes to eradicate physical, economic and social deprivation.
- 1.3 To champion the development of local small businesses and to promote business start-ups.
- 1.4 To work with Local Enterprise Partnerships (LEPs) to support local businesses.
- 1.5 To remove barriers that small firms may face when attempting to secure Council contracts.
- 1.6 Monitoring the local employment situation and developing and implementing appropriate action in relation to the encouragement, promotion and development of employment training opportunities and services.
- 1.7 Establishing and maintaining effective working partnerships with small businesses in pursuance of the Council's regeneration strategy.
- 1.8 The development, monitoring and implementation of the Authority's regeneration strategy and associated bidding processes.
- 1.9 The development, monitoring and implementation of the Authority's strategic policy and operational matters relating to the European Union.
- 1.10 Determining the Authority's response to matters affecting residents which are the responsibility of third parties.
- 1.11 Compulsory purchase of land for planning purposes.
- 1.12 Development of strategies in relation to the future of the West Kensington and Gibbs Green estates and the surrounding regeneration area.
- 1.13 Development of housing policy to support the building of new homes which will act as a catalyst for regeneration.

- 1.14 To formulate and implement policies likely to promote the development, preservation and enhancement of culture, heritage and tourism within the borough for the benefit of residents and visitors alike.
- 1.15 The Authority's arts strategy.
- 1.16 To promote and assist the provision of good quality theatre, museum and other cultural facilities within the borough.

2. Function shared with the Cabinet Member for Social Inclusion:

- 2.1 The promotion of employment, economic development, training, work experience, and other forms of support which the Authority can target to meet the needs of unemployed people within the Borough.
- 2.2 The development, monitoring and implementation of the Authority's responses to Government initiatives and programmes in respect of unemployed people in the Borough.
- 2.3 Promotion of an entrepreneurial culture in schools, colleges and promoting tomorrow's entrepreneur.
- 2.4. Determining applications and the approval of grants and loans to firms, community and voluntary organisations, charities and trusts for the purposes of economic development (excluding children and education) within the borough.

3. Function shared with the Cabinet Member for Housing:

- 3.1 Compulsory purchase of land for housing purposes.

4. Function shared with the Cabinet Member for Environment, Transport and Residents Services:

- 4.1 Compulsory purchase of land for planning purposes

5. Function shared with the Cabinet Member for Commercial Revenue and Resident Satisfaction:

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

Note: the Cabinet Member for Economic Development and Regeneration is responsible for:

In conjunction with the Leader and the Cabinet Member for Housing:
The Executive Director of Housing and Regeneration

In conjunction with the Leader, Deputy Leader and the Cabinet Member for Environment, Transport and Technical Services:

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

In conjunction with all Cabinet Members:

Chief Executive

All Executive Directors

JUNE 2014, MAY 2015

EXECUTIVE MEMBERS : RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR HOUSING

1. Scope of portfolio

- 1.1 Exercising the Authority's powers and duties as a local housing authority, including new or unallocated housing and associated functions.
- 1.2 The Authority's powers and duties in relation to declaring renewal areas and clearance areas.
- 1.3 Housing land and property assets and, where appropriate, declaration of them as surplus to requirements.
- 1.4 The Authority's powers and duties in relation to private sector housing (including energy conservation).
- 1.5 All aspects of housing services, housing policy and the housing programme and any other new or unallocated housing and associated functions.
- 1.6 The HRA housing strategy, policy and forward programme through its business plan, Housing Investment Programme Strategy and other policy documents.
- 1.7 The level of rents and charges for property and services within the Housing Revenue Account and for any other property and services within the General Fund.
- 1.8 The disposal of individual void properties within the agreed criteria.
- 1.9 Determining annual allocations in respect of the Housing Investment Programme including:
 - Conversion and modernisation of Council housing;
 - Registered Social Landlords ;
 - Assistance for new build and rehabilitation schemes;
 - Home loans and improvement grants;
 - Housing stock, including acquisition and improvement;
 - Clearance areas and compulsory purchase of property;
 - Housing development programme; and
 - Renewal areas and area improvement.
- 1.10 The Council's powers and duties in relation to energy conservation, in public sector housing.

- 1.11 The development, monitoring and implementation of the Authority's responses to Government initiatives and programmes in respect of housing.
- 1.12 Strategic overview and development of policies to improve the Private Rented Housing Sector.

2. Function shared with the Cabinet Member for Economic Development and Regeneration:

- 2.1 Compulsory purchase of land for housing purposes.

3. Function shared with the Deputy Leader

- 3.1 Responsibility for anti-social behaviour on Housing land.

4. Function shared with the Cabinet Member for Social Inclusion

- 4.1 To develop policies and programme to tackle homelessness and support vulnerable people to secure and maintain living in safe and suitable accommodation.

5. Function shared with the Cabinet Member for Environment, Transport and Residents Services

- 5.1 To ensure that neighbourhood wardens tackle anti-social behaviour.

Note: for the purposes of estimate preparation, monitoring and control and staffing/industrial relations issues, the Cabinet Member for Housing is responsible in conjunction with the Cabinet Member for Finance for all housing budgets.

In conjunction with the Leader and the Cabinet Member for Economic Development and Regeneration

The Executive Director of Housing and Regeneration

In conjunction with all Cabinet Members:

Chief Executive

All Executive Directors

JUNE 2014

EXECUTIVE MEMBERS : RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR ENVIRONMENT, TRANSPORT AND RESIDENT SERVICES

1. Environment functions:

- 1.1 The implementation of the authority's planning policies.
- 1.2 Policy and service implementation in respect of building control, street lighting, waste disposal and recycling, sewerage, buildings maintenance, controlled parking (except administration of permits) and parking enforcement.
- 1.3 The preparation and consideration of environmental improvement schemes.
- 1.4 The authority's local Transport Plan and Borough Spending Plan.
- 1.5 Ensuring, in consultation with the relevant Cabinet Member, that adequate performance and quality is obtained from all Council contracts let, and on those services provided by the Authority, that services are delivered to ensure client and resident satisfaction.
- 1.6 The Authority's powers and duties under all relevant legislation pertaining to building control.
- 1.7 The inclusion of buildings in the List of Buildings of Special Architectural or Historic Interest.
- 1.8 The exercise of the Authority's functions under Part II of the London Buildings Act (Amendment) Act 1939 in relation to the naming and numbering of streets and buildings.
- 1.9 The maintenance and management of the Borough's roads, river walls, drawdocks, all subways, bridges including Hammersmith Bridge, and other civil engineering structures.
- 1.10 Policy and service implementation in relation to parking control.
- 1.11 Strategic land use, economic and transport planning, including oversight of Local Plan and related documents and processes.
- 1.12 The consideration of briefs for development proposals, including proposals by Cabinet Members and for land subject to disposal for private development.

2. Resident Services functions:

- 2.1 Policy and operational matters in relation to the Council's Residents Services programme to provide high quality telephone, internet and face to face access to a range of services from time to time assigned to the Environment, Leisure and Residents Services Department.
- 2.2 Policy and service implementation in respect of public conveniences.
- 2.3 To establish and review appropriate mechanisms for the organisation and management of appropriate entertainments and events in parks and open spaces, including fireworks displays.
- 2.4 Policy and operational matters in relation to libraries, hiring of civic halls and facilities.

3. Street Scene functions

- 3.1 Policy, service implementation and enforcement in respect of street cleansing, refuse collection, recycling, consumer protection, trading standards, street trading, environmental health and public safety, corporate health and safety, pest control, food safety and contaminated land.
- 3.2 The issuing of notices and enforcement requirements as set out in the Environmental Protection Act.
- 3.3 Implementation of the Council's Licensing and Gambling Policies.
- 3.4 Policy and service implementation in respect of mortuary, burial, cremation and Coroner services.
- 3.5 The exercise of duties of the Council with respect to Emergency Planning services.

4. Parks and heritage functions:

- 4.1 Exercising the Council's functions in relation to parks and open spaces, including the provision of entertainment, sports, leisure, grounds maintenance and the development of parks and open spaces generally.
- 4.2 Policy, planning and strategy for parks and open spaces.
- 4.3 To formulate and implement policies likely to promote the development, preservation and enhancement of parks within the borough for the benefit of residents and visitors alike.

4.4 Monitoring of the policy, management and development of Fulham Palace.

5. Function shared with the Cabinet Member for Housing:

5.1 Responsibility to ensure that the neighbourhood wardens tackle anti-social behaviour.

6. Function shared with the Cabinet Member for Economic Development and Regeneration:

6.1 Compulsory purchase of land for planning purposes.

7. Function shared with the Cabinet Member for Social Inclusion

7.1 The Authority's sports strategy.

Note: the Cabinet Member for Environment, Transport and Residents Services is responsible for:

In conjunction with the Leader:

The Bi-borough Executive Director of Transport and Technical Services

In conjunction with the Leader, the Deputy Leader and the Cabinet Member for Economic Development and Regeneration:

The Bi-Borough Executive Director of Environment, Leisure and Residents Services

In conjunction with all Cabinet Members:

Chief Executive

All Executive Directors

JUNE 2014

EXECUTIVE MEMBERS : RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE

1. Community Health functions:

- 1.1 The Authority's policies and strategic plans relating to Adult Social Services, and Supporting People Programme for specialist Housing Support.
- 1.2 Chairing the Health & Wellbeing Board.
- 1.3 Meeting the Authority's statutory functions under the National Assistance Act 1948, NHS and Community Care Act 1990, Immigration and Asylum Act 1999, Health Act 2006 and other appropriate legislation.
- 1.4 Ensuring that the needs of vulnerable adults are met.
- 1.5 Determining applications for financial assistance for community and voluntary organisations within the borough that fall within this portfolio.
- 1.6 Developing and monitoring service provision in respect of residential facilities, provided for older people, the chronically sick, disabled people, people with learning disabilities, people affected by HIV/Aids and people with mental health needs.
- 1.7 The administration of the AIDS Support Grant, Social Care Reform Grant and Strokes Grant.
- 1.8 The development of joint and partnership working, including joint commissioning of services with the Health Authorities and Trusts for the provision of social and health care.
- 1.9 Representing the Council's views on matters of corporate or strategic policy and any other matters which are within these terms of reference.
- 1.10 The development, monitoring and implementation of the Authority's strategy in respect of better government for older people and people with disabilities.
- 1.12 The development of policies and strategies to retain and enhance high quality GP, other primary, community and acute health care services, including at Charing Cross Hospital and Milson Road Health Centre.

2. Public Health functions:

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

3. Function shared with the Deputy Leader

- 3.1 The development, monitoring and implementation of drug and alcohol policies.

Note: The Cabinet Member for Health and Adult Social Care is responsible for:

In conjunction with the Leader:

The Executive Director of Adult Social Care and Health

In conjunction with all Cabinet Members:

Chief Executive

All Executive Directors

JUNE 2014

EXECUTIVE MEMBERS : RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR CHILDREN AND EDUCATION

1. Children's Services functions:

- 1.1 The role of 'Lead Member for Children's Services' as designated under Section 19(1) of the Children Act 2004 and described as follows in statutory guidance:
 - a education services - the authority's functions in its capacity as education authority, except those excluded under Section 18(3) of the Act (namely certain functions relating to education, higher education and adult education);
 - b social services - the authority's social services functions within the meaning of the Local Authorities Social Services Act 1970 insofar as they relate to children, and the authority's functions in relation to children and young people leaving care;
 - c health services - any health-related functions exercised on behalf of a National Health Service body under Section 75 of the Health Act 2006 insofar as they relate to children; and
 - d inter-agency co-operation - the arrangements for the Children's Trust and safeguarding duties set out in the Children Act 2004, in particular leading and building arrangements for inter-agency co-operation."
- 1.2 The above functions incorporate:
- 1.3 The Council's role as 'corporate parent', including assistance to young people up to 24 years who have been looked after 13 weeks beyond their 16th birthday, where circumstances justify
- 1.4 Fostering and adoption services
- 1.5 The Bi-borough Virtual School for Looked after children
- 1.6 Locality family Support Services
- 1.7 Children's Centres
- 1.8 Setting the overall direction in relation to the Council's funding of, and support to, schools
- 1.9 Children's Services asset management
- 1.10 The Council's interest in nursery and 'early years' education, learning out of school hours and subsidised and unsubsidised childcare

- 1.11 Commissioning and providing services to young people with disabilities in transition to adulthood
- 1.12 Community Budgeting including the Troubled Families Programme (the Tri-borough Family Recovery Programme)
- 1.13 Care Proceeding review
- 1.14 The development, implementation and monitoring of the Authority's early years strategy
- 1.15 Ensuring that the needs of vulnerable children (including young carers) are met.
- 1.16 Partnership working with the National Health Service to promote the interests of children and their families, including decision-making on such matters at the Health and Wellbeing Board

2. Social Services functions:

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

3. Education functions:

- 3.1 Local schools, including improving education attainment across all state funded schools and the provision of schools of choice;
- 3.2 Plans for new educational provision in the Borough (including academies and free schools);
- 3.3 Schools asset management;

- 3.4 The Council's consultation arrangements with schools, governors, parents and others;
- 3.5 Special education needs (SEN) and education for the talented and gifted;
- 3.6 The Council's interest in school admission and exclusion appeals, including the making of arrangements to determine appeals;
- 3.7 Adult and community education;
- 3.8 Links to industry and business, through education business partnerships and the Young People's Learning Agency;
- 3.9 Appointments to school governing bodies;
- 3.10 The Council's interests in wider educational provision, including provision by the independent sector;
- 3.11 The implementation of the Schools Capital investment programme;
- 3.12 The Employee Led Mutual (3BM);
- 3.13 The Council's responsibility for policy and operation of the Council's Education transport operation.

4. Functions shared with Cabinet Member for Social Inclusion

- 4.1 The implementation and monitoring of projects and services in relation to the borough's Youth Offending Team and youth justice matters.
- 4.2 Youth services and its encouragement of other services to young people.
- 4.3 Sports activities for children and young people in schools.
- 4.4 The Council's relationship with services for young people offering support and career guidance (or any successor service).
- 4.5 Determining applications for financial assistance from the Voluntary Sector and Community Organisations within the Borough that fall within this portfolio.

Note: The Cabinet Member for Children and Education is responsible for:

In conjunction with the Leader and the Cabinet Member for Social Inclusion:

The Executive Director of Children's Services

In conjunction with all Cabinet Members:
Chief Executive
All Executive Directors

JUNE 2014

EXECUTIVE MEMBERS : RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR SOCIAL INCLUSION

This is a cross-cutting portfolio with shared responsibility across the Cabinet to develop, implement and monitor strategic policies and programme in respect of social inclusion.

1. Scope of portfolio

- 1.1 The development, monitoring and implementation of the Authority's Voluntary Sector strategy, including any Council-wide conditions applied to grant aid or funding by the Authority.
- 1.2 The development and implementation of community development projects, including the promotion of social enterprises that promote community development.
- 1.3 Developing and leading approaches to ensure that all residents have increasing access to opportunity across the social, cultural, political and economic life of the borough.
- 1.4 Ensuring that community and cultural events promote social cohesion.
- 1.5 Leading the development and promotion of shared values and mutual respect across the diverse communities of the borough.
- 1.6 Developing strategic approaches to reduce inequalities including around health, education and employment outcomes; access to services; and participation in civic life.
- 1.7 Driving improvements in equality across communities and groups in the borough, and ensuring compliance with all legal equalities duties.
- 1.8 The community transport services.
- 1.9 To establish and review appropriate mechanisms for the organisation and management of town centre festivals, community festivals and other commemorative, celebratory and cultural events (excluding fireworks displays).
- 1.10 As 'Young People's Champion' furthering the Council's commitment to the involvement of young people in decision-making processes where appropriate.
- 1.11 Developing strategic policies and actions to limit poverty and social injustice.
- 1.12 The development and implementation of strategies to address the threat of extremism, including the Prevent Strategy.

2. Functions shared with the Cabinet Member for Children and Education

- 2.1 The implementation and monitoring of projects and services in relation to the borough's Youth Offending Team and youth justice matters
- 2.2 Youth services and its encouragement of other services to young people
- 2.3 Sports activities for children and young people
- 2.4 The Council's relationship with services for young people offering support and career guidance (or any successor service)
- 2.5 Determining applications for financial assistance from the Voluntary Sector and Community Organisations within the Borough that fall within the portfolio

3. Functions shared with the Cabinet Member for Economic Development and Regeneration :

- 3.1 The promotion of employment, economic development, training, work experience, and other forms of support which the Authority can target to meet the needs of unemployed people within the Borough.
- 3.2 The development, monitoring and implementation of the Authority's responses to Government initiatives and programmes in respect of unemployed people in the Borough.
- 3.3 Promotion of an entrepreneurial culture in schools, colleges and promoting tomorrow's entrepreneur.
- 3.4 Determining applications and the approval of grants and loans to firms, community and voluntary organisations, charities and trusts for the purposes of economic development (excluding children and education) within the borough.

4. Function shared with the Cabinet Member for Environment, Transport and Residents Services

- 4.1 The Authority's sports strategy.

5. Function shared with the Cabinet Member for Housing

- 5.1 To develop policies and programme to tackle homelessness and support vulnerable people to secure and maintain living in safe and suitable accommodation.

6. Function shared with the Cabinet Member for Social Inclusion

- 6.1 Developing approaches to ensure that all residents have increasing access to opportunity across the social, cultural, political and economic life of the borough.

Note: The Cabinet Member for Social Inclusion is responsible for:

In conjunction with the Leader and the Cabinet Member for Children and Education:

The Executive Director of Children's Services

In conjunction with all Cabinet Members:

Chief Executive

All Executive Directors

JUNE 2014, AMENDED OCTOBER 2014, MAY 2015

EXECUTIVE MEMBERS : RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR COMMERCIAL REVENUE AND RESIDENT SATISFACTION

1. Commercial Revenue Generation

- 1.1 Responsibility for working across the Council to maximise new sources of income generation from the commercial sector.
- 1.2 Working with the commercial director to develop, implement and monitor revenue generation strategies.
- 1.3 Working across the Council to consider innovative approaches to generating revenue from commercial ventures.
- 1.4 Generating new revenue and practices that do not entail raising new charges and fines that target residents or local businesses.
- 1.5 Agreeing and monitoring annual revenue generation targets.

2. Supporting Small Business Procurement

- 2.1 Ensuring that the Council's procurement of goods and services delivers added local value for residents, businesses and the third sector.
- 2.2 Developing strategies and practices that improve the Council's ability to procure locally sourced, value for money goods and services.
- 2.3 Ensuring the Council acts as a responsible corporate citizen towards small businesses.

3. Improving the Council's Ability to Deliver High Quality Services

- 3.1 Responsibility for reviewing the Council's management and work practices and training and development of all staff with the aim of developing a culture of continuous improvement.
- 3.2 Working with key officers to build can-do, results-orientated approaches that seek to improve outcomes even when current standards look okay.
- 3.3 Developing, monitoring and implementing strategies that ensure the Council optimises its management and work practices.
- 3.4 Identifying weak or failing services and working with officers to lead and support improvements.

- 3.5 Working with officers to improve staff morale and efficiency.
- 3.6 Implementing the use of successful incentives such as the Star Awards and other mechanisms for recording excellence.
- 4. Improving All Non-Media, Internal And External Communications**
- 4.1 Working with communications and human resources officers to develop effective strategies that improve all the council's non-media communications.
- 4.2 Agree and monitor new standards of council communication with residents, local businesses and the third sector.
- 4.3 Ensuring customer satisfaction is seen as central to everything everyone working at the council says and does.
- 4.4 Ensuring all staff are better equipped to listen to, understand and respond to the concerns of residents and that all written communication meets set standards.
- 4.5 Responsibility for ensuring that the requirements of residents and local businesses are communicated across the council and contractors.
- 4.6 Ensuring that council staff and contractors communicate clearly in all their dealings with residents and local businesses.
- 4.7 Ensuring the council's discussions with residents lead to policy development which reflects and is informed by genuine local concerns in line with the council's commitment to doing things with residents rather than to them.
- 4.8 Embedding clear, responsive communication into the council's values and behaviours.
- 4.9 Ensuring that council staff and contractors consistently deliver any commitments they make to residents and local businesses in a timely manner.
- 4.10 Improving the interaction between the council and outside bodies such as housing associations to enhance engagement with residents.
- 4.11 Introduction of a common approach across the council towards measuring and improving resident and business satisfaction.
- 4.12 Development of revised complaints procedure and responses that treats complaints as an opportunity to learn and improve.
- 4.13 Ensuring that complaints are managed in an effective and timely fashion.

- 4.14 Introducing improved ways of measuring the satisfaction of residents and other stakeholders across council services and contractors.
- 4.15 Encouraging and rewarding staff ideas for improving resident satisfaction.

5. Public Engagement

- 5.1 To develop strategies to better work with the public on policy development and address issues of public concern.
- 5.2 To work with policy and accountability committee (PAC) chairs to co-ordinate policy development and implementation.
- 5.3 To lead working parties and public hearings that support the council in its quest to better relate to residents and local businesses.
- 5.4 To support and co-ordinate the establishment and successful running of ward panels with the relevant lead member.

6. Function shared with the Cabinet Member for Economic Development and Regeneration

- 6.1 Establishing and maintaining effective working partnerships with small businesses in pursuance of the Council's regeneration strategy.

7. Function shared with the Cabinet Member for Finance

- 7.1 Responsibility for the Council's overall corporate procurement strategy.

8. Function shared with the Cabinet Member for Social Inclusion

- 8.1 Developing approaches to ensure that all residents have increasing access to opportunity across the social, cultural, political and economic life of the borough.

Note: the Cabinet Member for Commercial Revenue Generation and Resident Satisfaction is responsible for:

In conjunction with the Cabinet Member for Economic Development and Regeneration

Executive Director of Housing and Regeneration

In conjunction with the Cabinet Members for Finance and Social Inclusion:

Executive Director of Finance and Corporate Governance

In conjunction with all Cabinet Members:

Chief Executive

All Executive Directors

MAY 2015

LEAD MEMBER FOR CONTRACTS

This post-holder will be working directly with the Leader to:

- 1.1 Review all existing Council contracts to ascertain whether further savings or improved performance can be achieved.
- 1.2 Review and recommend, in consultation with the Cabinet Member for Economic Development and Regeneration, planning agreement proposals.
- 1.3 Monitor the performance of the Legal Services Division.

LEAD MEMBER FOR HOSPITALS AND HEALTH CARE

This post-holder will be working directly with the Cabinet Member for Health and Adult Social Care to:

- 1.1 Co-ordinate the Council's use of planning and legal powers to defend hospital services and existing levels of service provision.
- 1.2 Lead a public review of residents' access to GP services.
- 1.3 Facilitate greater partnership working between doctors, social care professionals and other relevant groups.
- 1.4 Work with resident groups to defend and negotiate the continued provision of high quality health care services to residents of the borough, particularly at Charing Cross Hospital.

LEAD MEMBER REPRESENTATIVE FOR THE ARMED FORCES

- 1.1 This post-holder will be working directly with the Cabinet Member for Social Inclusion to:
 - a) drive forward Council policy and initiatives which seek to improve the housing options, career and other opportunities and inclusion of returning armed forces personnel and their families.
 - b) support and assist the Royal British Legion and other voluntary organisations in recognising the work and sacrifice of armed forces personnel defending the UK, its interest and way of life.
 - c) promote remembrance and commemorative events.

LOCAL BUSINESSES CHAMPION

- 1.1 The Local Business Champion is recognised as a key function of the Chair of the Economic Regeneration, Housing and the Arts Policy and Accountability Committee. The role is to champion the business sector and ensure small businesses have a strong voice within LBHF:
- a) develop and pilot policy initiatives that benefit local businesses and the borough's economy.
 - b) help build a consensus between business people and the council on the council's support (policies and approach) needed for enterprise and businesses to start up, thrive and grow in the borough, and to champion support for businesses within the council.
 - c) work to ensure the borough's commercial centres and high streets are competitive and commercially beneficial places to locate to.
 - d) to be a further identifiable point of contact for borough businesses on council matters.
 - e) monitor the performance of the Economic Development and Procurement teams in supporting these objectives.

JUNE 2014, AMENDED JANUARY 2015, MAY 2015

EXECUTIVE DIRECTOR OF ADULT SOCIAL CARE

ADULT SOCIAL SERVICES FUNCTIONS

1. The Executive Director of Adult Social Care is the statutory Director of Adult Social Care and therefore shall exercise the following functions and may delegate them to another member of staff.
 - 1.1 To make arrangements for the provision of care and support services to clients pursuant to the Council's powers and duties under the Care Act 2014, and, in so far as they remain in force as amended by the Care Act 2014, the following: National Assistance Act 1948, The NHS and Community Care Act 1990, the Mental Health Act 1983, the Mental Capacity Act 2005, the Health and Social Care Act 2001, the Health and Social Services and Social Security Adjudications Act 1983, the Chronically Sick and Disabled Persons Act 1970, the Health Services and Public Health Act 1968, Schedule 8 of the National Health Service Act 1977 and the Carers and Disabled Children Act 2000, and any other relevant community care legislation.
 - 1.2 To incur expenditure to limits imposed by the estimates, subject to:
 - (a) Statutory approval where required.
 - (b) Estimates being approved where necessary.
 - 1.3 To authorise officers to act in connection with the powers and duties conferred on the Council to institute or defend on behalf of the Council proceedings before any court and to appear on behalf of the Council before such a court in any proceedings instituted by the Council, or on the Council's behalf, or against the Council.
 - 1.4 To enter into arrangements with the private and voluntary sector for the provision of the facilities and services already the subject of delegation to the Director under this scheme.
 - 1.5 To arrange for the periodic re-assessment of any charges levied in accordance with the Guidance from the Department of Health on Fairer Charging Policies, including consideration as appropriate of whether to waive or reduce charges under s17(3) of the Health and Social Services and Social Security Adjudications Act 1983.
 - 1.6 In agreement with the Director of Law and the Chief Executive to enter into agreements with the Hammersmith & Fulham CCG and/or other NHS bodies in accordance with section 75 of the National Health Services Act 2006 including:
 - (a) the pooling of local authority and NHS funds
 - (b) agreeing to joint and/or lead agency commissioning arrangements

- (c) agreeing to joint and/or lead agency integrated provision of services
- (d) the sharing of information systems

on such terms as he/she considers appropriate.

- 1.7 To administer a system of charging for residential care and domiciliary care services consistent with Government Guidance, and where domiciliary care charges have been approved by the Council in accordance with the Health and Social Services and Social Security Adjudications Act 1983 (delegated to the Head of Finance, Community Services).
- 1.8 The Executive Director of Adult Social Care may delegate the above functions to proper officers employed by the Royal Borough of Kensington and Chelsea and/or Westminster City Council to be exercised under agreed joint arrangements.

The Director of Operations, Adult Social Care, is responsible for the powers and duties set out below, unless otherwise specified.

2. SAFEGUARDING VULNERABLE ADULTS

- 2.1 To ensure that a borough Safeguarding Adults Board meets regularly and agrees multi-agency policies and procedures to protect vulnerable adults, and produces an annual report.

3. CARE ACT 2014

- 3.1 To make arrangements for the provision of care and support for adults and carers aged 18 or over and establish care standards that support general wellbeing and prevent, delay, or reduce needs for care and support.
- 3.2 To make arrangements to establish and maintain a service for providing people in the borough with information and advice relating to care and support for adults and carers. The service must provide information and advice as stipulated in section 4.2 of the Care Act 2014.
- 3.3 To make arrangements to promote the efficient and effective operation of a market in services for meeting care and support needs. This is with a view to ensuring that any person in the borough wishing to access services in the market has a variety of providers with high quality services to choose from with sufficient information to make an informed decision about how to meet the needs in question. Promoting diversity and quality in provision of services must have regard to Section 5.2 of the Care Act 2014.

- 3.4 To make arrangements to co-operate with relevant partners in exercising respective functions relating to care and support for adults or carers under section 6 of the Care Act 2014.
- 3.5 To make arrangements for the provision of adults and carers assessments in line with the eligibility criteria under section 13. This includes the power to meet needs for care and support even if satisfied that the borough is not required to meet the adults needs under section 18.
- 3.6 To make arrangements for the provision of care accounts to monitor if the costs accrued by an adult with eligible needs exceeds the cap on care costs. This includes meeting costs above the cap on costs in accordance with sections 15 and 16 of the Care Act 2014. In cases where a care account is maintained this must be in accordance with section 29 of the Care Act 2014.
- 3.7 To make arrangement to provide care and support to prisoners and persons in approved premises that have eligible needs, in accordance with section 76 of the Care Act 2014.
- 3.8 To promote integration of care and support provision with health provision and health-related provision where this is considered to:
 - a) Promote the wellbeing of adults in the borough with needs for care and support and the wellbeing of carers in its area,
 - b) Contribute to the prevention or delay of the development by adults or carers in the borough of needs for care and support or,
 - c) Improve the quality of care and support for adults and carers (including the outcomes that are achieved from such provision)

4. NATIONAL ASSISTANCE ACT 1948

- 4.1 To make arrangements for the provision of accommodation for persons aged 18 or over who are in need of care and attention by reason of age, illness, disability or any other circumstances; and for expectant and nursing mothers who are in need of care and attention which is not otherwise available to them under section 21.
- 4.2 To make arrangements for the provision of accommodation and essential living needs for asylum seekers under section 21 and in accordance with the provisions of the Immigration and Asylum Act 1999, the Nationality Immigration and Asylum Act 2002 and any regulations made thereunder.
- 4.3 To make arrangements for promoting the welfare of persons aged eighteen or over who are blind, deaf or dumb, or who suffer from mental disorder of any description and other persons aged eighteen or over who are substantially and permanently

handicapped by illness injury or congenital deformity or such other disabilities as may be prescribed, under section 29.

- 4.4 To make payments in respect of the services accommodation or equipment provided up to the limits imposed by the annual estimates and to take such action as is necessary to secure the recovery of such charges from residents.
- 4.5 To refer disputes with other local authorities over the ordinary residence of clients to the Secretary of State for resolution.
- 4.6 To agree with the Hammersmith and Fulham CCG an appropriate Public Health Medicine Consultant to act as Medical Officer of Health for the purposes of Section 47 of the National Assistance Act 1948 and to apply to a Magistrates Court for orders removing chronically sick disabled or elderly persons to more suitable accommodation.
- 4.7 To take steps to protect property if there is a danger of loss or damage to it where a person is provided with accommodation or admitted to hospital under Section 48.

5. NHS AND COMMUNITY CARE ACT 1990

- 5.1 To arrange assessments of needs for community care services in accordance with Section 47 of the Act and to arrange for services to be delivered to meet the assessed needs.
- 5.2 To establish and administer the procedure for considering representations (including complaints) as instructed by the Secretary of State using the powers under Section 50.7 (B) (1).

6. MENTAL HEALTH ACT 1983

- 6.1 To authorise officers to act as Approved Mental Health Professionals.
- 6.2 To take such action as may be necessary for the administration of a person's affairs where that person is unable to do so by reason of mental disorder (within the meaning of the Mental Health Act 1983) and for managing his/her affairs in accordance with any direction which might be issued by the Court of Protection (for Deputyship under the Mental Capacity Act 2005 see para. 6.3 below).
- 6.3 To authorise an application by an approved mental health professional to the County Court for an Order substituting an approved mental health professional or any other specified person as the nearest relative of a person suffering from mental disorder (within the meaning of the Mental Health Act 1983).

- 6.4 To decide whether or not persons should be received into the Guardianship of the Council in accordance with the provisions of the Act.
- 6.5 To provide after care services under Section 117 Mental Health Act 1983.

7. MENTAL CAPACITY ACT 2005

- 7.1 To appoint appropriate officers as best interest assessors.
- 7.2 To make decisions on behalf of the Council as the supervising body where a request is made by a managing authority for the authorisation of a deprivation of liberty.
- 7.3 To apply to the Court of Protection under the Mental Capacity Act 2005 or under the Court's inherent jurisdiction as appropriate (only the person holding office as Director of Community Services can be appointed Deputy for property and affairs or Deputy for welfare by the Court of Protection and the formal responsibility for deputyship cannot be delegated).

8. DIRECT PAYMENTS

- 8.1 To authorise direct payments under the Health and Social Care Act 2001 and the Community Care, Services for Carers Services (Direct Payments) (England) Regulations 2003.

9. MISCELLANEOUS

- 9.1 To make arrangements for the provision of social care services to clients pursuant to the Council's powers and duties under the Care Act 2014 Chronically Sick and Disabled Persons Act 1970, the Health Services and Public Health Act 1968, Schedule 8 of the National Health Service Act 1977 and the Carers and Disabled Children Act 2000, and any other relevant community care legislation.

MAY 2015

*Contract
Standing
Orders
2015*

**LONDON BOROUGH OF HAMMERSMITH & FULHAM
 CONTRACT STANDING ORDERS – 2015
 MADE PURSUANT TO SECTION 135 OF THE LOCAL GOVERNMENT ACT 1972**

Contents	Pages
<u>SECTION 1 - Scope of Contract Standing Orders</u>	
1 BASIC PRINCIPLES	2 - 3
2 OFFICER RESPONSIBILITIES	3 - 4
3 WAIVERS AND EXEMPTIONS	4 - 5
4 RELEVANT CONTRACTS	5
5 PREVENTION OF CORRUPTION	6
6 DECLARATIONS OF INTEREST	6
<u>SECTION 2 – Preparing for tendering</u>	
7 STEPS PRIOR TO PURCHASE	7 - 9
8 PRE-TENDER MARKET RESEARCH & CONSULTATION	9
9 PROCUREMENT PRINCIPLES	9 - 10
10 STANDARDS & AWARD CRITERIA	10
<u>SECTION 3 – The Procurement Process</u>	
11 PROCUREMENT PROCESSES, ADVERTISING AND APPROVED LISTS	11 - 12
12 COMPETITION REQUIREMENTS FOR PURCHASE, DISPOSAL & PARTNERSHIP ARRANGEMENTS	12 - 14
13 SHORTLISTING	15
14 INVITATIONS TO TENDER/QUOTE	15 - 16
15 SUBMISSION, RECEIPT AND OPENING OF TENDERS	16
16 CLARIFICATION PROCEDURES AND POST TENDER NEGOTIATION	16
17 EVALUATION AND AWARD OF CONTRACT	17
18 RECORDS AND DEBRIEFING CANDIDATES	17 - 18
<u>SECTION 4 - Contract and other formalities</u>	
19 CONTRACT DOCUMENTS	18 - 19
20 EXTENSIONS AND VARIATIONS	20 - 21
21 PARENT COMPANY GUARANTEES AND BONDS	21
<u>SECTION 5 – Special procedures</u>	
22 ENERGY RELATED PROCUREMENT	22
23 CONSULTANTS & COUNSEL	22
24 SPOT CONTRACTS	22 - 23
<u>SECTION 6 - Contract management</u>	
25 MANAGING CONTRACTS	24
26 RISK ASSESSMENT AND CONTINGENCY PLANNING	24
27 POST-CONTRACT MONITORING, EVALUATION & REVIEW	24
APPENDIX – Glossary of defined terms	25 - 33

SECTION 1

Scope of Contract Standing Orders

1 BASIC PRINCIPLES

- 1.1 These Contract Standing Orders (hereafter referred to as “CSOs”) are made pursuant to section 135 of the Local Government Act 1972. The aim of these CSOs are to promote good purchasing practice and public accountability, and deter corruption. Following the rules is the best defence against allegations that a decision has been made incorrectly or fraudulently. Failure to follow them may result in disciplinary or even criminal proceedings.
- 1.2 Officers and Members responsible for purchasing or disposal must comply with these CSOs, which lay down minimum requirements. They will be supplemented by a series of Purchasing Guides (as published on the intranet and internet).
- 1.3 These CSOs have been written to reflect current legislative requirements and to ensure that there is compliance by the Council. However, where there are any inconsistencies between these CSOs and the requirements of the Public Contracts Regulations 2015 (or any other statutory requirements that may replace or supplement these Regulations), the latter will take precedence.
- 1.4 All references to “Regulation” within these CSOs mean the appropriate regulation to be found within the Public Contracts Regulations 2015 (the “Regulations”).
- 1.5 Where financial thresholds are mentioned they should be cross-referenced with the Council’s *Financial Regulations* and in the event of any inconsistency between the two documents *Financial Regulations* shall take precedence.
- 1.6 Throughout these CSOs where reference is made to “estimated values” that means the total estimated spend and not the annualised estimated value of the proposed contract.
- 1.7 For the avoidance of doubt, and subject to specific exemptions contained within these CSOs, a Cabinet Member Decision (CMD) is required for the approval of all contracts that have a total value of £25,000 and greater, but less than £100,000 and a Cabinet Key Decision (KD) for all contracts that have a total value of £100,000 or greater.
- 1.8 Procurement is the process which governs the acquisition of goods, works and services - from identification of need, through to the end of a service contract or the end of the useful life of an asset. Purchasing and disposal procedures must:
- Comply with all legal requirements
 - Achieve best value for public money spent
 - Be consistent with the highest standards of integrity
 - Ensure fairness in allocating public contracts
 - Ensure that *Non-commercial Considerations* do not influence any *Contracting Decision*
 - Support the Council’s corporate and departmental aims and policies
 - Comply with the Council’s procurement strategy and *Purchasing Guides*.

- 1.9 In accordance with Regulation 24 every person involved in any procurement process has a responsibility to manage conflicts of interest arising during its conduct. Members and officers must declare any links or personal interests that they may have with potential purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council.
- 1.10 To ensure the integrity of the tendering process, nobody involved in the procurement process may -
- act contrary to Regulation 21 by disclosing confidential information received from tenderers during or after a procurement exercise;
 - act in any way that may be viewed or construed as a conflict of interest, or
 - disclose any information (otherwise known as "insider information") they may have obtained about any external or internal tenderer involved in a contract tendering process to any person who is not expressly entitled to it, or
 - divulge the content of any tender, tender list, detailed estimates, or other tender information to any person who is not expressly entitled to such information.
- 1.11 Where there is an inconsistency or ambiguity in these CSOs, the *Director for Procurement & IT Strategy* following consultation with the Director of Law will advise.
- 1.12 Shared-services Procurement –**
- 1.12.1 Consideration should always be given to whether sharing procurement exercises with other councils and/or public bodies would be of mutual benefit to all parties concerned.
- 1.12.2 Where undertaking joint procurement exercises with other public bodies consideration needs to be given to Regulation 38 relating to joint liabilities.

2 OFFICER RESPONSIBILITIES

- 2.1. These CSOs must be strictly complied with; they are the Council's minimum requirements. A more thorough procedure may be appropriate for a particular contract. For example, rather than seeking a quotation a more formal tendering process may be applicable (as set out in CSO 12.3 and table 12.3). Equally, it may not always be appropriate to make use of an exemption under the following section (CSO 3), even if one might apply or be granted.
- 2.2. General responsibilities of Chief Officers (Executive Directors): The *Chief Officer* has responsibility for all contracts tendered and let by their Department. He/she is accountable to the Cabinet for the performance of his/her duties in relation to contract letting and management, which are:
- (a) to ensure compliance with English and EU legislation and Council Policy;
 - (b) to ensure value for money in all procurement matters;
 - (c) to ensure compliance with these CSOs *Financial Regulations* and the *Purchasing Guides*
 - (d) to maintain a departmental scheme of delegation;
 - (e) to ensure that all relevant staff are familiar with the provisions of these CSOs, *Financial Regulations* and the *Purchasing Guides* and that they receive adequate training on their operation;
 - (f) to ensure compliance with any guidelines issued in respect of these CSOs;

- (g) to take immediate action in the event of a breach of these CSOs or the *Purchasing Guides* within his or her area;
- (h) to keep proper records of all contracts, tenders etc. including electronic data files (where electronic tendering systems are used), minutes of tender evaluation panels and other meetings;
- (i) to keep records of waivers and exemptions of any provision of these Contract Standing Orders (as set out in Section 3 below);
- (j) to keep appropriate departmental records of all contract awarded (using the *Council's approved Database*¹) where these have a total value of £5,000 and over (in keeping with the statutory requirements on transparency); and
- (k) the safekeeping of all original contracts which have been completed by signature and where the value is below £100,000. For contracts which exceed this figure the contractual paperwork is passed to the Director of Law for sealing as a Deed (and thereafter safekeeping).

2.3. *Chief Officers* are empowered within the terms of these CSOs to delegate to any officer within their Department authority to act on their behalf. However, such delegation will not affect their accountability for actions taken in their name.

2.4. Officers: The *Officer* responsible for purchasing or disposal must comply with these CSOs, *Financial Regulations*, *Code of Conduct* and with all UK and European Union binding legal requirements. The *Officer* must:

- (a) keep the records required by Regulation 84 and CSO 18
- (b) ensure that *Tender* procedures are conducted in accordance with procedures set out in the *Invitation to Tender*.
- (c) also ensure that agents, consultants, and contractual partners acting on their behalf also comply.
- (d) take all necessary legal, financial and professional advice.

2.5. No councillor or officer may accept any form of hospitality from any *Candidate* during a tendering (or similar exercise). Hospitality from suppliers, service providers or contractors who may or may not have current contracts with the Council may only be accepted in accordance with the "*Guidance on Gifts and Hospitality*" which forms part of the Council's Constitution (for Members) and "*Policy and Procedure for: Acceptance of Gifts and Hospitality by Employees* *Guidance on the receipt of gifts, benefits and hospitality*" that is part of the Council's Personnel Procedures (for officers). For both Members and officers the appropriate Register of Gifts and Hospitality should be completed in accordance with this guidance.

3. WAIVERS AND EXEMPTIONS

3.1 A prior written waiver to these CSOs² may be agreed by the *Appropriate Persons* (as defined in table 3.1 below) if they are satisfied that a waiver is justified because:

- the nature of the market for the works to be carried out, or the goods to be purchased, or the services to be provided has been investigated and is demonstrated to be such that a departure from these CSOs is justifiable; or
- the contract is for works, goods or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen; or

¹ Capital-E-Sourcing

² Insofar as they relate to the Council's own competition rules governing quotes & tenders. There can be no waiver of legal requirements contained in the Regulations and where such is proposed a justification for the recommendation and risks need to be detailed in the Cabinet Member Report.

- the circumstances of the proposed contract are covered by legislative exemptions; or
- it is in the Council's overall interest; or
- there are other circumstances which are genuinely exceptional.

A departmental record of the decision approving a waiver and the reasons for it must be kept in accordance with CSO 18.2 or CSO 18.3.

table 3.1.

<u>Appropriate Person</u>	<u>Estimated Contract Value</u>
Client Executive Director	Less than £25,000
The appropriate Cabinet Member(s) acting on advice from the Client Director.	£25,000 or more but less than £100,000
The appropriate Cabinet Member(s) and the Leader of the Council	£100,000 or more.

- 3.2 All waivers and exemptions for contracts with an estimated value of £25,000 and more, and the reasons for them, must be detailed in the award report either to the appropriate Cabinet Member(s) or the Cabinet. The report must contain the comments of appropriate Chief Officer, the Executive Director of Finance & Corporate Governance, the *Director for Procurement & I.T. Strategy*, and the Director of Law.
- 3.3 Where a prior approval has not been obtained in accordance with CSO 3.1 the reason for non-compliance must be contained in the tender acceptance report.
- 3.4 Each Chief Officer shall take immediate action in the event of breach of these CSOs by reporting this breach to the *Executive Director of Finance and Corporate Governance*. It will be the responsibility of the *Executive Director of Finance and Corporate Governance* to determine the nature of the breach and if it is deemed to be serious (e.g. involving a Key Decision) to refer the matter to the *Director of Audit* for investigation with view to identifying the steps to be taken to avoid a reoccurrence.

4 RELEVANT CONTRACTS

- 4.1 All *Relevant Contracts* must comply with these CSOs and any statutory provisions.
- 4.2 A *Relevant Contract* is any arrangement made by, or on behalf of, the Council for the carrying out of work or for the supply of goods, materials or services. These include arrangements for:
- the supply or disposal of goods;
 - hire, rental or lease of goods or equipment;
 - execution of works;
 - the delivery of services, including those related to:
 - the recruitment of staff
 - land and property transactions
 - financial and consultancy services; and
 - concessions (services and/or works)
- 4.3 *Relevant Contracts* do not include contracts relating to:
- the employment of staff
 - the engagement of Counsel, or

- the engagement of arbitrators, adjudicators or mediators in connection with construction related disputes.
- the acquisition, disposal, or transfer of land (for which Financial Regulations shall apply)
- the making of grants.

5 PREVENTION OF CORRUPTION

- 5.1 The *Officer* must comply with the *Code of Conduct* and the Council's anti-fraud and corruption strategy and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the *Officer* to prove that anything received was not received corruptly.
- 5.2 High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to in CSO 5.3.
- 5.3 The following clause must be put in every written Council contract:
- “The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf does any of the following things:
- (a) offers, gives or agrees to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); or
- (b) commits an offence under the Bribery Act 2010 or Section 117(2) of the Local Government Act 1972; or
- (c) commits any fraud in connection with this or any other Council contract, whether alone or in conjunction with Council members, contractors or employees.

Any clause limiting the Contractor's liability shall not apply to this clause.”

6 DECLARATION OF INTERESTS

- 6.1 If it comes to the knowledge of a member or an employee of the Council that a contract in which he or she has a pecuniary interest has been or is proposed to be entered into by the Council, he or she shall immediately give written notice to the Chief Executive. The Chief Executive shall report such declarations to the Cabinet or other appropriate committee.
- 6.2 Such written notice is required, irrespective of whether the pecuniary interest is direct or indirect. An indirect pecuniary interest is distinct from a direct pecuniary interest in as much as it is not a contract to which the member or employee is directly a party.
- 6.3 A shareholding in a body not exceeding a total nominal value of £1,000 or 1% of the nominal value of the issued share capital (whichever is the less) is not a pecuniary interest for the purposes of this CSO.
- 6.4 The Chief Executive shall maintain a record of all declarations of interests notified by members and Officers.
- 6.5 The Chief Executive shall ensure that the attention of all members is drawn to the National Code of Local Government Conduct.

Section 2

Preparing for tendering

7 PRE-TENDER MARKET RESEARCH AND CONSULTATION

7.1 Public Services (Social Value) Act 2012

7.1.1 The Council has responsibilities under the 2012 Act to ensure compliance with its provisions. Those commissioning services must comply with the Council's Social Value Policy outcomes that seek to deliver :

- More opportunities for local micro-businesses, local small and medium sized enterprises and local third sector organisations; and/or
- More employment and training opportunities for local residents

7.1.2 In accordance with Regulation 46 the Council may decide to divide the procurement exercise into separate lots. However, where the decision of the Council is not to subdivide into lots that decision must be recorded in the Regulation 84 Report if the estimated threshold equals or exceeds the financial thresholds defined in the Regulations.

7.2 Preliminary market consultations and soft-market testing

7.2.1 Regulations 40 and 41 allows the Council to seek the views of the market in order to prepare technical specifications and contractual terms and conditions. Consequently the officers responsible for the purchase:

- may consult potential suppliers prior to the issue of the Invitation to Tender in general terms about the nature, level, broad estimated value and standard of the supply, contract packaging and other relevant matters provided this does not prejudice any potential *Candidate*, and
- may, where an existing contract exists, obtain from the current service provider information on service delivery aspects.

7.2.2 Where technical advice on the preparation of contract documentation is sought from any organisation or person(s) who may have a commercial interest in bidding, arrangements must be put in place so not as to prejudice the outcome by distorting competition and/or compromising the equal treatment of all potential Candidates. Where there is the likelihood that the process may be distorted or compromised then advice from the Director of Procurement & I T Strategy and the Director of Law must be sought.

7.3 Consultation referred to in CSOs 7.1. and 7.2 above may be initiated through the publication of a Prior Information Notice in OJEU, the electronic portal (used for tendering purposes) and/or on the "capitalEsourcing" website

8 STEPS PRIOR TO PURCHASE

8.1 Where an existing contractual arrangement has been approved, no orders shall be placed with any other organisation or new contractual arrangements sought unless:

- there is prior approval from the *Director for Procurement & I.T. Strategy* and there are reasonable grounds for doing so; or
- the contract itself needs to be renewed or

- an existing contractor or provider has defaulted on a contract. Where a contractor, provider or supplier defaults on a contract, any retention monies held under that contract could be used to raise an order with an alternative provider in the event of such failure.
- 8.2 Before promoting the procurement of a new or joining a pre-existing framework or consortium arrangement, an Officer must be satisfied that such an approach represents the most economically advantageous solution and can be entered into without breaching the Regulations).
- 8.3 With the exception of framework agreements let by the Crown Commercial Service, the *Director for Procurement & I.T. Strategy* must be formally consulted where the purchase is to be made using a framework agreement awarded by another *Central Purchasing Body*, or other public sector organisation (e.g. local authority, government department, statutory undertaker or public service purchasing consortium). Before entering into a contract based upon an existing framework agreement or joining a consortium the *Officer* shall:
- (a) provide evidence to the *Director for Procurement & I.T. Strategy* that a full, open and proper competitive process has been (or will be) undertaken and that such process complies with all statutory requirements
 - (b) consult with the Director of Law on the terms and conditions of the proposed contract to ensure that they do not compromise the Council's interests; and
 - (c) comply with the terms of the framework agreement, including the carrying out of any further competition requirements contained in it (e.g. "mini-competition).

Establishing a Service Review Team & developing a Business Case

- 8.4 The precursor to any new procurement exercise (which requires a Key Decision) shall be carried out by a Service Review Team (SRT) established by the Client-side Director. The SRT will include the Contract Manager, client-side officers, relevant stakeholders, and engage relevant professional officers (including legal, finance, procurement, IT and HR). It will also commission additional expertise where this is warranted. The SRT shall take responsibility for managing the requirements of CSO 7 dealing with pre-tender market research and consultation.
- 8.5 All procurement related exercises (which require a Key Decision) must produce a high-level business case to the Client-Executive Director examining the possibilities of working with other boroughs, on either a regional³ or sub-regional basis⁴. Only where collaborative procurement is not an option will the SRT recommend procuring exclusively for the Council (see also CSO 1.12.1 above).
- 8.6 The SRT in developing its Business Case must take into consideration and make reference to the Council's policy requirements for ensuring compliance with the Public Services (Social Value) Act 2012.
- 8.7 The Business Case will be signed off in accordance with CSO 12.2 for all procurements where the estimated value is £100,000 or greater

Establishing a Tender Appraisal Panel

- 8.8 Where a competitive tendering exercise is to be undertaken and the estimated value exceeds the Key Decision threshold a *Tender Appraisal Panel (TAP)* shall

³ Regionally means within Greater London (or wider – South Eastern England), and in this context any identifiable public bodies may be party to it.

⁴ Sub-regionally means public bodies predominately in central and western London

be established to take responsibility for managing all aspects of the procurement process.

- 8.9 The TAP may be similar in its composition to that of the SRT. It will ensure that the procurement exercise is managed in accordance with existing legislative requirements and the Business Case where one has been approved. Its roles include signing off all documentation required to undertake a procurement exercise, including evaluations at qualification and/or award stages.
- 8.10 The TAP will be chaired by a senior service manager in the client department (or where there are several departments involved, in the department with the highest spend), with a senior sponsor, and include relevant stakeholders (e.g. contract manager). It will consult and engage relevant professional officers in legal, finance, procurement, IT and HR. It will also commission additional expertise where this is warranted. It will be responsible for
- ensuring a contract is put in place in accordance with legal requirements,
 - that it meets required deadlines and service requirements and
 - represents value for money.
- 8.11 In most instances the TAP will identify and appoint a Project Officer who will be responsible for the day to day running of the procurement exercise. The Project Officer will be a member of the TAP.
- 8.12 Before beginning a purchase, the Project Officer responsible for it must, in a manner commensurate with the complexity and value of the purchase:
- ensure that there is an estimating process which sets out the initial project estimate, revised estimates and tender estimate being a necessary part of the tender comparison and competitiveness evaluation. Such estimates must reflect current or expected market values and must not be over inflated as a means of avoiding the requirements of either or both the Regulations or these CSOs.
 - take into account any procurement guidance issued by the *Procurement Strategy Board* and/or the Chief Executive (or any other officer he/she nominates).
 - consider any recommendations arising out of a Service Review (including the Business Case)
 - consult with the *Director for Procurement & I.T. Strategy* to ensure that a contractual arrangement is not already in place (either as an in-house service or as a contract with an external organisation).
 - appraise the need for the expenditure and its priority
 - define the objectives of the purchase and, where appropriate, ensure that they meet the requirements of the Business Case developed by the SRT;
 - assess the risks associated with the purchase and how to manage them
 - consider, where it is appropriate, the Council's responsibilities under the Civil Contingency Act in terms of potential emergencies and the continuity of high priority services
 - have due regard to the Council's responsibilities under the Public Sector Equality Duty¹ arising from the Equality Act 2010 and other relevant legislation (e.g. The Public Services (Social Value) Act 2012)
 - consider what procurement method is most likely to achieve the purchasing objectives, including:
 - internal provision ("make decision") or
 - external sourcing ("buy decision"),
 - collaboration (including shared services) with other purchasers, partnering and long-term relationships

- the use of a *framework agreement* already let by the Council or a *framework agreement* let by another *Central Purchasing Body* and which has been awarded on the basis that it can be used by others;
- consult users as appropriate about the proposed procurement method, contract standards, and also performance and user satisfaction monitoring
- select the most appropriate procurement method and
- set these matters out in writing if the Total Estimated Value of the purchase exceeds £25,000;

and confirm that:

- there is Cabinet, Cabinet Member or delegated approval for the expenditure in accordance with *Financial Regulations*;
- for non-procurement related issues the appropriate approvals, for example, those found in *Financial Regulations* have been complied with, and
- appropriate contract notices (and advertisements), have been placed in accordance with the *Regulations* and these *CSOs*.

- 8.13 The TAP shall appoint from its ranks the appropriate professional officers (and in most instances this will include the Project Officer) to evaluate expressions of interest or tenders received. These professional officers will individually score the submissions received and award marks against the pre-published criteria. Only those officers that are qualified to evaluate submissions may be invited to do so. The TAP will then consider these individual scores and shall arrive at and agree a consensus score for all criteria. The TAP shall not adopt, as a methodology, an average scoring arrangement.
- 8.14 The TAP will keep accurate records of all meetings, retain appropriate documentation and maintain proper records for transparency and audit purposes as set out in *CSO 18*.
- 8.15 The TAP will undertake post project reviews where required. It will implement any corporate or shared service requirements including supporting arrangements around any agreed approval processes and participating in any audits.
- 8.16 Except for out of hours purchases or minor expenses, no telephone orders are to be placed for goods, works or services, unless otherwise agreed by the *Director for Procurement & I.T. Strategy*. For most low value expenditure, and in order to reduce maverick spend, officers are required to raise a purchase order to be placed through the Council's e-Procurement system (or other approved specialist order system).

9 PROCUREMENT PRINCIPLES

- 9.1 Where there are no suitable pre-existing framework agreements the Council must carry out its own tendering exercise either for a contract or to establish for its own usage or for other public bodies to join a framework agreement.
- 9.2 Where the Council proposes to create a framework agreement that other public sector organisations may call off from this must be set out in the Business Case and must include approval from the *Director for Procurement & I.T. Strategy* to the procurement strategy.
- 9.3 Unless otherwise agreed by the *Director for Procurement & I.T. Strategy*, all procurement exercises that have a competitive element will be undertaken using the Council's e-tender software
- 9.4 All procurement must be carried out in an open and transparent manner in accordance with *table 11.2* below. The process shall be undertaken by a *Tender*

Appraisal Panel to ensure that the Council receives value for money. The Regulations require all tendering exercises to be based on the most economically advantageous tender received based on quality and/or price, using a cost-effectiveness approach, which may include the best price-quality ratio, assessed on the basis of criteria such as qualitative, environmental and/or social aspects, linked to the subject-matter of the public contract in question.

- 9.5 Any agreed Council or shared services Gateway review process must be applied to all relevant contracts.

10 STANDARDS AND AWARD CRITERIA

- 10.1 The Officer must ascertain what are the relevant European or international standards (may be referenced to a corresponding British standard) which apply to the subject matter of the contract. Such standards must comply with Regulation 42. The Officer must include those standards that are necessary properly to describe the required quality. The *Director for Procurement & I.T. Strategy* must be formally consulted before any Officer decides to use any standard that does not include a European standard.
- 10.2 In accordance with the Regulations all award criteria and sub-criteria relating to the award must be clearly published. The award must only be made using the published criteria and sub-criteria. All levels of criteria may refer only to relevant considerations. These may include: price; quality of service; quality of goods; whole-life running costs; whole life cycle costs; technical merit; delivery date; cost effectiveness; quality; relevant environmental considerations; aesthetic and functional characteristics (including security and control features); safety; after-sales services; technical assistance; partnering arrangements; long-term relationships, and any other relevant matter.
- 10.3 The Council may lay down special conditions relating to the performance of a contract in accordance with Regulation 70. These may include economic, innovation-related, environmental, social or employment-related considerations.
- 10.4 The Tender Appraisal Panel (TAP) (and/or Officer) must define and document the Award Criteria and sub-criteria that are appropriate to the tendering exercise, before tenders are sought. Award Criteria & sub-criteria must be designed to secure an outcome giving best value for money for the Council.
- 10.5 Tender Appraisal Panels are responsible for ensuring the optimum combination of whole life cost and quality.
- 10.6 The Award Criteria must not include:
- *Non-commercial Considerations*
 - matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement
 - matters which are anti-competitive within the meaning of the various Local Government Acts.

SECTION 3

Starting the procurement phase

11 PROCESS, ADVERTISING AND APPROVED LISTS

11.1 The Regulations require that at the point of advertising the opportunity full disclosure of all contract documents are provided (e.g. specification, terms & conditions, form of tender, & etc).

11.2 Officers will use the methods for selecting potential bidders for either quotations or tenders as set out below. The 5 thresholds are based upon the Regulations–

table 11.2

Requirements for “Supply and Service” Contracts (excluding “Social and Other Specific Services”)

Below £25,000	£25,000 – to below £172,514	£172,514 and greater
<p>Minimal competition requirements.</p> <p>Under £5,000 a single quotation otherwise three quotations.</p> <p>Requests for quotes to be managed through the e-tendering system (framework agreements may be used).</p>	<p>Framework agreements to be considered, otherwise seek public quotations using the e-tendering system and the Government’s “Contracts Finder” portal</p>	<p>Use of an existing framework agreement; or</p> <p>Contract Notice to appear in the Official Journal of the European Union and Contracts Finder.</p> <p>Process must be run through the Council’s e-tendering system</p>

Requirements for “Social and Other Specific Services”

Below £25,000	£25,000 – to below £625,050	£625,050 and greater
<p>Minimal competition requirements.</p> <p>Under £5,000 a single quotation otherwise three quotations.</p> <p>Requests for quotes to be managed through the e-tendering system (framework agreements may be used).</p> <p>Other approved systems may also be used (such as Framework-i).</p>	<p>In the first instance, call-offs from existing framework agreements to be considered.</p> <p>Otherwise seek public quotations using the e-tendering system and the Government’s “Contracts Finder” portal</p>	<p>Use of an existing framework agreement; or</p> <p>Contract Notice to appear in the Official Journal of the European Union and Contracts Finder.</p> <p>Process must be run through the Council’s e-tendering system</p>

Requirement for Works Contracts

Below £4,322,012	£4,322,012 and greater
<p>For works to civic buildings orders to be placed through the TFM contract (up to £250,000)</p> <p>For works to educational buildings orders to be placed through either the contract with 3BM Ltd or the contract with Amey Community Ltd (TFM contract - up to £250,000)</p> <p>For HRA properties orders to be placed through Housing Repairs & Maintenance Contract.</p> <p>Where none of the above are applicable other options include: public advertisement (e.g. Contract Finder), other appropriate framework agreements or arrangements (e.g. Constructionline). In these instances the Council's e-tendering system must be used.</p>	<p>Use of an existing framework agreement; or</p> <p>Contract Notice to appear in the <i>Official Journal of the European Union and Contracts Finder</i>.</p> <p>All competitive processes must be run through the Council's e-tendering system</p>

- 11.3 Chapter 3 of the Regulations relating to “Social and Other Specific Services” is subject to a “light touch” regime. The headline services are set out in the definitions.
- 11.4 All procurements must be managed using the e-tendering portal. In the absence of a call-off from an appropriate framework agreement an opportunity listing or a contract notice is to be published on the UK Government's Contracts Finder Portal, the shared services “capitalEsourcing” Portal (or any other Portal that the Council may from time to time use). Publication may also be required in the *OJEU* and depending upon its complexity the *TAP* may also recommend placing a notice in a trade journal.
- 11.5 Where there is a statutory requirement for a Contract Notice to be published in *OJEU* the Regulations set out strict requirements when other publications within England & Wales (as set out in Regulation 52) may appear, one of which is a listing on the Contracts Finder website.
- 11.6 For all other projects having a value of £25,000 or greater but below the appropriate threshold there is a second statutory requirement to ensure that an opportunity listing is sent for publication in Contracts Finder within 24 hours of it appearing in other media (as set out in Regulation 110).
- 11.7 The *TAP* and appropriate *Chief Officer* shall be responsible for ensuring that all persons or bodies invited to tender for the supply of goods, services or works to the Council have been suitably assessed and meet the Government's standards as defined by the Regulations.

- 11.8 An open process (no pre-qualification) must be used for projects where the estimated value is £25,000 or greater but less than £172,514.

12 COMPETITION REQUIREMENTS FOR PURCHASE, DISPOSAL AND PARTNERSHIP ARRANGEMENTS

- 12.1 The *Officer* must calculate the estimated *Total Value*. The following procedures apply where there are no other procedures that take precedence. Other procedures may include agency/framework agreements with other public sector organisations (e.g. *Crown Commercial Services*). If in doubt, *Officers* must seek, in writing, the formal advice of the *Director for Procurement & I.T. Strategy*.
- 12.2 Chief Officers shall be responsible for planning all tendering exercises. However, the appropriate Cabinet Member shall be responsible for approving the relevant Business Case/Procurement Strategy at the beginning of the procurement process for all tenders regarding services where the estimated value exceeds £1,000,000. Such Business Cases/Procurement Strategies will set out the frequency of interim reports to Cabinet Members on the procurement process.
- 12.3 With the exception outlined in CSO 12.4, the purchasing/competition requirements set out in table 12.3 (except where a *Framework Agreement, shared service or collaborative procurement is being considered*): where the *Total Value* for a purchase falls within the values in the first column below, the *Award Procedure* in the second column must be followed. Shortlisting shall be approved by the persons specified in the third column.

table 12.3

Maximum Total estimated Value	Competition requirement (in the absence of using a framework agreement)	Shortlisting	Contract Award Procedure. (total contract value threshold)
Under £5,000	One Quotation (confirmed in writing using a designated electronic system), although the duty to obtain value for money still remains.	Not applicable	Less than £25,000. Chief Officer's responsibility (may be delegated).
£5,000 to below £25,000	Invitation to Quote as set out in CSO 14. A minimum of 3 written quotations should be sought ⁵ (using a designated electronic system),	Officer & Line Manager	Chief Officer's responsibility (may be delegated).
£25,000 to below £100,000	Invitation to Quote as set out in CSO 14. A minimum of 3 written quotations (or tenders) should be sought (using a designated electronic system). Where advertised using Contracts Finder no pre-qualification permitted, open invitation through the Council's e-tendering system.	TAP ⁶	£25,000 or greater but less than £100,000 ----- Cabinet Member(s) responsible for award.
£100,000. or	Business case to be signed off [as set out	TAP	£100,000

⁵ If less than 3 quotations are to be obtained prior approval to the suspension of the requirement must be obtained in accordance with section 3 on waivers and exemptions.

⁶ TAP – Tender Appraisal Panel

table 12.3

Maximum Total estimated Value	Competition requirement (in the absence of using a framework agreement)	Shortlisting	Contract Award Procedure. (total contract value threshold)
more but less than £172,514	in CSO 12.2 above] No pre-qualification, open invitation through Contracts Finder portal using the Council's e-tendering system.		----- Cabinet responsible for award, subject to the exemptions set out in CSO 12.6 below
£172,514 or greater	Business case to be signed off [as set out in CSO 12.2 above] Invitation to Tender as set out in CSO 14. A minimum of 5 tenders should be sought, if the <i>Restricted Procedure</i> is used	TAP	

12.4 The exception referred to in CSO 12.3 relates to the award of contracts relating to expenditure in connection with the Council's obligations under the Local Government Pension Scheme which are reserved for the Audit Pensions and Standards Committee.

12.5 The *Director for Procurement & I.T. Strategy* will be responsible for the opening of all tenders and quotations that have been submitted electronically through the e-tendering system. Only those exceptional tenders that are submitted on paper and have an estimated value in excess of the *EU Threshold* for Supply & Services contracts will be directed to the Mayor's Office to be opened by the Mayor, Deputy Mayor or Chief Whip.

12.6 The Contract Award Procedures set out in CSO 12.3 above may be waived for all new contracts or renewals which are reported to Cabinet as either part of the Capital or Planned Maintenance Programme, or other major revenue contracts, provided that the proposed programme for tendering the schemes is approved as a Key Decision. The Key Decision must be made prior to the commencement of the tendering procedure. The report to Cabinet may be part of the regular financial monitoring reports and must include a realistic estimation of the costs. The award decision is then delegated to Cabinet Members as set out in CSO 12.6.1 below.

12.6.1 In such cases, where an open and transparent tendering exercise has been completed and the tendered sum is within budget then the contract can be awarded by

- the relevant Cabinet Member(s) where the value is £100,000 or more but less than £1,000,000; or
- the relevant Cabinet Member(s) and the Leader of the Council where the value is £1,000,000 or more but less than £5,000,000.

For avoidance of doubt, where the tender recommended for acceptance is above the previously agreed budget procedures set out in paragraph 12.3 above will apply.

12.7 The Council has a statutory duty under Regulation 69 to investigate any tender that appears to be abnormally low. Where the tender recommended for acceptance is more than 15% below the budget a report to the Cabinet Member shall be required explaining the reasons for the difference and confirm that the

contractor has provided written confirmation that they are able to fulfil the contract for their tendered sum.

- 12.8 An Officer may consider dividing a contract into lots in accordance with Regulation 46. However, s/he must not enter into separate contracts, nor select a method of calculating the Total Value, in order to avoid the requirements of the Regulations or to minimise the application these CSOs (otherwise known as disaggregation).
- 12.9 Where the Regulations apply and tendering under an *EU Procedure* is required, the *Officer (Line Manager or Chief Officer)* shall consult the relevant guidance on the EU public procurement set out in the *Purchasing Guides* and formally consult with the *Director for Procurement & I.T. Strategy* to determine the appropriate method of conducting the purchase.
- 12.10 Where no pre-existing disposal arrangements are in place (or have been agreed, disposals of assets must be carried out in accordance with Financial Regulations. Usually this will involve the relevant items being sent to public auction (and in most instances contain a reserve value placed on them), except where better value for money is likely to be obtained by inviting Quotations and Tenders. In the latter event, the method of disposal of surplus or obsolete stocks/stores or assets other than land must be formally agreed with the Executive Director of Finance & Corporate Governance.
- 12.11 Providing services to external public sector purchasers must be in compliance with the Local Authorities (Goods and Services) Act 1970 and/or the Local Government Act 2003. Cabinet Member approval must be sought for the provision of services to other public bodies where the value is in excess of £100,000, and a recommendation from Cabinet to the Council is needed for approval to develop a business case for trading with the private sector.
- 12.12 *Best Value* and partnership arrangements are subject to all UK and EU procurement legislation and must follow these CSOs. If in doubt, *Officers* must seek the formal advice of the *Director for Procurement & I.T. Strategy* in writing.
- 12.13 Prior to commencing a procurement exercise involving the use of either the *Competitive Dialogue*; or *Competitive Procedure with Negotiation*; or *Innovation Partnership* procedure a Cabinet Member Decision must be obtained from the relevant Cabinet Member(s) and the Leader, acting on advice from the Director of Law and the *Director for Procurement & I.T. Strategy*.

13 SHORTLISTING

- 13.1 Any *Shortlisting* must have regard to financial and technical standards relevant to the contract and may have regard to *Award Criteria*. Special rules apply in respect of the *EU Procedure* (advice from the *Director for Procurement & I.T. Strategy* should be sought).
- 13.2 The *Officers* responsible for *Shortlisting* are specified in the table CSO 12.3.
- 13.3 Where pre-qualification is used as a means of selecting the tender list, the shortlisting requirements must comply with the Regulations for all Works, Supply and Service contracts that are above the *EU Thresholds*. For all below threshold quotations and tenders, the principles of these regulations should be observed, although they need not be as restrictive.
- 13.4 Pre-qualification arrangements for projects with an estimated value above £172,514 using the Restricted Procedure should be based upon statutory guidance from the Cabinet Office. It normally forms the first part of a two stage

procurement process (the information to be sought is always “backward looking”). Information sought at pre-qualification cannot be re-sought (or re-used) at tendering stage. Officers must provide to all applicants a clear & transparent methodology on the selection criteria to be used.

- 13.5 In accordance with CSO 8.15 the TAP shall arrive at a consensus decision on which candidates to invite to tender.

14 INVITATIONS TO TENDER/QUOTATIONS

- 14.1 Where a contract is to be awarded on the basis of the *most economically advantageous tender*, the TAP shall agree prior to the issuing of the tenders (or quotations) an appropriate evaluation model and award criteria. Tenderers will be informed of the evaluation model and award criteria in the “Invitation to Tenderers” and the subsequent evaluations must be carried out in accordance with them.
- 14.2 Regulation 56(4) provides the Council with discretion to accept tenders that appear to be incomplete or erroneous or where specific documents are missing.
- 14.3 The *Invitation to Tender* shall state that no *Tender* will be considered unless it is received by the date and time stipulated in the *Invitation to Tender*. No *Tender* delivered in contravention of this clause shall be considered.
- 14.4 All Invitations to Tender shall include the following:
- a) A specification that describes the Council’s requirements in sufficient detail to enable the submission of competitive offers, along with the contractual terms and conditions.
 - b) A requirement for tenderers to declare that the tender content, price or any other figure or particulars concerning the *Tender* have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for the purpose of complying with tendering requirements)
 - c) A requirement for tenderers to complete fully and sign all tender documents including a form of tender and certificates relating to canvassing and non-collusion. The *Director for Procurement & I.T. Strategy* shall agree the appropriate protocols to be used where a tendering exercise is being undertaken using an e-tendering arrangement.
 - d) Notification that tenders are submitted to the Council on the basis that they are compiled at the Candidate’s expense.
 - e) A description of the *Award Procedure* and, unless defined in a the Contract Notice or other prior advertisement, a definition of the *Award Criteria* in objective terms (including the appropriate weightings) (see CSO 14.1).
- 14.5 The Invitation to Tender or Quotation must state that the Council is not bound to accept any Quotation or Tender.
- 14.6 All Candidates invited to Tender or quote must: (a) be issued with the same information, (b) at the same time and (c) subject to the same conditions. Any supplementary information must be given on the same basis.

15 SUBMISSION, RECEIPT AND OPENING OF TENDERS

- 15.1 **Period for Candidates’ response:** *Candidates* invited to respond must be given an adequate period in which to prepare and submit a proper *Quotation or Tender*, consistent with the complexity and/or urgency of the contract requirement. When using the *Restricted Procedure*, Regulation 28 (7) & (8) sets out a statutory

period of 30 days for receipt of tenders, although this may be reduced subject to agreement with the tenderers to not less than 10 days.

- 15.2 Unless otherwise agreed by the *Director for Procurement & I.T. Strategy*, all *quotations and tenders* must be received through the Council's *e-tendering* system (the rules for the return of paper based quotations and tenders will be determined on an individual basis by the *Director for Procurement & I.T. Strategy*)
- 15.3 Any quotation or tender received after the date and time for its return cannot and must not be accepted. Late tenderers will be advised that their tender has been rejected because it was received after the date and time scheduled for its return.
- 15.4 The *Officer* must not disclose the names of *Candidates* to any staff not involved in the receipt, custody or opening of *Tenders*.
- 15.5 The electronic opening of tenders shall be carried out by the person appointed by the *Director for Procurement & I.T. Strategy* in the presence of an independent client-side witness.

16 CLARIFICATION PROCEDURES AND POST-TENDER NEGOTIATION

- 16.1 Providing clarification of an *Invitation to Tender* to potential or actual *Candidates*, or seeking clarification of a *Tender*, whether in writing or by way of a meeting, is permitted.
- 16.2 In particular post-tender negotiation must not be conducted in an *EU Procedure* where this might distort competition, especially with regard to price. Such negotiation is not permitted under the Regulations. However, *Officers* (under instructions from a TAP) may seek clarifications from tenderers.
- 16.3 Post-tender clarification must only be conducted in accordance with the guidance issued by the *Director for Procurement & I.T. Strategy* and the Director of Law, both of whom who must also be consulted wherever it is proposed to enter into such post-tender clarifications.
- 16.4 Where tenders are received above the approved budget, *the Officer* may consider adjusting the specification and *the Candidates* may be asked to re-cost based on an amended specification in order, to bring the cost within budget. However, where it is identified that there needs to be a fundamental change to the specification (or contract terms), the contract must not be awarded but retendered in accordance with the Regulations.

17 EVALUATION AND AWARD OF CONTRACT

- 17.1 In accordance with CSO 8 the TAP will take responsibility for the evaluation of all tenders received.
- 17.2 In accordance with statutory requirements contained in the Regulations, the confidentiality of *Quotations*, *Tenders* and the identity of *Candidates* must be preserved at all times, and information about one *Candidate's* response must not be given to another *Candidate*. Where questions are received prior to the return of tenders, then the Project Officer shall anonymise both the question(s) and response(s) and forward to all tenderers for information, unless the questions are tenderer-specific.
- 17.3 In accordance with CSO 14.1. where a contract is to be awarded on the basis of the *most economically advantageous tender* received, the evaluations must be

carried out in accordance with the pre-published evaluation model and award criteria.

- 17.4 The arithmetic in compliant *Tenders* must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their *Tender*. Alternatively, if the rates in the *Tender*, rather than the overall price, were stated within the *Invitation to Tender* as being dominant, an amended *Tender* price may be requested to accord with the rates given by the tenderer.
- 17.5 *Chief Officers* shall ensure that submitted tender prices or rates are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily. Details of correspondence needs to be kept on the project file, and this information needs to be recorded in decision award reports (to Chief Officers, Cabinet Member Decisions or Cabinet Reports).
- 17.6 Where the Council has applied a quality-price award criteria it has a statutory duty to inform the unsuccessful candidates of the relative advantages of the successful tenderer. This is usually carried out as part of the statutory cooling-off period after the award decision has been made. For tenders that are subject to the Regulations there are strict rules that the Council must comply with and advice on their application must be sought from the *Director for & I.T. Strategy* and/or the *Director of Law*.
- 17.7 As soon as possible after the contract has been awarded the Council must send a contract award notice to the *Official Journal of the European Union*. In accordance with the Regulations this must be done within 30 days. The only exception is any contract that is below the EU threshold.

18 RECORDS AND DEBRIEFING CANDIDATES

18.1 Regulated procurements

- 18.1.1 The Regulations 83 & 84 provides a statutory framework for the retention of contract documentation and a requirement to develop a contemporaneous report detailing the decisions taken during all procurement processes above the thresholds.

18.2 Unregulated procurements

- 18.2.1 Where the *total value* is less than £25,000, it is a requirement that the following documents must be kept:
- invitations to quote and Quotations received
 - a written record of:
 - any exemptions which apply and reasons for them
 - the reason, if the lowest price is not accepted
 - all communications with the successful *Candidate*.
- 18.2.2 Where the *total value* is £25,000 or greater but below the statutory thresholds in Part 2 of the Regulation, the *Officer* is encouraged to record, where applicable, the following information -
- pre-tender market research (if any)
 - the subject-matter and value of the contract, framework agreement or dynamic purchasing system;
 - where applicable, the results of the qualitative selection and reduction of numbers
 - the names of the selected candidates or tenderers and the reasons for their selection;

- the names of the rejected candidates or tenderers and the reasons for their rejection;
- the name of the successful tenderer and the reasons why its tender was selected and, where known—
 - the share (if any) of the contract or framework agreement which the successful tenderer intends to subcontract to third parties, and
 - the names of the main contractor's subcontractors (if any);
- where applicable, the reasons why the contracting authority has decided not to award a contract or framework agreement or to establish a dynamic purchasing system;
- where applicable, the reasons why means of communication other than electronic means have been used for the submission of tenders;
- where applicable, conflicts of interests detected and subsequent measures taken.
- clarification (and where appropriate post-tender negotiation) (to include minutes of meetings)
- the contract documents
- post-contract evaluation and monitoring
- written records of communications with *Candidates* and with the successful *Candidate(s)*.

18.3 Record retention – both Regulated and Unregulated procurements

- 18.3.1 Written records required by this CSO must be kept for six years (12 years if the contract is under seal) after the final settlement of the contract.
- 18.3.2 Documents which relate to unsuccessful *Candidates* should be kept for a minimum period of 12 months, provided there is no dispute about the award (these may be microfilmed or electronically scanned or stored by some other suitable method).

18.4 Debriefing of candidates – Regulated procurements

- 18.4.1 Where a tendering exercise is regulated by the provisions of the Regulations *Candidates* must be simultaneously notified (in writing) and as soon as possible after any decision has been made in connection with their exclusion from the process or the outcome of the award decision is known. The process is set out in Regulation 55 and must be strictly adhered to.
- 18.4.2 The process shall be communicated in writing only and at no time will any officer of the Council be engaged in a verbal debrief with the unsuccessful candidates.

18.5 Debriefing of candidates – Unregulated procurements

- 18.5.1 Where a tendering exercise is not regulated by the Regulations and where a *Candidate* requests in writing the reasons for a *Contracting Decision*, the Officer must give the reasons in writing within 15 working days of the request

SECTION 4

Documentation & other formalities

19 CONTRACT DOCUMENTS

- 19.1 All *Relevant Contracts* shall be in writing, and in a format approved by the Director of Law.
- 19.2 All *Relevant Contracts*, irrespective of value, shall clearly specify:

- the works, goods, materials or services to be carried out, furnished or provided (description and quality)
- the price or rates to be paid, together with a statement of any discounts or other deductions (amount and timing) which apply, and
- the time, or times, within which the contract is to be performed
- all other contractual terms, which will be based upon:
 - the Council's standard terms & conditions (for quotations); or
 - standard terms and conditions issued by a relevant professional body (e.g. JCT or NEC in relation to construction related works); or
 - bespoke terms & conditions drafted by the Director of Law.

19.3 In addition, every *Relevant Contract* of purchase over £50,000 must also as a minimum state clearly:

- that the contractor may not assign or sub-contract without prior written consent of a Chief Officer (and where it is a "sub-contract", written consent of a contract administrator)
- any insurance requirements
- health and safety requirements
- ombudsman requirements
- Freedom of Information Act obligations
- Civil Contingencies Act 2004 requirements
- data protection requirements, if relevant
- that charter standards are to be met, if relevant
- equalities and other diversity related requirements
- (where agents are used to let contracts) that agents must comply with the Council's CSOs relating to contracts
- a right of access to relevant documentation and records of the contractor for monitoring and audit purposes, if relevant.

19.4 Where it is proposed to use a supplier's own terms, the agreement of the Director of Law must be sought in relation to any terms and conditions which differ from the Council's standard terms.

19.5 Contract formalities

19.6.1 Contracts and agreements shall be entered into in accordance with the following table - table 19.6.1 - (subject to delegated financial limits)

table 19.6.1

Contract value or notional value attached to the agreement	Procedure
Below £50,000	Contract or agreement to be signed by the <i>Officer's</i> Line Manager, providing there is delegated authority from their Chief Officer, otherwise to follow the procedure below.
£50,000 and above but below £100,000	Contract or agreement to be signed by the Chief Officer (or their nominated deputy in accordance with CSO 2.3), otherwise to follow the procedure below.
£100,000 and above	Contract or agreement to be executed by the Director of Law as a Deed and stored by Legal.

19.6.2 Where:

- for operational reasons a Chief Officer considers it appropriate for a contract or agreement to be entered into on the basis of a Deed; or
- the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services; or

- (c) where there is any doubt about the authority of the person signing for the other contracting party the Director of Law will arrange for the document to be sealed on behalf of the Council.
- 19.6.3 The person responsible for executing a contract or agreement must ensure that the person(s) signing it on behalf of the contractor, supplier or service provider is empowered to do so.
- 19.6.4 The execution of a contract as a Deed shall be carried out by the Director of Law on behalf of the Council and by the Contractor in accordance with the relevant legal provisions. The Council's seal must not be affixed without the authority of the Cabinet (or Cabinet Member or Chief Officer acting under delegated powers).
- 19.6.5 For all contracts where the actual contract value is £100,000 or more, the relevant contract documentation must be concluded (including the formal exchange of contracts) before its commencement. In exceptional circumstances, and then only with the written consent of the Director of Law, may a contract commence on the basis of an exchange of correspondence.

20 MODIFICATION TO CONTRACTS

- 20.1 Any reports that seek variations to either a Regulated or Unregulated contract that equates to a proposed change in value of +/-10% or more if it relates to a service or supply function or +/-15% in respect of works must be referred to the Director of Law and the Director for Procurement & I T Strategy.
- 20.2 Where a modification or variation to a contract is to be made that will not have service delivery impacts to users or residents then this may be agreed by a Chief Officer providing that there are no increased costs to the contractual value.
- 20.3 Where there will be an increase in the contract value then the decision is reserved to the
- (a) relevant Chief Officer where the total value of variation or variations is below £25,000 (subject to appropriate budgetary provision);
 - (b) relevant Cabinet Member where the total value of the variation or variations is £25,000 or greater but does not exceed £100,000 (subject to appropriate budgetary provision); or
 - (c) the Cabinet where the total value of the variation or variations is £100,000 or greater.

20.3.1 Regulated contracts

- 20.3.2 For contracts to which Part 2 of the Regulations apply (those above the statutory thresholds) any modifications may only be made in accordance with Regulation 72.

20.3.3 Unregulated contracts

- 20.3.4 Modification to contracts to which Part 4 of the Regulations apply (those below the statutory threshold) may be considered in exceptional circumstances, but only where the modification or successive modifications do not increase the total contract value so that it exceeds the statutory thresholds. Regulation 72 may be used as a guide in determining whether or not to modify these contracts.
- 20.3.5 Where minor variations are required to construction or highways related works that are covered by contingency sums within a contract sum they may be authorised by a Chief Officer subject to compliance with Financial Regulations.

20.4 Contract termination provisions

- 20.4.1 Where there is a requirement to prematurely terminate a contract (or part of a contract) the decision shall be made by
- (a) The Executive Director where the contract value is less than £25,000
 - (b) The appropriate Cabinet Member where the contract value is £25,000 or greater but less than £100,000
 - (c) The Cabinet where the value is £100,000 or greater.

21 PARENT COMPANY GUARANTEES AND BONDS.

- 21.1 Where a *Candidate* is a subsidiary of a parent company, and:
- there is some concern about the stability of the Candidate; and/or
 - the Total Value exceeds £250,000, and/or
 - award is based on evaluation of the parent company,
- the *Officer* must consult the Executive Director of Finance & Corporate Governance about the use a *Parent Company Guarantee*.
- 21.2 There is no requirement for the *officer* to obtain a *Bond* from a *Candidate*. The Council will self-insure all contracts where significant risks are identified to 10% of the *Total Value*.

SECTION 5

Special procedures

22 ENERGY PROCUREMENT

- 22.1 Due to the volatility of the energy market, prices of electricity, gas, oil & petroleum fluctuate on a daily basis and the sums quoted require immediate acceptance. In order to achieve the best value for the Council all decisions relating to energy procurement including the award and/or the variation of contracts may be approved by the Executive Director of Finance & Corporate Governance and the Director for Building & Property Management. All decisions relating to the award of or variation of energy related contracts will be reported to the Cabinet for information purposes only.

23 APPOINTMENT OF CONSULTANTS & COUNSEL

- 23.1 The engagement of consultant architects, engineers and surveyors or other professional consultants including Counsel shall be subject to completion of a formal letter, contract of appointment or brief. Consultants shall be required to provide evidence of and maintain professional indemnity policies to the satisfaction of the relevant *Chief Officer* for the periods specified in the respective agreement. Consultants shall be selected and commissions awarded in accordance with the procedures detailed within these CSOs and as outlined below, but quotations and tenders are not required for arbitrators, adjudicators or mediators in connection with construction related disputes, or for counsel (see CSO. 4.3).

table 23.1

Total Estimated Fee	Method of Selection
Less than £5,000	One <i>Quotation</i> (confirmed in writing).
£5,000 but less than £100,000	Three written <i>Quotations</i>
£100,000 but less than the EU thresholds	Three tenders
Above the EU threshold	The provisions of the Regulations will apply.

24 ARRANGEMENTS FOR SOCIAL AND OTHER SPECIFIC SERVICES

24.1 Contracts that relate to *Social and Other Specific Services* are regulated under the provisions contained in Chapter 3, Section 7 of the Regulations and can be let under a “light touch regime”..

24.2 Under Regulation 76 the Council must determine the procedures that are to be applied, but these must be sufficient to ensure compliance with the general principles of transparency and equal treatment of those expressing an interest in a contract and those invited to tender. The procedure to be used shall be outlined in the Business Care (refer to CSO 8.5 above) and spelt out in the published tender documents.

24.3 Social Care, Spot Purchasing of Domiciliary Care and Residential and Nursing Care

24.3.1 The Council has certain statutory duties to provide, or arrange to provide, practical help or care services to individuals within the community or in a residential setting. Such arrangements may be made through existing framework agreements that the Council can call-off from.

24.3.2 Domiciliary care services and residential and nursing care may be spot purchased or called off through the use of existing framework agreements for people whose needs cannot be met through the commissioned services or service directly provided by the Council itself.

24.3.3 The Council will maintain information on Domiciliary Care Providers and Providers of Residential and Nursing Care placements that can be used for the spot purchase of care services through framework agreements. Such providers will have met the minimum national standards laid down by the Care Quality Commission.

SECTION 6

Contract management

25 MANAGING CONTRACTS,

- 25.1 Chief Officers and/or Heads of Service in sponsoring departments are to name contract managers for all new contracts. All contracts must have a named Council contract manager for the entirety of the contract.
- 25.2 Contract managers must follow the *Purchasing Guides* (and any other procedures determined from time to time by the *Procurement Strategy Board*).

26 RISK ASSESSMENT AND CONTINGENCY PLANNING

- 26.1 A business case must be prepared for all procurements which involve a Key Decision. Provision for resources for the management of the contract, for its entirety, must be identified in the business case.
- 26.2 For all contracts with a value of over £100,000, contract managers must:
- undertake appropriate risk assessments that have considered service continuity, health and safety, fraud and Information management risks;
 - maintain a risk register during the contract period;
 - ensure appropriate contingency measures are in place for identified risks;
 - escalate high risks to the senior leadership or management team

27 PAYMENT

- 27.1 In accordance with Regulation 113, the Council will pay undisputed invoices to contractors within 30 days. It shall also require prime contractors to pass on no less favourable payment terms to their sub-contractors than they receive from the Council.
- 27.2 Tenderers will be required to demonstrate how they will allow the Council to monitor how they pay their sub-contractors.

28 POST-CONTRACT MONITORING, EVALUATION AND REVIEW

- 28.1 All contracts which have a value higher than the EU Threshold limits, or which are *High Risk*, are to be subject to monthly formal review with the contractor. The review may be conducted quarterly if permitted by the *Executive Director of Finance & Corporate Governance*.
- 28.2 In relation to all contracts that are considered to be with a value higher than the EU Threshold limits and/or which are considered to be of High Risk, the *Procurement Strategy Board* may review them with a view to an audit to be undertaken in relation into their management.
- 28.3 During the life of the contract, the Officer must regularly monitor and report on -:
- a contractor's performance;
 - the regularity of meetings held with the Contractor;
 - risk management and any issues arisen (for example, reported fraud, information loss or breach of security, service continuity (credit worthiness), significant health and safety incidents) that have identified and how these are being addressed;

- compliance with specification and contract costs and identifying as early as possible any potential over-spends;
- any Best Value requirements;
- user satisfaction and risk management; and
- the data quality and supplier information ensuring that it is fit for purpose.

28.4 Where the Total Value of the contract exceeds £100,000, the Officer must make a written report evaluating the extent to which the purchasing need and the contract objectives were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to re-letting of the subsequent contract.

APPENDIX - Glossary of Defined Terms

<u>Defined term</u>	<u>Definition/description</u>
Appropriate Persons	<p>A person who has the delegated powers to waive the provisions of these CSOs. For a contract that has an estimated value of:</p> <ul style="list-style-type: none"> • <u>less than £25,000: the appropriate person will be the Chief Executive or Executive Director or Director</u> • <u>£25,000 or more but less than £100,000: the appropriate Cabinet Member(s)</u> • <u>more than £100,000: the appropriate Cabinet Member(s) and the Leader of the Council.</u>
Approved List	<p>A list of approved service providers (maintained by an <i>Appropriate Person</i> at a departmental level) who have expressed an interest in carrying out small scale professional services (usually below <i>EU Threshold</i> (for services). An Approved List is usually set up for a specific period of time and purpose following a public advertisement placed in a local newspaper and on the Council's internet. Admission to the Approved List shall be on the basis that the Council's minimum requirements in terms of finance, references, Health & Safety, diversity and environmental considerations are met. The Approved List shall not contain details of schedules of rates and admission shall be free (in accordance with section 21 of the Local Government Act 1988).</p>
Award Criteria	<p>The criteria by which the successful quotation or tender is to be selected (CSO 10).</p>
Award Procedure	<p>The procedure for awarding a contract as specified in CSO 12 (table 12.3)</p>
Best Value	<p>The duty on local authorities to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness, as implemented by the Council.</p>
Business Case	<p>A document used to obtain management commitment and approval for investment in business change, which alters the way that suppliers are selected and goods and services are purchased. It provides a framework for planning and management of this change and ongoing identification of risks. The viability of the resulting project will be judged on the contents of the business case.</p>
Bond	<p>A form of "insurance policy". If the contractor does not do what it has promised to under a contract with the Council, the Council can claim from the insurer which provided the bond the sum of money specified in the bond (often 10% of the contract value). A bond is intended to protect the Council against a level of cost arising from the contractor's failure.</p>
Cabinet	<p>The executive committee of the Council</p>

<u>Defined term</u>	<u>Definition/description</u>
Cabinet Member	One of 9 executive councillors reporting to the Cabinet, having the following responsibilities & portfolios: the <ul style="list-style-type: none"> • Leader of the Council, • Deputy Leader of the Council • Cabinet Member for Children and Education, • Cabinet Member for Commercial Revenue and Resident Satisfaction • Cabinet Member for Economic Development and Regeneration • Cabinet Member for Finance • Cabinet Member for Health and Adult Social Care • Cabinet Member for Housing, • Cabinet Member for Social Inclusion • Cabinet Member for Environment, Transport & Residents Services
Cabinet Office	The Cabinet Office has responsibility for all public sector procurement within the UK. It works with key government departments (H M Treasury and the Department for Communities and Local Government (DCLG)) along with other interested public sector organisations to provide procurement advice.
Candidate	“candidate” means any person or organisation and defined as an economic operator that has sought an invitation to tender (or submit a quotation) or has been invited to take part in a restricted procedure, in a competitive procedure with negotiation or in a negotiated procedure without prior publication, in a competitive dialogue or in an innovation partnership;
Central Purchasing Body	As defined in the Public Contracts Regulations 2015, being another contracting authority which - <ul style="list-style-type: none"> (a) acquires goods or services intended for one or more contracting authorities; or (b) awards public contracts intended for one or more contracting authorities; or (c) concludes framework agreements for work, works, goods or services intended for one or more contracting authorities.
Chief Officer	The “Chief Executive”, in respect of the Chief Executive’s office. Otherwise the definition relates to the most senior officer in a department of the Council
Code of Conduct	The code regulating conduct of officers issued by the Director of Human Resources.
Competitive Dialogue Procedure	To be used in specific situations set out in Regulation 30
Competitive Procedure with Negotiation	To be used in specific situations set out in Regulation 29

<u>Defined term</u>	<u>Definition/description</u>
Constructionline	A list of preferred providers who have expressed an interest in carrying out mostly construction and engineering related works and have registered their details on a national database maintained by the Department for Business, Enterprise and Regulatory Reform.
Consultant	Someone employed for a specific length of time to work to a defined project brief, with clear outcomes to be delivered, who brings specialist skills or knowledge to the role. To be used only where the Council has no ready access to employees with the necessary skills, experience or capacity to undertake the work.
Contract	A binding agreement made between two or more parties, which is intended to be enforceable at law.
Contract Notice	An “advertisement” published in accordance with these CSOs seeking expressions of interest from candidates to tender for works, supplies or services. The Contract Notice must be published on the Council’s website and may appear in a local paper, and/or a trade or professional journal. A Contract Notice must be published in the <i>Official Journal of the European Union</i> (OJEU) where the EU thresholds are exceeded.
Contracting Decision	Any of the following decisions: <ul style="list-style-type: none"> • withdrawal of invitation to tender • whom to invite to submit a quotation or tender • shortlisting • award of contract • any decision to terminate a contract.
CSO[#] and CSOs	CSO[#] refers to a specific Contract Standing Order [where the “hash” symbol (#) will be substituted for a specific paragraph number] and CSOs means these Contract Standing Orders.
Deed	This is a legal term relating to a type of contractual arrangement. The execution of a contract as a “Deed” extends the statute of limitations from 6 years to 12 years.
Director of Law	The Director of the Council having overall responsibility for the provision of legal advice in relation to all procurement matters.
Director for Procurement & I.T. Strategy	The Director of the Council having overall responsibility for the Council’s procurement functions.
Discrete Operational Unit	A unit: <ul style="list-style-type: none"> • to whom the decision to purchase (and budget) has been devolved • for the sole use of whom a purchase is intended, and • which takes a purchasing decision independently of any other part of the Council.

<u>Defined term</u>	<u>Definition/description</u>
Dynamic Purchasing System	Defined in the <i>Public Contracts Regulations 2015</i> as a type of Approved List where framework prices have been provided. A dynamic Purchasing System must remain open to new applicants and is designed to enable “mini-competition” exercises to be carried out.
e-procurement.	A term for electronic procurement or purchasing. It refers not just to the purchasing process but encompasses a range of technologies that allows procurement processes such as the issue and receipt of tender documents, the issue of purchase orders and the receipt of invoices to occur electronically.
e-procurement system	The Civica AFP or Agresso system approved for use by the 151 Officer for the issuing of orders and the receipt of invoices by the Council.
e-tendering	A computer based system run through the “CapitalESourcing” portal designed to: <ul style="list-style-type: none"> • undertake the tasks of advertising the requirement for goods or services, registering suppliers, and issuing and receiving tender documents via the internet • assist in the evaluation of responses to an invitation to tender.
EU	the European Union
EU Directive	Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts.
EU Procedure	The procedure required by the <i>EU Directive</i> (and the <i>Public Contracts Regulations 2015</i>) where the Total Value exceeds the <i>EU threshold</i>
EU Threshold	The threshold at which the <i>EU Directive</i> must be applied. If the Total Value is expected to exceed this amount, the <i>EU</i> procedure must be followed. (Until 31 December 2015 the thresholds are £172,514 (€200,000) for the supply of goods or services, for special and specific services £625,050 (€750,000) and £4,320,220 (€5,000,000) for building and engineering works contracts.)
Financial Regulations	The financial regulations approved by the Council and issued by the Section 151 Officer.
Framework Agreement	A contractual arrangement (let in accordance with Regulation 33 of the <i>Public Contracts Regulations 2015</i>) that can be up to 4 years in duration and provides for the Council to place individual orders for goods, or services.
High Profile	A high-profile purchase is one that could have an impact on functions integral to Council service delivery, should it fail or go wrong.
High Risk	A high-risk purchase is one which presents the potential for substantial exposure on the Council’s part, should it fail or go wrong.


<u>Defined term</u>	<u>Definition/description</u>
High Value	A high-value purchase is where the value exceeds the EU Threshold values.
Invitation to Negotiate	Invitation to negotiate documents in the form required by these CSOs.
Invitation to Tender	Invitation to tender documents in the form required by these CSOs
Innovation Partnership	To be used in specific situations set out in Regulation 31
Leader, the	The Leader of the Council and Chair of the Cabinet.
Line Manager	The officer's immediate superior or the officer designated by the appropriate chief officer to exercise the role reserved to the line manager by these CSOs.
London Councils	London Councils is a cross-party organisation, funded and run by all the councils in Greater London to work on their behalf regardless of political persuasion.
Market, the	The term "the market" is used as a means of describing organisations outside the Council that provide works, services or supplies that the Council may wish to buy.
Negotiated Procedure without prior publication	Used in exceptional circumstances. Refer to Regulation 32
Nominated Suppliers and Nominated Subcontractor	Those persons or organisations specified in a main contract for the discharge of any part of that contract.
Non-commercial Considerations	Matters designated as such under section 17 of the Local Government Act 1988, i.e.: (a) Whether the terms on which contractors' contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only. (b) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy. (c) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons. (d) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors. (e) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees. (f) Financial support or lack of financial support by contractors for any

<u>Defined term</u>	<u>Definition/description</u>
	<p>institution to or from which the authority gives or withholds support.</p> <p>(g) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984</p>
Official Journal of the <i>European Union</i>	The official publication maintained by the European Commission for the purposes of publishing Contract Notice and Contract Award Notices (also known as <i>OJEU</i>)
OJEU	See – <i>Official Journal of the European Union</i>
Open Procedure	An <i>EU Procedure</i> under which all candidates are invited to bid in response to a Contract Notice.
Parent Company Guarantee	A contract which binds the parent of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a contract with the Council, under the terms of the guarantee, can require the parent company to do so instead.
Procurement Strategy Board.	An Officer Board that is made up of professional officers involved in the procurement function as well as departmental representatives. Its role is to provide strategic direction on procurement related issues, monitoring contractual renewals, procurement training of staff, and advice to secure <i>value for money</i> in the Council's procurement activities.
Project Officer	The officer designated by the <i>Chief Officer</i> (and appointed by the SRT and/or TAP) to deal with the Contract in question.
Protected Characteristic	See <i>Public Sector Equality Duty</i> in this list
Purchasing Guides	The suite of guidance documents, together with a number of standard documents, forms and templates, which supports the implementation of these Contract Standing Orders. The guidance is published on the Council's intranet and internet
Public Sector Equality Duty	<p>The Public Sector Equality Duty (effective from 5 April 2011) covers the following groups (Protected Characteristics):</p> <ul style="list-style-type: none"> • Age • Disability • Gender reassignment • Pregnancy and maternity • Race • Religion or belief • Sex (gender) • Sexual orientation • Marriage and civil partnership (not always relevant to the duty) <p>Those subject to the public sector equality duty must, in the exercise of their functions, have due regard to the need to:</p>

<u>Defined term</u>	<u>Definition/description</u>
Public Sector Equality Duty - continued	<ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. • Advance equality of opportunity between people who share a protected characteristic and those who do not. • Foster good relations between people who share a protected characteristic and those who do not. <p>The 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.</p>
PQQ or Pre Qualification Questionnaire.	An application form use for admission to an <i>Approved List</i> or in response to a <i>Contract Notice</i> for a <i>Select List</i> .
Prior Indicative/ Information Notice.	A notice that is published in <i>OJEU</i> advising <i>the market</i> of the intention to start tendering within the next 12 months. It may be used to seek the views from interested parties on proposed packaging arrangements.
Public Contracts Regulations 2015.	Statutory Instrument SI 2015/112 Public Contracts Regulations effective date 26 February 2015 (which implements the <i>EU Directive 2014/24/EU</i> into UK law).
Quotation	A quotation of price and any other relevant matter (without the formal issue of an invitation to tender). (The contract will be subject to the Council's standard terms and conditions.)
Relevant Contract	Contracts to which these <i>CSOs</i> apply.
Restricted procedure	Two stage process defined in the Regulations that involves a pre-qualification assessment of all candidates responding to a <i>Contract Notice</i> prior to deciding who will be invited to tender.
Select list	A tender list compiled following expressions of interest received from external organisations who have responded to an: <ul style="list-style-type: none"> • Advertisement appearing in a local news-paper and/or trade journal (if considered appropriate); and/or • Publication on the Council's website; and/or • <i>OJEU Contract Notice</i> (except for non-priority [Part B] services – a Voluntary <i>OJEU Contract Notice</i> may be considered), if the estimated value is above <i>EU threshold</i>
Shared services	Means a joint working arrangement between the Council and other local authorities (for example, the Royal Borough of Kensington & Chelsea and Westminster City Council).

<u>Defined term</u>	<u>Definition/description</u>
Shared Services Procurement Protocol for Joint Contracts.	The Protocol requires officers responsible for procurement to explore the opportunity for collaboration as a matter of course and seek direction from the relevant Service Director where this is considered not to be in the best interest of the Council.
Shared Services Procurement Code.	This is a set of mandatory rules agreed by the councils that share services and which shall be followed by all service directorates in conducting all procurement and contracting activity above agreed financial thresholds.
Shortlisting	Where <i>Candidates</i> are selected: <ul style="list-style-type: none"> • to quote or bid, or • to proceed to final evaluation.
Social and Other Specified Services	High level definition contained Schedule 3 of the Regulations <ul style="list-style-type: none"> • Health, social and related services • Administrative social, educational, healthcare and cultural services • Compulsory social security services • Benefit Services • Other community, social and personal services including services furnished by trade unions, political organisations, youth associations and other membership organisation services • Religious services • Hotel and restaurant services • Legal services, to the extent not excluded by regulation 10(1)(d) • Other administrative services and government services • Provision of services to the community • Investigation and security services • International services • Postal services • International services; and • “Miscellaneous” Services
Supervising Officer	The <i>Line Manager’s</i> immediate superior.
TAP	-see <i>Tender Appraisal Panel</i> .
Tender documents	Documents issued by the Council specifying what it wishes to purchase, the contractual terms and conditions for the tender and instructions for responding with bids.
Tender	A <i>tenderer’s</i> proposal submitted in response to an invitation to tender.
Tender Appraisal Panel (TAP)	A panel constituted to manage all tendering processes (as defined in CSO 7.6).
Tender Record	The log kept by the Mayor’s Secretary to record details of tenders.

<u>Defined term</u>	<u>Definition/description</u>
Book	(made up of the tender opening forms)
Tenderer	'tenderer' means an economic operator that has submitted a tender
Total Value	<p>The whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal excluding VAT.</p> <ul style="list-style-type: none"> • Whether or not it comprises several lots or stages. • To be paid or received by the Council or a <i>discrete operational unit</i> within the Council. <p>The Total Value shall be calculated as follows:</p> <p>(a) Where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period.</p> <p>(b) Where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months.</p> <p>(c) Where the contract is for an uncertain duration, by multiplying the monthly payment by 48.</p> <p>(d) For feasibility studies, the value of the scheme or contracts which may be awarded as a result.</p> <p>(e) For nominated suppliers and sub-contractors, the total value shall be the value of that part of the main contract to be fulfilled by the <i>nominated supplier or sub-contractor</i>.</p> <p>(f) Where an in-house service provider is involved, by taking into account redundancy and similar/associated costs.</p>
Trade advertisement	Suppliers or services providers who have placed advertisements in reputable trade journals, magazines and publications (including local Yellow Pages, Thompson Directory, & etc).
UK	United Kingdom
Value for money	Value for money is not the lowest possible price; it combines goods or services that fully meet the Council's needs, with the level of quality required, delivery at the time you need it, and at an appropriate price.

	<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">COUNCIL</p> <p align="center">20 MAY 2015</p>
<p>MEMBERS' ALLOWANCES SCHEME: REVISION</p>	
<p>Report of the Leader of the Council: Councillor Stephen Cowan</p>	
<p>Open Report</p>	
<p>Classification - For Decision</p> <p>Key Decision: No</p>	
<p>Wards Affected: All</p>	
<p>Accountable Executive Director: Nigel Pallace, Chief Executive</p>	
<p>Report Author: Kayode Adewumi, Head of Governance and Scrutiny</p>	<p>Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1. This report provides an update to the Members' Allowances Scheme approved by Council at its meeting on 25 February 2015.

2. RECOMMENDATIONS

- 2.1. That the revisions to the Members' Allowances Scheme 2015/16 as set out in the report and attached as Appendix 1, be approved.

3. REASONS FOR DECISION

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

4. INTRODUCTION AND BACKGROUND

- 4.1 Council approved the 2015/16 Members' Allowances scheme at its meeting in February. Subsequently, the Administration nominated an Executive consisting of ten Cabinet Members increasing the current number by one. The Cabinet Member portfolios have been changed to reflect the new responsibilities.

4.2 The new Cabinet consists of the following Members:-

LEADER	Councillor Stephen Cowan
DEPUTY LEADER	Councillor Michael Cartwright
CABINET MEMBER FOR CHILDREN AND EDUCATION	Councillor Sue Macmillan
CABINET MEMBER FOR COMMERCIAL REVENUE AND RESIDENT SATISFACTION	Councillor Ben Coleman
CABINET MEMBER FOR ECONOMIC DEVELOPMENT AND REGENERATION	Councillor Andrew Jones
CABINET MEMBER FOR ENVIRONMENT, TRANSPORT & RESIDENTS SERVICES *	Councillor Wesley Harcourt
CABINET MEMBER FOR FINANCE	Councillor Max Schmid
CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE	Councillor Vivienne Lukey
CABINET MEMBER FOR HOUSING	Councillor Lisa Homan
CABINET MEMBER FOR SOCIAL INCLUSION	Councillor Sue Fennimore

4.3 In line with the Independent Remuneration Panel's recommendation, it is proposed that only one SRA should be paid to a councillor in respect of duties with the same authority. Where a Councillor is entitled to two SRAs, he or she will be paid the highest allowance.

4.4 During the review of the Allowances Scheme in February 2015, the Council formally took into account the recommendations of the local Independent Panel on Remuneration for Councillors. It was decided that the Council would continue to set its own SRA in line with local conditions. Under Regulation 5 of the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council has the powers to agree the amount it pays its members.

4.5 In line with the Independent Remuneration Panel's recommendation, the Council recognises the need for Dependent Carers payments to have regard to local circumstances and the nature of specialist care. The ordinary carer should be remunerated at not less than the London living wage of £8.60 per hour and payment should be made at a higher rate when specialist skills or care is required to attend meetings.

5 LEGAL IMPLICATIONS

5.1 The proposals contained within the report are in line with the Local Government Act 2000 and appropriate regulations. The legal implications for this report are contained in the body of the report.

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

6. FINANCIAL AND RESOURCES IMPLICATION

- 6.1 The increase of one Cabinet Member will result in an additional Special Responsibility Allowance payment of £21,500. There will also be an increase in one Deputy Chief Whip resulting in a payment of £5,500. These costs will be met from within the existing budget provision for Governance and Scrutiny Services.
- 6.2 Implications verified by: Andrew Lord. Head of Strategic Planning and Monitoring, Corporate Finance, 020 8753 2531

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

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

Members' Allowances Scheme 2015-16 [Effective from 21st May 2015]

This scheme is made in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the Regulations") for 2015–2016 and subsequent years. The allowances scheme has been prepared having regard to the report of the Independent Panel on the Remuneration of Councillors in London established by London Councils on behalf of all London Councils, co-authored by Sir Rodney Brooke CBE DL (Chair), Steve Bundred and Anne Watts CBE, and published in June 2014.

1. Basic Allowance

1.1 The Independent Remunerator's report suggests a flat-rate basic allowance be paid to each member of the authority of £10,703 per annum to be paid in 12 monthly instalments on the 15th of each month.

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

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

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

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

2. Special Responsibility Allowances

2.1 Regard has been had to the recommendations in the independent remunerator's report for differential banding in relation to the payment of special responsibility allowances (SRAs), but in the interest of maintaining a low council tax and the current economic conditions, it has been decided to freeze the Council's own scheme of SRAs at the same level approved for 2014/15 and not to follow the independent remunerator's recommendations which would have proved considerably more costly to local council taxpayers.

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

The Leader	£32,186.70
Deputy Leader	£26,816.40
Other Cabinet members (8)	£21,454.20
Chief Whip (where not a member of Cabinet)	£21,454.20
Deputy Chief Whip (2)	£5,564.70
Chair of Policy & Accountability Committees (5)	£5,564.70
Leader of the Opposition	£16,086.60
Deputy Leader of the Opposition	£5,564.70

Opposition Whip	£5,564.70
Chair of Planning and Development Control Committees, Audit, Pensions and Standards Committee, Licensing Committee, and Councillor Member on Adoption and Fostering Panel	£5,564.70
The Mayor	£10,729.80
Deputy Mayor	£5,564.70
Lead Members (2) – Contracts, and Hospitals and Health Care	£2,700.00

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

3) Other Allowances

a) *Dependent Carer Allowance*

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

(1) £4.30 per half hour before 10 pm; £5.31 per half hour after 10 pm (not payable in respect of a member of the Councillor's household).

b) *Travel (Outside of the Borough) & Subsistence*

Travel allowances are payable (at the same rates as employees) for duties undertaken away from the Town Halls when discharging duties under paragraph 8 of the Regulations. There will be no payment for intra Borough travel under this scheme. Taxis can be taken by Members who attend approved outside bodies and committee meetings out of the borough.

(1) Public Transport

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

(2) Car mileage

45 pence per mile.

(3) Subsistence

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

c) *Sickness, Maternity and Paternity Allowance*

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

4) Annual Increase

The allowances in this scheme apply to the financial year 2015/16. All allowances have been frozen at the 2014/15 level.

5) Election to forego allowances

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

6) Time limit for claims

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

7) Withholding of allowances

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

8) Membership of more than One Authority

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

9) Non Entitlement to more than One SRA

A member shall not receive more than one SRA in respect of duties undertaken with the authority. Where a Councillor is entitled to two SRAs, he or she will be paid the highest allowance.

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

Co-optees


Co-opted members shall be paid £504.00 per annum by equal monthly instalments of £42.00 on the 15th of each month.

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

Audit, Pensions and Standards Committee Independent Members

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

Agenda Item 6.6

	London Borough of Hammersmith & Fulham FULL COUNCIL 20 MAY 2015
APPROVAL OF HAMMERSMITH & FULHAM COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE	
Report of the Cabinet Member for Economic Development and Regeneration	
Open Report	
Classification - For Decision	
Key Decision: NO	
Wards Affected: All	
Accountable Executive Director: Nigel Pallace	
Report Author: Siddhartha Jha, Senior Planning Policy Officer	Contact Details: Tel: 02087531466 E-mail: Siddhartha.jha@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. The Community Infrastructure Levy ('CIL') is a discretionary levy that local authorities can charge on most new developments that create additional floor space.
- 1.2. Local authorities that choose to charge CIL must use the funds collected to help deliver physical infrastructure needed to support development in their areas.
- 1.3. The Council has decided to charge CIL in the borough. On 20 March 2015, following two stages of public consultation and a public examination, an independent examiner made a recommendation approving the Council's proposed CIL charging schedule subject to minor modifications being made. The CIL charging schedule details the CIL rates to be charged for different land uses in the borough.
- 1.4. Council approval of the CIL charging schedule is required under statute in order for the CIL charging schedule to take effect.

2. RECOMMENDATIONS

That the Council has regard to the CIL Examiner's report (Appendix 1) on the examination of the borough's Draft CIL charging schedule and the recommendations and reasons therein, before approving:

- the adoption of the CIL charging schedule;¹ and
- the CIL charging schedule to take effect from 1 September 2015.

3. REASONS FOR DECISION

Approval of the borough CIL charging schedule will enable the Council to:

- collect and apply CIL to contribute toward the provision, improvement, replacement, operation or maintenance of physical infrastructure needed to support development in the borough. It is expected that CIL will generate around £3million annually; and
- secure the optimum level of contributions from developers for infrastructure provision in the borough. This is especially relevant as the Community Infrastructure Levy Regulations 2010 now restrict the scope of S106 planning obligations, which used to be the principal means for local authorities to secure contributions from developers.

4. INTRODUCTION AND BACKGROUND

- 4.1. In September 2012, the Preliminary Draft CIL Charging Schedule and associated supporting documents were published for public consultation for a six-week period.² The representations received informed the preparation of the Draft CIL Charging Schedule.³
- 4.2. In August 2014, following Cabinet approval, the Draft Charging Schedule was published for a final five-week public consultation⁴ before being submitted for examination by an independent examiner.⁵
- 4.3. On 20 March 2015, the independent examiner approved the Council's proposed CIL charging schedule, subject to minor modifications.
- 4.4. Full Council approval of the CIL charging schedule is the final necessary step required in order for the CIL charging schedule to take effect.

¹ Planning Act 2008 s213

² http://www.lbhf.gov.uk/Images/12-09-07-%201%20PDCS%20FINAL_tcm21-175143.pdf

³ http://www.lbhf.gov.uk/Images/Appendix%208-Reps%20by%20Organisation_tcm21-190000.pdf

⁴ http://www.lbhf.gov.uk/Images/30.7.2014%20DCS%20Consultation%20Document%20Appendix%20B%20new%20cover%20page_tcm21-189996.pdf

⁵ http://www.lbhf.gov.uk/Directory/Environment_and_Planning/Planning/Planning_policy/167822_Community_Infrastructure_Levy.asp

A. What is the Community Infrastructure Levy?

- 4.5. The Community Infrastructure Levy (CIL) is a new, discretionary levy that local authorities (including the Mayor of London) can set and charge on most types of new development in their area that create additional floor space.
- 4.6. The purpose of CIL is broadly to support development by funding (wholly or in part) the provision, improvement, replacement, operation or maintenance of physical infrastructure across the borough in a way that does not threaten the economic viability of development in the area.
- 4.7. CIL is levied in pounds sterling (£) per square metre of new floor space that is created as part of new development. Certain types of development such as affordable housing and charitable developments are exempt from paying CIL.
- 4.8. Different CIL rates may be charged depending on the location and the use of the proposed development. The CIL rates are set out in a document called the CIL charging schedule.
- 4.9. The CIL charging schedule must be subjected to an independent public examination prior to adoption. At the examination, the proposed CIL rates are tested to ensure they strike the appropriate balance in providing for infrastructure whilst preserving the economic viability of development in the borough.
- 4.10. Once CIL is adopted landowners are ultimately liable to pay the levy. While CIL will be collected as a cash contribution in most instances, in some cases it may be more appropriate to transfer land to the charging authority as payment of the charge. In such cases, a number of conditions must be met. In particular, the land must be used to provide or facilitate the provision of infrastructure to support development in the area.
- 4.11. Local authorities must use the funds collected from the application of CIL to help provide physical infrastructure needed to support development in the borough.

B. The relationship between CIL and other types of developer contributions

- 4.12. CIL constitutes one of several ways in which contributions may be sought from developers. In addition to the CIL charge, local authorities will still be able to negotiate securing additional contributions from developers. These include:

- S106 Planning Obligations,⁶ which although reduced in scope since 6 April 2015, can be used to provide physical infrastructure to address the impacts of individual developments in order to make these developments acceptable. S106 obligations can also be used to provide or fund affordable housing, and non-infrastructure contributions such as employment and training schemes; and
 - S278 Highway Agreements,⁷ which can be used to secure contributions from developers for any highway works for local roads that are needed to make schemes acceptable.
- 4.13. When CIL takes effect, it can be used to provide certain physical infrastructure to support development across the borough, which is identified in a list called the 'regulation123 list'(the r123 list')(See **Appendix 3**).⁸ The r123 list sets out the items of physical infrastructure that could potentially be funded by CIL, although it is important to note that the Council is free to use CIL to fund physical infrastructure items not on the r123 list and that the list does not imply any priority in infrastructure funding. The key restriction that the r123 list places is that S106 planning obligations cannot be sought for specific items of infrastructure identified in the r123 list. This avoids developers having to pay twice for the same infrastructure item, via both CIL and S106 planning obligations. S106 planning obligations can still be sought for items that are not included in the r123 list provided other statutory criteria are satisfied.⁹ As such, the proposed r123 list has been drafted in a manner that will enable the Council to obtain CIL funding and negotiate S106 planning obligations for the provision of physical infrastructure needed to address the particular site-specific impacts of individual developments (subject to the statutory criteria being met).
- 4.14. S106 planning obligations can therefore continue to be sought to provide:
- affordable housing or funding for affordable housing;
 - physical infrastructure which is not listed in the regulation 123 list(principally items needed to address the site-specific impacts of individual development schemes); and
 - contributions for items that are not physical infrastructure such as employment and training contributions.

Additionally, as of 6 April 2015, further limits have come into effect on the extent to which contributions from S106 obligations can be pooled to provide particular items or types of physical infrastructure('the pooling limit'). From this date, S106 planning obligations cannot be used to provide a particular infrastructure project or type of infrastructure if five or more obligations to provide that same infrastructure project or that type of infrastructure have already been entered into in other S106 Agreements (including on any other site or planning permission) since April 2010.

⁶ Town and Country Planning Act (as amended) s106

⁷ The Highways Act 1980 s278

⁸ Appendix 3 of this Council report.

⁹ The Community Infrastructure Regulations 2010 r122

S278 Highways agreements can continue to be made and are unaffected by the pooling limit.

CIL will not apply within the White City East and the Earls Court and West Kensington Opportunity Areas. The Council has determined that S106 obligations will apply in these areas instead of a CIL rate for the following reasons:

- The considerable scale of site specific and local infrastructure that is needed to make developments in these areas acceptable;
- There have already been substantial contributions (often to a pooled sum) from agreed S106 agreements;
- The Council considers that S106 obligations needed in this area can be provided in compliance with the pooling limit on planning obligations referred to above; and
- The CIL Viability Study prepared to support the proposed CIL rates in the borough established that that developments in these areas would not be sufficiently viable to pay both CIL and the substantial S106s needed to make development acceptable.

- 4.15. This means that when CIL takes effect most developments will pay the fixed charge borough CIL (as well as Mayoral CIL) with some developments also being required to make S106 contributions for certain items. However, S106 planning obligations will be generally reduced in scope.

5. PROPOSAL AND ISSUES

The CIL Charging schedule

- 5.1. The public examination of the Council's proposed draft CIL charging schedule began in mid-November 2014 and concluded on 20 March 2015, with the publication of the independent Examiner's report (see **Appendix 1**).
- 5.2. In his report, the Examiner recommended the adoption of the CIL charging schedule, subject to the inclusion of four modifications. The modifications do not materially impact on the appropriateness of the Council's approach in CIL rate setting or on the expected overall CIL contribution.
- 5.3. The modifications are summarised below
1. Modify the CIL Rates table to place only those uses which have been subject to viability testing in the £80 psm band, and to specify that all other uses are within a Nil charge band;
 2. Modify the CIL Charge Zones Map to show the boundaries of the CIL zones more clearly;
 3. Modify the CIL Charge Zones Map to account for the designation of

the Old Oak and Park Royal Development Corporation('the MDC') which will mean that the borough CIL will no longer apply in the MDC area; and

4. Modify the CIL Charge Zones Map to show a revised CIL boundary to the White City East area

The first modification relating to the CIL Rates table ensures that only those uses subjected to viability testing which shows that the rate can be justified on viability grounds should be charged the £80 per square metre rate. All other uses that have not been subject to viability testing should be charged a 'nil' CIL rate. As the core uses likely to be developed in the borough have been identified and subjected to viability testing, any loss of potential CIL funds for other uses assigned the nil CIL rate will be negligible.

The second modification relating to the CIL Charge Zones Map which forms part of the CIL charging schedule was addressed by increasing the highlighting of the boundaries of the different CIL zones.

The third modification relating to the CIL Charge Zones Map takes account of the creation as of 1 April 2015 of the Old Oak and Park Royal MDC. The MDC incorporates the Old Oak area to the north of the borough along with parts of the London Boroughs of Ealing and Brent. As the MDC is now the planning authority for this area, the borough CIL will not be chargeable on any development that takes place within the MDC boundary.

The fourth modification relating to the revised CIL zone boundary of the White City East area is to take account of a planning scheme that has received outline planning permission, the bulk of which falls within the White City East area where a 'nil' CIL rate applies and where agreed S106 planning obligations will be collected instead. The modification therefore avoids the splitting of an approved development for CIL purposes.

- 5.4. The final CIL charging schedule which incorporates the Examiner's recommended modifications and requires Full Council's approval to take effect is provided in **Appendix 2**.
- 5.5. The regulation 123 list('r123 list'), referred to in paragraph 4.14 above is provided in **Appendix 3**. The approval of this list is a matter for Cabinet and not for Council. The r123 list details the infrastructure projects or types of infrastructure that the Council intends can be funded, wholly or partly by CIL. Importantly, as stated above, in order to avoid developers paying twice for the same infrastructure, S106 planning obligations cannot be sought for items that are listed in the r123 list as these items will be funded by CIL.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1 There are four possible options regarding the approval of the CIL charging schedule:
1. Approve CIL to take effect from 1 June 2015
 2. Approve CIL to take effect from 1 September 2015;
 3. Delay approving CIL; or
 4. Not approving CIL.
- 6.2 Approving CIL will maximise the amount of funds available to the Council to contribute towards the provision of essential physical infrastructure by enabling the collection of both CIL and s106 planning obligations needed to address the site-specific impacts of proposed development. It is expected that CIL contributions will generate around £ 3 million annually.
- 6.3 The CIL charging schedule could be approved to take effect from as early as 1 June 2015. However, pursuing this option will mean that submitted planning applications under consideration which have not accounted for CIL liability but which are liable to pay CIL will need to do so if planning permission is obtained after CIL takes effect. Further, some submitted schemes including major schemes under consideration are already at an advanced stage of assessment including in relation to S106 negotiations. Imposing CIL on these schemes is likely to result in lost time and resources for both the Council and developers who will have to reassess and/or modify the details of these schemes, causing substantial delays in their determination. This option will also not allow sufficient time for the Council to put the necessary planning, finance, ICT and other administrative procedures in place for charging and collecting the borough CIL. Additionally, in taking the above into account, officers have stated on the Council website and when responding to queries from developers that CIL is expected to take effect in Autumn 2015.
- 6.4 The CIL charge could also be approved to take effect from 1 September 2015. The advantage of this date is that it would allow sufficient time for the Council to determine submitted planning schemes and major schemes that are at an advanced stage of assessment including any associated S106 negotiations. This date will also allow the Council sufficient time to put the necessary planning, finance, ICT and other administrative procedures in place for charging and collecting the borough CIL.
- 6.5 If CIL is delayed for a prolonged period or not adopted, it will not be possible to secure the equivalent of around £3 million annually via S106 planning obligations, as planning obligations are only to be used to mitigate the site specific impacts of development. Unlike CIL, S106 obligations cannot be used to provide general, strategic infrastructure that is needed to support development in the borough. Additional statutory restrictions now also apply on S106 planning obligations whereby it is no longer possible to grant permission based on a planning obligation that

contributes to an infrastructure project or type if five or more contributing obligations have been entered into since April 2010.

- 6.6 Given the above, Option 2, namely approving CIL with it taking effect on 1 September 2015 remains the preferred option that will best contribute to the provision of the necessary infrastructure to support development in the borough.

7. CONSULTATION

- 7.1 The draft CIL charging schedule including the draft r123 list was subjected to two statutorily prescribed stages of public consultation as follows:

Consultation dates	Stage of development of CIL
September 2012 – October 2012	1 st stage public consultation on the Preliminary Draft Charging Schedule (PDCS)
August 2014 - October 2014	2 nd stage public consultation: Draft Charging Schedule (DCS)

- 7.2 The CIL consultations received comments from a wide range of people including, the local community, businesses, neighbouring boroughs, the Mayor of London, developers and the property industry and infrastructure providers. Following consideration of the representations received during both stages of public consultation, appropriate amendments were made to the draft CIL charging schedule.¹⁰

8. EQUALITY IMPLICATIONS

- 8.1 An Equalities Impact Assessment (EqIA) was prepared and consulted on for both the first and second stages of public consultation (the 'PDCS' and the 'DCS' stages of CIL). No comments were received on the EqIA during either of these stages. A final version of the EqIA has been prepared for this stage of the CIL approval process(see **Appendix 4**)

- 8.2 The protected characteristics considered in the EqIA include:

- Age
- Disability
- Gender reassignment

¹⁰ http://www.lbhf.gov.uk/Images/Appendix%208-Reps%20by%20Organisation_tcm21-190000.pdf (CIL Reg 15 Preliminary Draft Charging Schedule representations) ;
http://www.lbhf.gov.uk/Images/19.01.15%20Council%20response%20to%20representations%20on%20CIL%20Draft%20Charging%20Schedule%20v2_tcm21-193212.pdf (CIL Reg 16 Draft Charging Schedule representations)

- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion/belief (including non-belief)
- Sex
- Sexual orientation

8.3 The direct effect of the charges in the CIL charging schedule are considered to have a generally neutral effect on the protected characteristics. However, the potential investment in physical infrastructure to support development in the borough is considered to have a generally positive effect on the protected characteristics.

9. LEGAL IMPLICATIONS

9.1 The Examiner's Report (Appendix 1 paragraph 39) concludes that, subject to the modifications set out above in this report, the CIL charging schedule, satisfies the requirements of Section 212 of the Planning Act 2008 and meets the criteria for viability in the Community Infrastructure Levy Regulations 2010.

9.2 Section 213 of the Planning Act 2008 provides that the Council may approve a CIL charging schedule only if it has had regard to the Examiner's recommendations and his reasons for them.

State Aid

9.3 In light of the government guidance on state aid and relevant legislation, it is considered that the Charging Schedule does not give rise to unlawful state aid.

9.4 State aid is a concept derived from European Law ('EU Law'). In very broad terms EU Law prohibits a European Union member state from providing support to 'undertakings' (i.e. persons engaged in economic activity) which distorts or threatens to distort competition, affects trade between member states of the European Union and which favours certain undertakings or the production of certain goods. In setting differential rates, including zero rates, the Council must not do so 'in such a way that they constitute a notifiable state aid under European Commission regulations.'

The Council's Charging Schedule only sets differential rates, including zero rates, where this is based on economic viability evidence which justifies this approach. In light of the government guidance on state aid¹¹ and relevant legislation, the Council does not consider that these proposals give rise to unlawful state aid.

¹¹ Adapted from Department for Business, Innovation & Skills (November 2010) State Aid Assessment and (November 2013) State Aid: The Basics

Implications verified by LeVerne Parker, Chief Solicitor and Head of Regeneration Law, Legal Services, 020 7361 2180

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1. Funds collected from the application of CIL will be used to contribute toward the provision, improvement, replacement, operation or maintenance of physical infrastructure needed to support development in the borough. It is estimated that CIL will generate around £3 million annually.

It should be noted that under s.61 of the community Infrastructure Levy Regulations 2010, the Council can apply CIL receipts to administrative expenses incurred before the Charging Schedule is published, provided that total administrative costs do not exceed 4% of CIL collected in the first 3 years. Therefore CIL-related administrative expenses is expected to be funded retrospectively through future CIL receipts.

Implications verified by Gary Hannaway, Head of Finance (Transport & Technical Services) 0208 753 6071

11. IMPLICATIONS FOR BUSINESS

- 11.1 The Localism Bill CIL Impact Assessment considers that CIL will provide a number of benefits to businesses, developers and landowners, including:
- Simplicity and reducing risk and providing upfront certainty about liability;
 - Speeding up the development process; and
 - Ensuring that most developments contribute to the costs of providing infrastructure needed to support growth.

Both the CIL Regulations Explanatory Memorandum and the Localism Bill CIL Impact Assessment emphasise the provisions in the CIL Regulations which are partly intended to help small businesses, namely:

- The 100sqm threshold under which no CIL liability occurs to ensure small developments do not pay CIL;
- The £50 CIL liability threshold under which CIL liability is deemed to be zero, to avoid administrative costs associated with paying small amounts of CIL; and
- The ability for charging authorities to introduce discretionary instalments policies to help with any cash flow issues.

The Council may decide at a later date to introduce a policy to allow instalments although that is not currently part of this particular decision-making process.

12. RISK MANAGEMENT

- 12.1 The key risk relating to the recommendations in this report relate to delay or refusal to approve CIL and the financial implications arising for which the options have been analysed in section 6 of this report.
- 12.2 *Implications completed by Siddhartha Jha, Senior Policy Planner 0208 753 1466*
- 12.3 *(Details of actions taken to minimise the risks associated with the Recommendations)*

13. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 13.1 There are no procurement related matters contained in the report

Implications verified by Alan Parry, Procurement Consultant 0208 753 2581.

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

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	NA	NA	NA

LIST OF APPENDICES:

APPENDIX 1 – CIL Examiner’s Report dated 20 March 2015

APPENDIX 2 - CIL Charging Schedule

APPENDIX 3 – Regulation 123 list

APPENDIX 4 - Equalities Impact Assessment



Report to the London Borough of Hammersmith and Fulham

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI
an Examiner appointed by the Council

Date: 20 March 2015

PLANNING ACT 2008 (AS AMENDED)
SECTION 212(2)

REPORT ON THE EXAMINATION OF THE DRAFT HAMMERSMITH AND FULHAM COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

Charging Schedule submitted for examination on 25 November 2014

Examination hearing held on 10 February 2015

Non Technical Summary

This report concludes that the Hammersmith & Fulham London Borough Council Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the borough. The Council has sufficient evidence to support the schedule and can show that the levy is set at a level that will not put the overall development of the area at risk.

Four modifications are needed to meet the statutory requirements. These can be summarised as follows:

- i) modify the CIL Rates table to place only those uses which have been subject to viability testing in the £80 psm band, and to specify that all other uses are within a Nil charge band;
- ii) modify the Charge Zones Map to make more clear the boundaries of the zones;
- iii) modify the Charge Zones Map to account for the designation of the Old Oak and Park Royal Development Corporation and the removal of CIL charging from the Borough within that area;
- iv) modify the Charge Zones Map to show a revised boundary to the White City East Zone.

The specified modifications recommended in this report are based on matters discussed during the public hearing sessions and do not alter the basis of the Council's overall approach or the appropriate balance achieved.

Introduction

1. This report contains my assessment of the Hammersmith & Fulham London Borough Council Community Infrastructure Levy (CIL) Charging Schedule in terms of Section 212 of the Planning Act 2008. It considers whether the schedule is compliant in legal terms and whether it is economically viable as well as reasonable, realistic and consistent with national guidance (Planning Practice Guidance – Community Infrastructure Levy).
2. To comply with the relevant legislation the local charging authority has to submit what it considers to be a charging schedule which sets an appropriate balance between helping to fund necessary new infrastructure and the potential effects on the economic viability of development across the borough. The basis for the examination, on which hearings sessions were held on 10 February 2015, is the submitted schedule of 25 November 2014, which is effectively the same as the document published for public consultation on 22 August 2014.
3. The Council propose a matrix approach in which some of the rates are set in relation to particular zones of the Borough. The Zones, shown on the CIL Charging Zones Map included in the Schedule, are: North, Central A and Central B, South, White City East, and Earls Court & West Kensington Opportunity Areas. The rates for residential development are differentiated

across these zones: £100/psm in North, £200/psm in Central A and B, and £400/psm in South. Office developments (B1a/b) are charged a single rate of £80/psm in zone Central A only. There is a list of development types: Health, Education, Industrial, Warehousing, Selling/Display of Motor vehicles, Scrapyards and Hotels which have a Nil charge across all zones. All uses unless otherwise stated have a £80/psm rate in zones North, Central A & B, and South. All forms of development have a Nil rate in zones White City East and Earls Court & West Kensington Opportunity Areas. The rates, including those differentiated by Zone, are based on viability alone.

Is the charging schedule supported by background documents containing appropriate available evidence?

Infrastructure planning evidence

4. The Hammersmith & Fulham London Borough Council Core Strategy (CS) was adopted in October 2011. This sets out the main elements of growth that will need to be supported by further infrastructure in the Borough between 2012 and 2032. It proposes significant growth to be spatially distributed across the borough's five Regeneration Areas: Park Royal Opportunity Area, White City Opportunity Area, Hammersmith Town Centre and Riverside, Fulham Regeneration Area, and South Fulham Riverside. The CS states that it will use both Section 106 and CIL to help deliver its policies, which includes delivering infrastructure.
5. Chapter 10 of the CS introduces the Infrastructure Schedule that lists the priority physical, social and green infrastructure schemes required to support development in the borough. The evidence for this was provided by the April 2011 Infrastructure Study Update that sets out existing infrastructure provision and capacity across the borough and future infrastructure requirements and deficits. This evidence has since been updated to support the submitted draft Charging Schedule.
6. The updated Infrastructure Schedule lists infrastructure requirements by a number of categories: Adult Social Care; Children's Services; Environment, Leisure and Residents Services; Finance and Corporate Governance; Housing and Regeneration; Libraries and Archives; and Transport and Technical Services. Estimated costs are set out, as are assumed or committed funding leading to a figure for the 'Funding Gap'. The result of this exercise is that it is estimated that there will be a Funding Gap of £1,859m. However, there are schemes that the Council provisionally proposes to fund through 'future' CIL receipts, but these schemes have been excluded from the Draft 123 list. This is because the projects are longer-term with less accurate information available on costs and funding; they are not necessary to support the current Relevant Plan; and their costs are exceptionally high and could unhelpfully exaggerate the overall costs reflected in the Infrastructure Schedule. When these 'future' CIL infrastructure schemes are removed, the Funding Gap reduces to £481m.
7. The Council points out in the documentation that from April 2015 there will be limitations on the pooling of contributions from Section 106 obligations, and that it must ensure there is clarity "about the borough's infrastructure needs and what developers will be expected to pay for, and through which route -

CIL or S106". Although there will be the strict limitation on 'pooling', the Council will provisionally continue to rely on some S106 receipts, particularly so in White City East, Earls Court & West Kensington and South Fulham Riverside.

8. In these areas site-specific infrastructure that is needed to mitigate local impact is identified in the Supplementary Planning Documents and supporting Development Infrastructure Funding Studies prepared for them. Particularly in White City East and Earls Court & West Kensington, where the Viability Study (VS) recommends a £0 per square metre (psm) charge on viability grounds, most sites (the entire main site in the case of Earls Court & West Kensington) already have planning permission granted for redevelopment alongside considerable S106 contributions towards the identified DIFS infrastructure, largely on a pooled basis. The council considers that it is appropriate to continue to seek S106s in order to directly mitigate the development in these areas and that it should be possible to do this without contravening the limits on pooling S106s. When the S106 funds are taken out of the calculation the funding gap drops to £379m.
9. Based on the Charge Rates set out in the submitted draft Charging Schedule, an estimate of potential CIL income has been undertaken by the Council. Using known future housing sites (based on the Strategic Housing Land Availability Assessment, which does not include any 'windfalls') and an estimation of borough CIL-liable floorspace, plus future commercial floorspace quantum remaining to be developed from the Relevant Plan, a total estimated CIL income for 2014/15 – 2031/32 has been arrived at. Over this 18-year period a yearly average of £3m has been used. This provides a total estimated CIL income of £53.2m. Setting this against the funding gap for CIL of £379m, this leaves a remaining funding gap of £326m.
10. In the light of the information provided, the proposed charge would therefore make a modest contribution towards filling the likely funding gap. The figures demonstrate the need to levy CIL.

Economic viability evidence

11. The Council commissioned a CIL Viability Assessment: the Viability Study (VS) dated June 2014. The VS uses the residual valuation method based on development appraisals of hypothetical schemes: this is accepted practice and has been used in the development of many previous CIL Charging schedules. The purpose of the VS is to identify charging rates at which the bulk of the development proposed in the development plan is financially viable so that the CIL does not put at risk the overall level of development planned for the borough. As the introductory text of the VS points out, striking the appropriate balance means setting the level of CIL which maximises the delivery of development in the area. If CIL is set too high, many potential developments will become unviable; set too low, development will be compromised because it will be constrained by insufficient infrastructure. I am satisfied that the VS has been prepared with this balance in mind.
12. The land uses which the VS identifies as being central to the delivery of the CS or are otherwise likely to be significant forms of development comprise Residential, Offices, Industrial and Retail, and the focus of the study has been

on these types of development. The evidence base for the VS includes the Council's adopted Supplementary Planning Documents, Opportunity Area Planning Frameworks and, particularly, evidence based documents called Development Infrastructure Funding Studies.

13. As is usual in these studies, typical sales values were established, as were Benchmark Land Values (BLVs) for different uses. A range of values was found to be appropriate across different areas of the borough, leading to differentiation of CIL rates by area or Zone. The inputs to the VS included the value for land that an owner would expect to achieve, normal developer profit, Mayoral CIL and planning policy requirements such as for affordable housing.
14. An Addendum to the VS (VSA1) was published in August 2014 as a result of the Council reviewing future S106 requirements in South Fulham Riverside. This replaced the £1,000 per private residential unit previously used in the Study with a level equivalent to £50-100psm for each unit. This concluded that schemes would still be viable with the proposed CIL charge.
15. In the representations, various assumptions and inputs to the VS were criticised. These included: build and sales rates for large mixed use development; BLVs; the impact of basement parking on the viability of residential schemes; build costs; profit, professional fees and external costs; the need to update the mayoral CIL to reflect BCIS index increases; and the need for site specific testing of strategic sites, in particular Fulham Gas works. In January 2015, a further Addendum (VSA2) to the VS was published which gave responses to these representations, and to my initial questions to the Council. The VSA2 set out the following responses:

Build and Sales Rates

- 15.1. Further testing of build and sales rates led to an acceptance that some of the large sites require preparation and extended build periods. These assumptions have now been incorporated into the revised generic testing. The VSA2 reports that available evidence within Hammersmith and Fulham together with agents' reports suggests that demand for new residential accommodation within the Borough remains exceptionally strong. The high sales rates are a result of the following widely reported trends:
 - An influx of overseas investors into the London residential market;
 - A continuing increase in London's population.Recent high value schemes within Hammersmith and Fulham have shown significant pre-lets. The GLA reported that nearly half of all houses in London are either pre-let or pre-sold prior to practical completion.

Benchmark land values

- 15.2. The assessment of BLVs is based on Existing Use Values (EUV) of land as expected to come forward in accordance with the local Plan (largely employment and other uses) plus an appropriate uplift to incentivise vendors to release sites for development in line with the methodology adopted in the Harman Report. Regard has also been had to market evidence, consistent with the Harman methodology. In arriving at these figures, policy compliant densities of between 100 and 300 dph have been adopted. The resultant values are: Southern values - £23m ha; Central values - £9.2m ha; Northern

values - £5.7m ha. These values were established on uplift from EUV of notional cleared sites within the Borough on evidence based up to the end of December 2014. In practice the dynamic property market is seeing individual development sites exchange hands for far larger sums. These comparables were highlighted in the Southern Housing Group response to the draft charging schedule.

- 15.3. For CIL appraisal purposes, the benchmark figure is the minimum a developer would need to pay for a site above the existing use value while still allowing an owner a realistic premium. In real terms, values that owners receive would depend on the bargaining positions and aspirations of the two parties and the liability for CIL, any additional S106 and any abnormal costs. However, it must be borne in mind that not all sites will meet the benchmark land value due to lower existing use values or factors that reduce the uplift that landowners can expect. The sales values achieved on development opportunities shows that there has been an upward movement on benchmark land values. This is a consequence of increases in private sales values of residential units and keen interest from developers in bringing forward schemes within the Borough. In the analysis the headline figures have been adjusted for policy requirements and due regard to the site density in comparison to that adopted within the generic testing¹.

Basement car parking

- 15.4. The proposed CIL charge for residential development is intended to apply to car parking within a building to the extent that it is provided exclusively for residential use. Car parking provision for new build residential development is not mandatory within the Borough and therefore is not a policy requirement that needs to be automatically included in the viability testing. There is however a potential debate about whether the lack of parking on high-end new build schemes would impact on sales values and sales rates. Therefore the generic tests have been remodelled to include basement parking to provide 1 space for 80% of the total dwellings being provided. The Borough has a range of car parking options and values depending on location. On street parking is metered and restricted with substantial parking charges, resident's permits can be bought, whilst paid commercial parking is available in and around Hammersmith town. Private residents do rent out private land and contract hire is available in secure facilities. Taking the various rates into account it is suggested that the value of a car parking space in the central zone would be £50-60,000, in the south it would be £60,000-£80,000 and in the north £20,000 to £50,000.
- 15.5. Build costs for basement car parking have been derived from BCIS costs (re-based for LBHF), from building.co.uk, and from known comparable schemes. In the building.co.uk article a figure between £23,000 and £40,000 was stated. BCIS data shows a range of £17,132 and £38,235 per space with a

¹ The resultant revised benchmark land values used are set out in Table 4.2 of the VSA2

mean figure of £25,702 per space and median figure of £21,740 per space. A build cost figure of £25,000 per space has been used in the appraisals. The calculation of CIL chargeable floor space assumes an average area per space of 21.84 sq m, including an allowance for circulation space, derived from the Car Park Designers' Handbook. If a developer chooses to include basement car parking it is considered that viability is enhanced in the central and southern areas. In the northern areas viability diminishes but basement car parking is not a planning requirement and developers do not need to provide the space tested in these appraisals.

Mayoral CIL

- 15.6. Mayoral CIL was included in the June 2014 VS at £50 psm across all uses, excluding affordable housing. The Mayoral CIL was introduced on 1st April 2012. CIL charges need to adjust for inflation. The methodology to calculate this, according to CIL regulations, is to adjust the CIL charge with changes in BCIS tender price index as at November the following year. At the date of writing the VSA2, BCIS provided a forecast for the index figure of 255. Despite being a forecast this has been used in the analysis as the most robust figure to date. Using the Mayoral rate of £50psm and BCIS index of 255 the inflation increase can be calculated as: $\text{change in index } 255 - 230 = 25$; $25 / 230 \times 100 = 10.87\%$; $10.87\% \times £50 \text{ psm} = £55.43 \text{ psm}$. Based on this calculation a figure of £55.43 psm has been used in the updated appraisals.

Updated residential sales values

- 15.7. London's residential market is very strong in comparison to the rest of the UK. There are many factors that influence London's residential market that include: London is one of only a small handful of the world's global cities which attracts sustained international investment in commerce and industry; a physically constrained city therefore supply is restricted to a certain degree; a strong job market which places pressure on housing need. These influences have resulted in the London residential market experiencing a strong sustained period of price growth. Nationwide, the UK's largest building society and one the largest mortgage lenders, reported in December 2014 that London was the top performing region for the second year running, with prices up 17.8% over the last twelve months. Prices in the capital are now 35% above their 2007 peak, with the price of a typical London property now £406,730. Nationwide data shows that LB Hammersmith & Fulham has experienced strong house price growth of 104% over the last 10 years with the average price now £747,540. Only four other London boroughs have experienced a larger house price increase over this period.
- 15.8. Therefore sale values have been updated to reflect these changes in the Hammersmith and Fulham Market over the past 12 months. House prices vary across the Borough with the highest values in the southern area and the lowest in the north. The 12 month increases have been broken down by postcode and typology as reported by www.home.co.uk in the Borough up until October 2014. This website's data is based on land registry transactions (includes cash purchasers and mortgage purchasers) and is therefore a reliable source of data. In addition, there is always a time lag between property transactions and when the Land Registry data is updated and therefore an October 2014 figure is representative of current values. Taking

into account all the available evidence, the sales values have been adjusted within the appraisals as follows:

Zone	January 2014 data price per square metre	January 2015 data price per square metre
Southern	£5,985 Flats £4,970 Houses	£6,200 flats and houses
Central	£8,025 Flats £7,500 Houses	£8,700 flats and houses
Northern	£11,385 Flats £10,895 houses	£11,600 flats and houses

Costs update

- 15.9. In a response to previous consultations a much higher build cost was adopted in the generic appraisals when compared to the BCIS median figure, which is typically used in these studies. The BCIS costs include both market and affordable units in the costs analysis; some schemes are 100% market or 100% affordable and others a mix. Therefore the BCIS costs are inclusive figures of tenure types. To be consistent with the VS analysis the build costs used in the appraisals have been updated. The upper quartile figures within the BCIS costs have been adopted to reflect the enhanced specification of residential development within the Borough. Since BCIS also includes costs for affordable as well as private housing schemes, some to CSH4 standard, the build costs adopted are appropriate to the evidence base for the Borough. As a result of these factors, the appraisals in the June 2014 VS have been updated with the following changes: sale values increased; benchmark land values increased; build costs increased; basement car parking included, both cost and value to the scheme; and build periods increased.
- 15.10. The Council considers that the results of the January 2015 VSA2 show that all the scenarios still can support the proposed CIL charges except for scenario N5. This scenario is not the type or density of development the LPA is envisaging during the plan period in the north zone as the largest development sites lie within White City East, therefore the result is not critical to the delivery of the plan. All the rates are below the 5% (percentage of gross development value (GDV)) suggested as an appropriate rate for CIL charging throughout England and Wales.

Profit, professional fees and external costs allowance

- 15.11. For profit a figure of 20% on cost has been adopted across all residential scenarios. The adopted figure is a reflection of the risk in what is a relatively dynamic housing market. An alternative way of looking at the profit is on value. If that method were adopted then it is usual to apply a different profit level for private housing and affordable housing reflecting the different levels

of risk. Two of the generic scenarios have been tested and the actual level of profit compared. The results showed that GDV on the market housing and commercial varies between 17% and 20% once affordable housing profit has been fixed at 6%. This level of return is acceptable in the current market within the Borough.

- 15.12. The VSA2 continues to use a total professional fee allowance of 10% for the generic testing. This is inclusive of planning and other professional disciplines involved with scheme delivery. There has been no reduction in the percentage for economies of scale on large schemes or increase for smaller schemes. The figure does not include fees for planning appeals as it is assumed that the generic schemes tested are compliant with policy.
- 15.13. The national standard industry approach in dealing with cost allowance for external works is 10% to 15% of BCIS median build costs. This is an appropriate method for dealing with traditional housing development. This cost allowance is for service connections, landscaping, gardens, boundary treatments, driveways, car parking and internal estate roads. Applying a 10% to 15% cost allowance for external works is not appropriate for the scenarios tested in Hammersmith & Fulham and a 5% allowance is more appropriate because: base build costs are higher; the viability testing uses upper quartile BCIS costs therefore the percentage allowance of build costs needs to be lower to reflect this higher base position; the amount of external works required for the urban development is lower when compared to a traditional housing development because sites will have service connections in place, site coverage will be relatively high so that the amount of external treatments works will be limited, car parking cost are reflected separately in the appraisal (higher allowance for externals would lead to an element of double counting of costs) and each plot will have limited car parking and external plot servicing (e.g. driveways and footpaths) in relation to the number of units created. Thus a rate of 5% for external costs continues to be appropriate, reflecting the fact that most development has limited external areas in terms of size due to the high density of schemes in Hammersmith and Fulham. It is also assumed that standard Section 278 costs would also be in this figure. Exceptional costs would be reflected in the land value.

Strategic site – Fulham Gasworks

- 15.14. National Grid Properties own a 6.84 ha site in South Fulham Riverside. The site is currently occupied by redundant gasholders and mixed employment uses. As the gasholders are now surplus to requirements the owners propose to demolish the existing structures, remediate the site and redevelop for a mixed use residential and commercial project. National Grid has objected to the proposed CIL charge of £400 psm as they believe this makes the scheme unviable. As a consequence a site specific appraisal has been undertaken to test the ability of the site to bear CIL and planning obligations. It should be stressed that this has been done using evidence in the public domain: there has not been access to the detailed costings or remediation strategy for the site. The appraisals as such are high level and will evolve as the scheme progresses.
- 15.15. The indicative masterplan of the proposed scheme shows a mixed use scheme: four scenarios have been tested: Appraisal 1 - 1,200 dwellings of

which 40% affordable; Appraisal 2 - 1,200 dwellings of which 40% affordable; 10,000 sq. m of mixed use commercial space also included; Appraisal 3 - 1,200 dwellings, 40% affordable, sensitivity tests using Representor's assumptions; Appraisal 4: 1,200 dwellings of which 40% affordable, 10,000 sq. m of mixed use commercial space also included, with Representor's assumptions on inputs. It should be noted that 1,200 dwellings has been tested based on the figures suggested in the National Grid representation. The Indicative Masterplan Plan traffic study has modelled up to 1,710 dwellings (750 habitable rooms per hectare).

- 15.16. As with the generic testing, a residual value of each of the four appraisals has been produced and compared against the existing site value. However, in the case of these four appraisals, the proposed £400 CIL charge has been included as a cost. If the overage is positive then the scheme has the potential to fund CIL together with additional 106 payments beyond the £1,000 per unit.
- 15.17. All appraisal assumptions are in accordance with the generic figures except for the following: Existing Site Value - the benchmark figure in the generic appraisal is a blended rate of different uses. With the Gasworks site it is possible to be more specific. The existing use of the site is currently a redundant gas works with some occupied employment space. The element of the site used as a gas works has no current use value but may have the potential for open storage as an alternative use value. Previous studies of the South Fulham Riverside indicate that the site would have a value of £5m-£10ha following remediation. A mid-range figure of £7.5m ha has been adopted and a buffer of £2.5m ha has also been applied.
- 15.18. Contamination and Demolition – the representors included a figure of £21.5m for demolition and remediation. Under EU and UK legislation owners of contaminated sites are under a duty to remediate land so that it does not pose a risk to the wider environment. It is not clear from the submission whether this figure is the statutory remediation figure or additional costs to create a development platform for the proposed mixed use scheme. The figure is substantial, but in any event it would be expected that this cost would be reflected in the eventual disposal value to a developer.
- 15.19. Representor's alternative inputs - the following figures have been amended on appraisals 3 and 4 to reflect the representation: professional fees increased to 12%; remediation included at £21.5m; external works at 10%. Alternative S106 assumptions have been tested at £50psm and £100 psm on all dwellings. For this site £100 psm has been tested but it is stressed that this is not based on a detailed assessment of any particular development proposal. The figure is based on an assessment of the infrastructure identified in the South Fulham Riverside Development Infrastructure Funding Study.
- 15.20. The only response from the Representor to this element of the VSA2 was that the comment in paragraph 10.5.1 of the VSA2 that the remediation costs in appraisals 3 and 4 should be treated with "caution" is not accepted. The response went on to say that in previous information provided of remediation costs, National Grid has utilised its extensive experience of remediating gasworks sites: they have demonstrated that the remediation costs have a significant impact on the scale of overage that might be generated by the

site's redevelopment, and it is inappropriate to dismiss this impact in seeking to justify the residential CIL rate of £400 psm.

Berkeley Group representations

- 15.21. Berkeley Group provided representations that time-scale assumptions used in the VS appraisal were very unrealistic about development phasing which has a significant impact on cash flow, holding costs and costs of finance and therefore goes to the heart of viability. Based on Berkeley Group response sensitivity testing has been undertaken using their assumptions of delivery rates. Berkeley Group state that a 500 home development would be constructed in 18 months and a 750 home development in 27 months. This is a delivery rate of 28 homes per month on all units (market and affordable). The updated viability study also assumes that for both developments there would be two phases of sales at 41 homes per month which, based on current market conditions, are still considered by the Council to be reasonable assumptions.
- 15.22. Berkeley Group has challenged the appraisal inputs on the following two points: delivery rate of 28 homes per month and GDV fails to take Mayoral CIL or residual s106 contributions into account. In response to this representation, the table contained in the June 2014 VS has been updated. The VS showed CIL as a percentage of GDV of between 1.5% and 3.5%. Analysis of the proposed LBHF CIL combined with a Mayoral CIL of £50 psm results in a CIL as a percentage of GDV of between 1.86% and 4.05%. These percentages of GDV are still within a reasonable range and consistent with other CIL studies. The revised analysis is also in an acceptable range. As part of the representation it was suggested that modelling be extended to time periods as follows: planning - 12 and 18 months; site preparation up to 6 months; main construction (100 homes per year) – 5 years for 500 homes/and mixed use scenario and 7.5 years for 750 homes/and mixed use scenario; sales of 6-8 per month from consent, ensuring differentiation between pre-sales commencing and occupation as it is only at occupation that sales receipts including deposits should be reasonably taken into consideration in the VS.
- 15.23. The time-scales proposed by Berkeley Group are not accepted by the Council, but their build and sale rates have been sensitivity tested. The planning period of 12 to 18 months is not accepted as it has been assumed that the sites have planning permission prior to site purchase i.e. sites are bought on a conditional basis subject to planning or the landowner sells the site with the benefit of planning. Using Berkeley Group assumptions on build rate time-scales with the June 2014 VS assumptions results in a viability reduction: this is to be expected. When CIL is analysed against overage over the CIL chargeable floor space it shows that there is still sufficient headroom with the proposed CIL charges in central and southern zones but not the northern zone.
- 15.24. Using Berkeley Group assumptions on build rate time-scales with the January 2015 viability assumptions results in a viability reduction compared to the Council's assumption of timescales. Scenarios N5, C5 and S5, which are mixed use and relatively low density, are unlikely to be viable. The Representation proposes extended construction and sale periods. The Council does not agree that such revised phasing is appropriate or necessary for CIL viability

purposes. However, longer construction and sale periods on large sites have been tested to assess the impact on viability. The sensitivity testing shows that there is some impact on the ability to pay CIL but this is very limited. Some lower density flatted development (200dph) with a high ratio of commercial space, and two other schemes in the north zone, would not be able to meet CIL without a compromise on other planning obligations such as affordable housing. However, these schemes are not expected to form the majority of supply in the Borough. Overall, the testing demonstrates that even with very much extended construction and sales periods residential development on most large sites would still be sufficiently viable to pay CIL with a substantial overage remaining after deducting CIL.

- 15.25. The above summarises the content of the VSA2, which covers what I consider to be the material issues that need to be addressed in respect of the economic viability evidence². My conclusions are that across the broad band of inputs and assumptions, the Council and its advisors have taken the issues raised in representations and have demonstrated that the viability evidence underpinning the proposed CIL rates is robust and appropriate for the purpose of my examination. My conclusion on the issues within the Fulham Gasworks site (15.14 to 15.20 above) is that, on the basis of the evidence put before me, the results of the appraisals in the VSA2 show an overage on all assumptions and that the £400psm is appropriate for the National Grid Site: I accept this result.
16. A further consideration which indicates that the rates are generally well within a level that will not put development at risk is that no allowance has been made in the VS or VSA2 for existing floorspace. In practice almost any site coming forward in Hammersmith and Fulham will have a considerable amount of existing floorspace which will be off-set against the new floorspace in arriving at the CIL charge, with the result that the effective rate per square metre will be considerably reduced. The Council has carried out a study of existing floorspace in a large number of recent development proposals which shows that existing floorspace when compared with gross proposed floorspace can range from significant to substantial. Taking a broad view, as appropriate for this exercise, on average existing floorspace is about 30% of gross proposed floorspace for all sites, or around 40-50% of proposed floorspace for sites below 10,000 m². This study confirms that the existing floorspace offset provides a 'buffer' or 'cushion' which will reduce the actual burden of CIL on the viability of developments when the Borough's CIL is approved.

Conclusions on evidence of economic viability and infrastructure needs

17. I consider that the scope of the VS and Addendum studies provide the appropriate level of detail required to establish suitable and robust evidence. An accepted valuation methodology has been used, informed by reasonable

² The VSA2 can be referred to for the detail - [http://www.lbhf.gov.uk/Images/20.01.2015 Final Viability addendum by PBA tcm21-193211.pdf](http://www.lbhf.gov.uk/Images/20.01.2015%20Final%20Viability%20addendum%20by%20PBA%20tcm21-193211.pdf).

assumptions about development costs, and local sale values, rents and yields, etc. I am satisfied that the VA, taken with the Addenda, provides the viability evidence against which to judge the rate of charges proposed by the Council.

18. The draft Charging Schedule is supported by detailed evidence of community infrastructure needs and a funding gap is evident. On this basis, the evidence that has been used to inform the Charging Schedule is robust, proportionate and appropriate.

Are the charging rates informed by and consistent with the evidence?

Is the rate for 'All Uses unless otherwise stated' justified?

19. I had to question the rate for 'All Uses unless otherwise stated' – in light of the fact that a number of uses which would be subject to this charge have not been the subject of viability testing, that some uses which might be subject to the charge are primarily provided at public expense, and that it is a 'catch-all' rate for which I saw no justification. As far as justification is concerned, study of the VS showed that the following have been subject to viability testing and have been found to be able to absorb a CIL rate of £80 psm: Student Accommodation, Retail (including warehouse clubs), Leisure (including health & fitness and cinemas), Nightclubs, Laundrettes, Taxi businesses, and Amusement Centres. Thus these are the only uses for which there is a viability test justifying a £80 per sqm charge.
20. Upon reflection the Council decided that a modification of the Charging Schedule was desirable and have asked me to recommend accordingly. The modification involves deleting the existing column "All uses unless otherwise stated" and the column listing a number of uses which have a Nil charge, and inserting a column which lists those uses which I have identified in paragraph 19 above with an £80 psm charge; and a final column headed "All other uses" which carries a Nil rate. This seems to me to be eminently sensible and justified and I will recommend accordingly. In addition the Council identified that 'Hostels' had been incorrectly inserted within the Residential column, and that it should be deleted. Again I will recommend that modification.

Are the Charging Zones correctly delineated?

21. Upon my initial examination of the Charging Zones Map I was concerned that it was not possible to clearly identify where the boundaries were drawn between the North Zone and the South Zone with Central Zone B. This was because of the scale of the map and the fact that, as it turns out, the boundaries are taken behind the frontage properties of the major roads that are the main dividers between zones. At the same time, the map met the requirements in the regulation 12(c)(ii) and (iii): is reproduced from, or based on, an Ordnance Survey map, and shows National Grid lines and reference numbers. I drew the Council's attention to my concern.
22. As the Council has explained, "it is important to avoid as far as possible, any unintended anomalous outcomes when charging CIL. Although, at the PDCS stage the CIL zone boundaries were set to follow the middle of the main roads, the boundary line was adjusted at draft Charging Schedule stage, to

run along the rear boundaries of north facing properties fronting onto the identified main roads. Doing so avoids differential CIL rates being charged for developments on either side of the main road. That would be anomalous, as the main road corridor would be expected to have similar economic factors affecting viability. It should be noted that this change results in the relevant properties falling within a lower proposed CIL charge zone."

23. The Council also pointed out that its website has the function of enabling every property to be searched to provide information on all local government regulatory factors which affect it. Thus a search on a particular property would, once CIL is in force and among other things, identify the CIL charging zone within which it is situated. At the same time, in response to matters which I deal with below, the Council provided a revised Charging Zones Map which displays the underlying street pattern more clearly and asked me to recommend a modification to put it in place of the original. Thus my concerns are met and I will recommend accordingly.
24. During the course of my examination there was an announcement that the Mayor of London was designating the Old Oak and Park Royal Mayoral Development Corporation. Within the area of such Corporations the Borough CIL is not collected, but the Corporation sets and collects its own CIL. Since the Old Oak and Park Royal Mayoral Development Corporation is due to come into being on 1 April 2015 I drew the Council's attention to the fact that the area of the Corporation should be delineated on the Charging Zone Map, with a note explaining the Charging responsibility. The Council has agreed that a modification is necessary along the lines suggested and has provided a modified Charging Zones Map for me to recommend as a modification.
25. The Council has indicated that a minor change to the White City East Zone boundary is justified, having considered a representation about the boundary of this Zone. This is a minor change to the boundary to more accurately reflect the extent of the development area. The Council has formally requested that I recommend this modification and has supplied a revision to the Charging Zones Map.
26. A representation on behalf of Chelsea Football Club (CFC) seeks to have the boundary of the Central B Zone modified to follow the middle of Fulham Road in the vicinity of the Club's landholding. This would have the effect of removing the landholding from the South Zone and putting it in the Central B Zone.
27. The basis for this request is that the boundary as drawn deviates from its natural progression along Fulham Road, which appears to serve as a clear and defined boundary between the two zones. This is in contrast to the boundary as drawn which follows the District Line to the north and the east – either within a tunnel or cutting. There is no physical barrier with the Central B zone as the CFC's landholding is very accessible by both pedestrians and cars from the Central B zone. Defining boundaries by main roads is a much simpler and fairer method. It is clear that the land use south of Fulham Road is very different to the north. The evidential reliance by the Council of Land Registry price paid data for the CFC local area is criticised as being unclear and that the data relied upon had not been provided. At the same time there is no house

valuation data or development values provided on behalf of CFC to support its case.

28. The Council acknowledges that generally the lines of major roads represent a broad correlation with residential property values. However, the precise boundaries were set having regard to the following: in the vicinity of Shepherds Bush and Fulham town centres the CIL zone boundaries follow the southern part of the defined town centres. This is because a main road boundary though the town centre would split an area where the factors affecting the viability of development would be expected to be the same. This also accounts for the differences between the town centre and the residential areas to the south. In the area east of Fulham Town Centre, partly occupied by Chelsea Football Club, the District Line is considered to form a more appropriate dividing line between the south and central zones based on prevailing property values in this area (in respect of which, data was supplied in response to the representation) and the fact that the District line forms an impermeable physical barrier, more clearly demarcating these CIL zones than if it was set along Fulham Road.
29. In my judgement, and based upon an detailed evaluation which I made on a visit to the area, the District Line is indeed an impenetrable barrier to the north of CFC, so that the only linkages north and south are around both sides; through Brompton Cemetery to the east (within the Royal Borough of Kensington and Chelsea) and through Fulham Broadway to the west of Fulham Broadway station. Furthermore, the Council's property values evidence, that the District Line forms a more appropriate dividing line between the south and central zones, struck me as being an accurate assessment of the nature of the area around CFC's landholdings. It appears to me that any design, layout and marketing of new development in this area would take its connections from the south. Furthermore, from what I saw of current on-going development to the north of the District line, new property values have ambitions to reach those to the south of the line. I am therefore satisfied that the District Line, in this locality is a sensible dividing line between the Central B zone and the South zone, and that it fairly represents the prevailing property values, and the degree to which new development can remain viable with the CIL charge set at £400 psm. I see no justification to alter the boundary of the zones in this vicinity.
30. Ptarmigan Riverside LLP seeks to have a nil rate set for development of all the Safeguarded Wharves in the Borough – Albert, Comley's, Swedish and Hurlingham. This is on the basis that the redevelopment of these sites is needed to deliver the CS policies in relation to regeneration, housing and employment, whilst having to bear exceptional costs associated with safeguarding the land for wharf use. Albert Wharf has a current planning application, with an associated exceptional cost of £20m relating to the construction of a box to contain the wharf before development of residential uses can occur. This cost, added to an estimated CIL liability of £19m means that the scheme would not be viable and therefore undeliverable.
31. The Council points out that the Albert Wharf site is not identified in the Core Strategy. For CIL purposes, any proposed redevelopment for a mixed use scheme that includes housing is not essential to ensure the implementation of the Core Strategy. The Core Strategy designates Swedish, Hurlingham and

Comleys Wharves as safeguarded wharves, but none of these are allocated for housing and are not required in order to meet the Borough's housing target, which is being met. The objective of the safeguarding is to keep them in a cargo handling use: they could be left in their present state. They are very small sites and not appropriate to identify as separate zones. To do so would introduce undue complexity which guidance cautions against.

32. Whilst I can see that the redevelopment of the wharves is desirable, I am not persuaded that they make an essential contribution to the Council's regeneration objectives. I am satisfied that the development of Albert Wharf and the safeguarded wharves is not essential in terms of meeting the Borough's housing target. In my view the only reasonable way of differentiating the wharves and providing for a low or nil CIL charge would be to identify them as individual zones. I do not consider that this would involve undue complexity, but I am not persuaded that it is justified in terms of the CIL regime and government guidance.

Other matters

33. Many representations seek to have an 'Exceptional Circumstances' policy put in place. This is a matter for the Council, which has firmly resisted any such intention on the basis that, if the CIL rates are shown to be set at a level that development generally will not be put at risk, there is no need for such a policy. In addition it is fearful of such a policy resulting in many claims of exceptional circumstance that could be wasteful of the Council's scarce resources in responding to what would inevitably be detailed analysis.
34. However, it was suggested in one representation that "Leading Counsel considers that not to allow for exceptional circumstances would be a breach of the Council's Statutory Duty in framing the CIL Charging Schedule." If this were a correct interpretation of the law, it would be a matter for me to consider under the requirement for me to be satisfied that the Charging Schedule complies with the Act and the Regulations, including in respect of the statutory processes.
35. Upon further enquiry, it became clear that the statement followed from a consultation and Opinion from a leading Counsel in a case unrelated to anything before me, and that it was not possible to impart the Opinion for the purposes of the examination. However, it was explained that the statement was based upon the general public law principle that it is contrary to Statutory Duty to impose blanket requirements and that it is necessary to allow for exceptions in a fair and reasonable manner, based on individual circumstances.
36. As far as I am aware the only provision in the CIL regulations is that a charging authority wishing to offer exceptional circumstances relief in its area must first publish a notice of its intention to do so. In view of the nature of CIL, and the fact that the Act and Regulations leave the decision to be made by the individual charging authority, I am led to believe that this is not a matter upon which I should seek to intervene.

Does the evidence demonstrate that the proposed charge rate would not put the overall development of the area at serious risk?

37. The Council’s decision to use a matrix approach to its CIL rates is based on reasonable assumptions about development values and likely costs. The evidence suggests that residential and commercial development will remain viable across most of the area if the charge is applied. No evidence has been put forward which convincingly suggests that the proposed rates would put development in the Borough at risk.

Conclusion

38. In setting the CIL charging rate the Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in the London Borough of Hammersmith and Fulham. The Council has tried to be realistic in terms of achieving a reasonable level of income to address an acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable across the Borough.

LEGAL REQUIREMENTS	
National Policy/Guidance	The Charging Schedule complies with national policy/guidance.
2008 Planning Act and 2010 Regulations (as amended)	The Charging Schedule complies with the Act and the Regulations, including in respect of the statutory processes and public consultation, consistency with the adopted Core Strategy and Infrastructure Delivery Plan and is supported by an adequate financial appraisal.

39. I conclude that, subject to the modifications set out in Appendix A, the London Borough of Hammersmith and Fulham Community Infrastructure Levy Charging Schedule satisfies the requirements of Section 212 of the 2008 Act and meets the criteria for viability in the 2010 Regulations (as amended).

Terrence Kemmann-Lane

Examiner

This report is accompanied by Appendix A below – Modifications that the examiner specifies so that the Charging Schedule may be approved.

Appendix A

Modifications recommended by the Examiner to allow the Charging Schedule to be approved.

Modification Number	Modification
EM1	Remove the column "All uses unless otherwise stated" and the column with the list of uses beginning with "Health" from the Charge rates table. In their place, insert a column with the following uses: Student Accommodation, Retail (including warehouse clubs), Leisure (including health & fitness and cinemas), Nightclubs, Laundrettes, Taxi businesses, and Amusement Centres, with a charge of £80/m ² ; and a column with the heading "All other uses, and a Nil rate. Remove "Hostel" from the Residential column. All as shown on the modified Schedule set out below.
EM2	Modify the Charging Zone Map to display more clearly the boundaries between the North Zone and the South Zone with Central Zone B as shown on the modified Charging Zone Map set out below.
EM3	Modify the Charging Zone Map to show the area of the Old Oak and Park Royal Mayoral Development Corporation, and append a note explaining that the Charging Authority in that area is the Development Corporation, as shown on the modified Charging Zone Map set out below.
EM4	Modify the Charging Zone Map to show a modified boundary to the White City East Zone as shown on the modified Charging Zone Map set out below.

The following modified Schedule of CIL Charge Rates and the modified Zones Map, both produced by the Council, show the results of the Recommended Modifications.

The Modified Schedule of Charge Rates

CIL DCS – August 2014 **LB Hammersmith & Fulham** 3

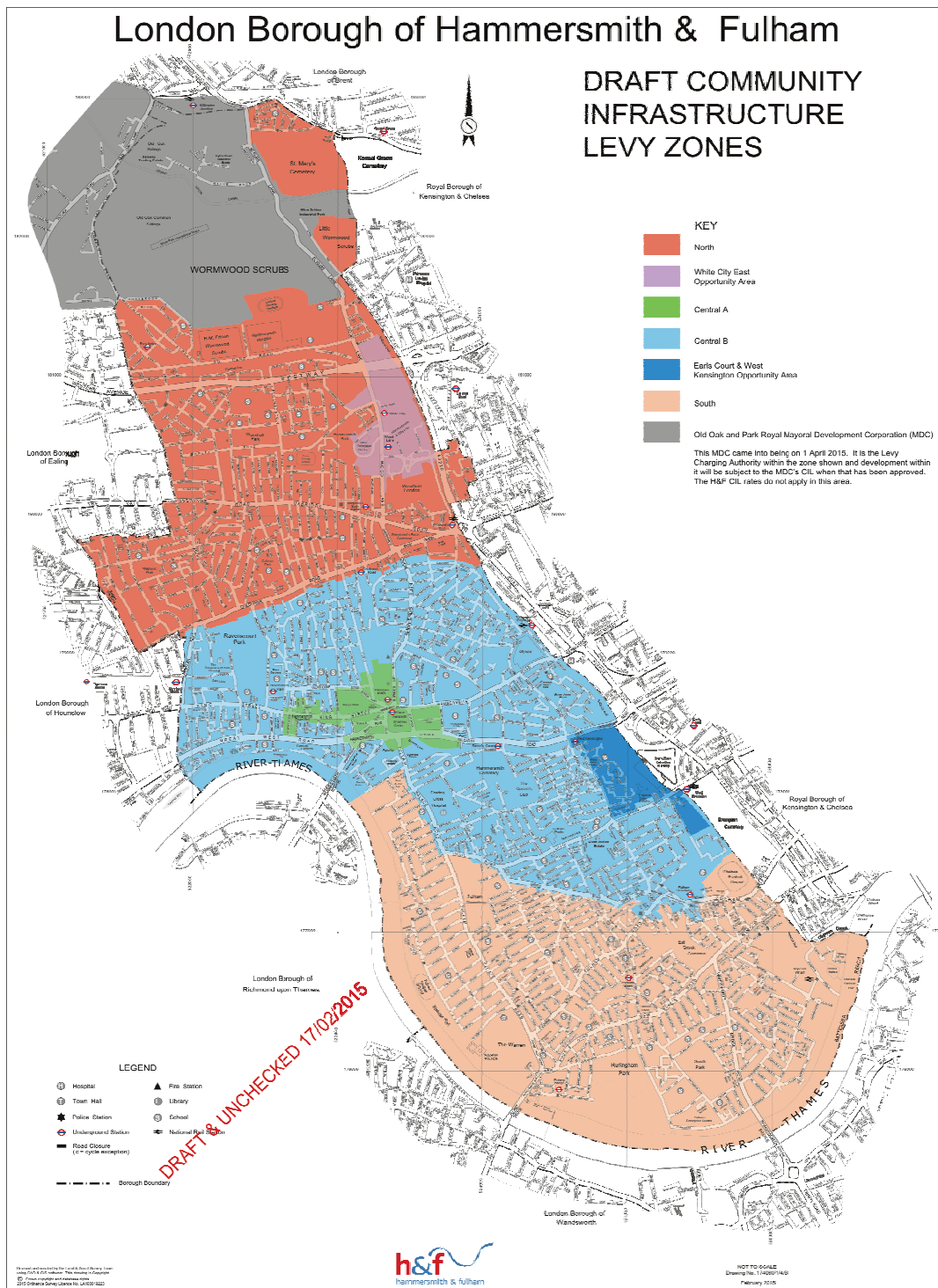
Charge rates

Charging zones	Uses			All other uses
	Residential (C3)	Office (B1a/b)	Student accommodation	
	HMO (C4)		A class uses (including retail clubs)	
			Health and fitness leisure centres	
			Hostels	
			Night clubs	
			Laundrettes	
			Taxi businesses	
			Amusement centres & Casinos	
North	£100/m ²	Nil	£80/m ²	Nil
Central A†	£200/m ²	£80/m ²		
Central B		Nil		
South	£400/m ²			
White City East‡ Earls Court & West Kensington Opportunity Area‡	Nil			

† The Central A Charging Zone boundary is the same as the Hammersmith Town Centre boundary on the council's adopted Proposals Map.

‡ It should be noted that, whilst a £0/m² (nil) rate is proposed at White City East and Earls Court & West Kensington Opportunity Area, this does not mean that the council will not receive significant financial contributions from developments in these areas as S106s will continue to be used.

The Modified Zones Map



Community Infrastructure Levy (CIL) Charging Schedule



Introduction

The London Borough of Hammersmith & Fulham ('the Council') is a charging authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge a Community Infrastructure Levy(CIL) on development carried on in the area within which it exercises planning powers. The Council will not charge CIL for development carried on within the boundaries of the Old Oak and Park Royal Development Corporation, part of which lies within the north of the borough as from 1 April 2015 it will no longer be the local planning authority for this area.

The documentation can be viewed at www.lbhf.gov.uk/cil.

Charge rates

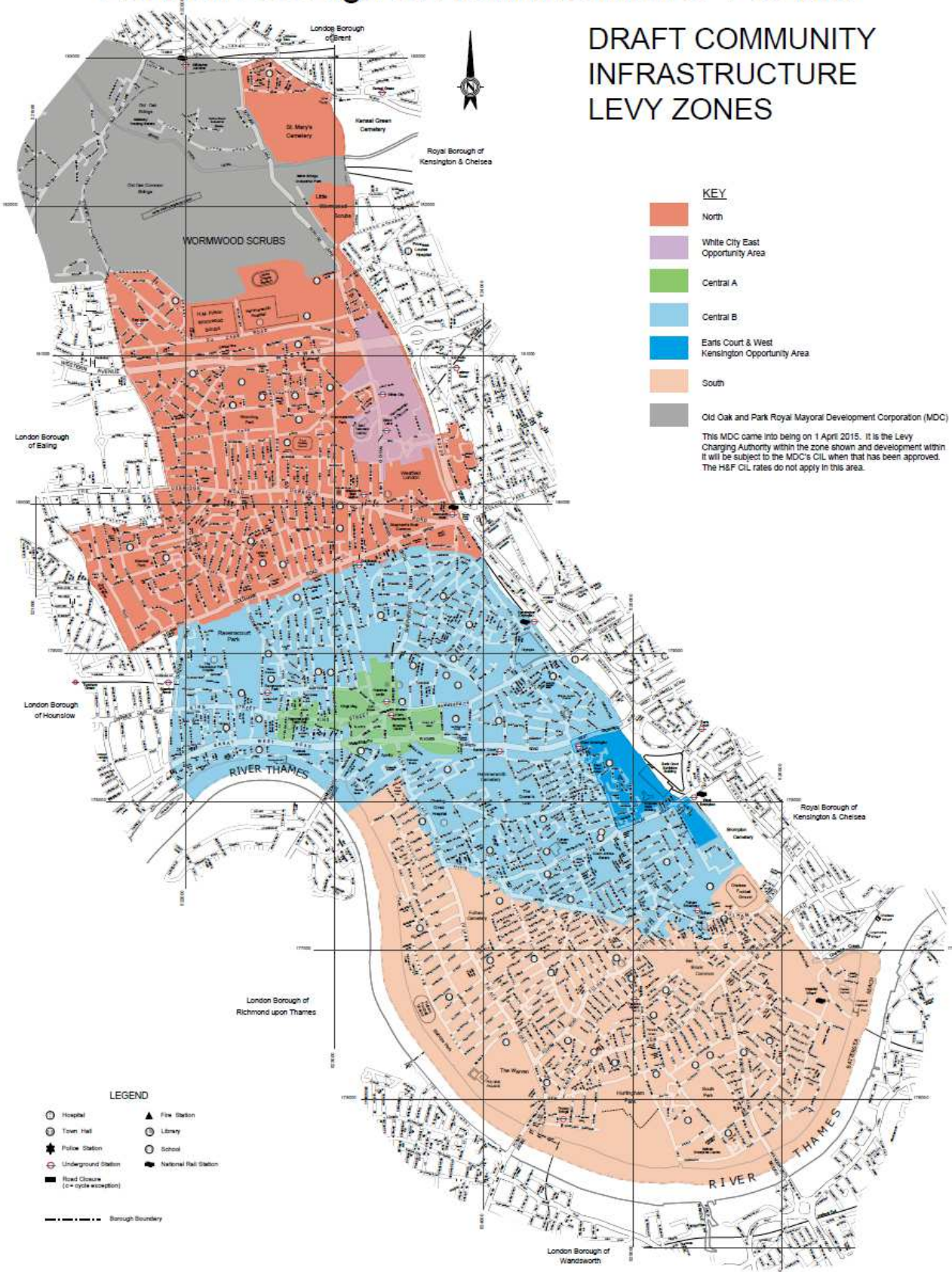
Charging zones	Uses			All other uses
	Residential (C3)	Office (B1a/b)	Student accommodation	
HMO (C4)			A class uses (including retail clubs)	Nil
			Health and fitness leisure centres	
			Hostels	
			Night clubs	
			Laundrettes	
			Taxi businesses	
			Amusement centres & Casinos	
North	£100/m ²	Nil	£80/m ²	Nil
Central A†	£200/m ²	£80/m ²		
Central B		Nil		
South	£400/m ²			
White City East‡	Nil			
Earls Court & West Kensington Opportunity Area‡	Nil			

† The Central A Charging Zone boundary is the same as the Hammersmith Town Centre boundary on the council's adopted Proposals Map.

‡ It should be noted that, whilst a £0/m² (nil) rate is proposed at White City East and Earls Court & West Kensington Opportunity Area, this does not mean that the council will not receive significant financial contributions from developments in these areas as S106s will continue to be used.

London Borough of Hammersmith & Fulham

DRAFT COMMUNITY INFRASTRUCTURE LEVY ZONES



KEY

- North
- White City East Opportunity Area
- Central A
- Central B
- Ears Court & West Kensington Opportunity Area
- South
- Old Oak and Park Royal Mayoral Development Corporation (MDC)

This MDC came into being on 1 April 2015. It is the Levy Charging Authority within the zone shown and development within it will be subject to the MDC's CIL when that has been approved. The H&F CIL rates do not apply in this area.

LEGEND

--- Borough Boundary

Designed and prepared for the Local & Neighbourhood Plan
 2015-2020 by H&F Planning. This drawing is copyright
 © H&F Planning and remains their property.
 2015/00000000/00000000



NOT TO SCALE
 Drawing No: 17400014/0
 March 2015

Charging authority

The charging authority is the London Borough of Hammersmith & Fulham.

Date of approval

The Charging Schedule was approved by the council on .

Date of effect

The Charging Schedule will become effective on 1 September 2015.

Calculation of CIL charge & indexation

The 'Chargeable Amount', including indexation to take into account inflation, will be calculated in accordance with Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended).

Statutory compliance

The Charging Schedule has been issued, approved and published in accordance with the CIL Regulations 2010 (as amended), Part 11 of the Planning Act 2008 (as amended) and Part 6 of the Localism Act 2011 (as amended).

Hammersmith & Fulham Community Infrastructure Levy

CIL Regulation 123 List ('r123 list') prepared pursuant to Community Infrastructure Levy Regulations 2010

The r123 List

The council intends that it will or may spend CIL on part or all of the cost of provision, improvement, replacement, operation or maintenance of the following infrastructure facilities, as listed in the following r123 list, to support development in the borough. The list is alphabetical by category. Inclusion of items in the r123 List does not imply priority, or that the council will spend CIL on every item, or not spend CIL on other unlisted items.

There are a number of exceptions to the r123 List where the council intends to negotiate S106 obligations to secure provision of infrastructure as defined in the Planning Act 2008. In general, this is where that infrastructure is required to make a specific development proposal acceptable in planning terms. In some cases, the infrastructure is or may be required to be jointly funded by a number of developments in an area, in which case there can be no more than five contributing planning obligations.

Infrastructure Category & Sub-Category		R123 List
ASC	Health	<ul style="list-style-type: none"> Primary healthcare and out of hospital care team facilities
CS	Early Years, Schools, Youth	<ul style="list-style-type: none"> Primary, secondary and special education and youth facilities.
ELRS	Community Safety	<ul style="list-style-type: none"> Community safety facilities (including local policing facilities) Public realm CCTV infrastructure
	Leisure & Parks	<ul style="list-style-type: none"> Public leisure facilities including parks and other public open space, outdoor sports pitches, courts and greens, play and other spaces for children and teenagers, swimming pools, gyms and indoor sports halls, allotments and Linford Christie Stadium
	Waste & Street Enforcement	<ul style="list-style-type: none"> Household and public waste recycling and waste management facilities
FCG	Community Investment	<ul style="list-style-type: none"> Community facilities including community centres, voluntary sector meeting places and centres, and public cultural facilities
HR	Economic Development, Adult Learning & Skills	<ul style="list-style-type: none"> Learning and training facilities, job shops, business hubs/incubators
LA	Libraries & Archives	<ul style="list-style-type: none"> Libraries and archives
TTS	Environmental Health	<ul style="list-style-type: none"> Air quality, noise and contaminated land monitoring infrastructure
	Drainage & Flooding	<ul style="list-style-type: none"> Flood mitigation and defences. Borough Sustainable Urban Drainage Systems (SUDS)

	Highways & Transport	<ul style="list-style-type: none"> • Transportation infrastructure for walking, cycling, public transport and highways; excluding measures for highways & transport listed in column B.
	Environmental Improvements	<ul style="list-style-type: none"> • Environmental improvements to enhance the appearance, safety and security of the public realm, especially in town centres.

Infrastructure which is excluded from the R123 List and for which provision will be made by means of S106 obligations or S278 agreements

1. For development in **White City East**: the essential mitigation infrastructure listed in the WCOAPF SPD (and DIFS) and any other infrastructure required to make development in the White City East area acceptable in accordance with Core Strategy Strategic Policy WCOA and Strategic Site WCOA 1.
2. For development in the **Earls Court & West Kensington Opportunity Area**: any infrastructure necessary to comply with the Phasing & S106 Strategy set out in the ECWK SPD or which is otherwise required to make a development acceptable in accordance with Core Strategy Strategic Policy FRA and Strategic Site FRA 1 (Opportunity Area).
3. For the provision of the northern link road through the National Grid site as required by the **South Fulham Riverside** SPD and any necessary other works to mitigate the development of that site including but not limited to any necessary works within Highways Package 2 as defined by the SFR DIFS.
4. An item of infrastructure (or the improvement, replacement, operation or maintenance of any infrastructure) that is specifically required to make a planning application acceptable (subject to there being no more than 5 planning obligations (already entered into since April 2010) for that item at the time).
5. Provision of on-site accommodation for infrastructure purposes where the cost of occupation is met from sources external to the development (e.g. occupation on commercial terms).
6. Replacement of any existing infrastructure facility that is proposed as part of a development proposal.
7. Provision of infrastructure which is required to ensure compliance by a development with a policy of the Development Plan and any relevant SPDs which specifically requires provision on the relevant site.

APPENDIX 4

Hammersmith & Fulham Community Infrastructure Levy Equalities Impact Assessment (EqIA)



Full Equality Impact Analysis Tool

Section 01	Details of Full Equality Impact Analysis							
Financial Year and Quarter	2015 / Q1							
Name and details of policy, strategy, function, project, activity, or programme	<p>Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS)</p> <p>The Community Infrastructure Levy (CIL) is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area.</p> <p>The Draft Charging Schedule (DCS) represents the second stage of public consultation in the process that will lead to the introduction of CIL charges for most new development in the borough. It has been prepared taking into account the comments received on the Preliminary Draft Charging Schedule, which was subjected to public consultation in late 2012. This DCS is being subjected to a further round of public consultation before going forward for a formal independent public examination.</p>							
	<p>Name: Siddhartha Jha Position: Senior Planning Policy Officer Email: siddhartha.jha@lbhf.gov.uk Telephone No: 0208 753 1466</p>							
Date of completion of final EIA	<p>April 2015</p> <p>The equality duty is a continuing duty and consideration of equality impacts will continue at each relevant stage in the preparation and publication of the emerging Charging Schedule. The expected timetable for the consultation and introduction of CIL in the borough is set out below:</p> <table border="1" data-bbox="528 1326 2145 1449"> <thead> <tr> <th data-bbox="528 1326 1032 1369">Timescales</th> <th data-bbox="1032 1326 2145 1369">Stage</th> </tr> </thead> <tbody> <tr> <td data-bbox="528 1369 1032 1412">7 Sep 2012 – 19 Oct 2012</td> <td data-bbox="1032 1369 2145 1412">Preliminary Draft Charging Schedule (PDCS) Consultation (6 weeks)</td> </tr> <tr> <td data-bbox="528 1412 1032 1449">22 Aug 2014 – 3 Oct 2014</td> <td data-bbox="1032 1412 2145 1449">Draft Charging Schedule (DCS) Consultation (5 weeks)</td> </tr> </tbody> </table>		Timescales	Stage	7 Sep 2012 – 19 Oct 2012	Preliminary Draft Charging Schedule (PDCS) Consultation (6 weeks)	22 Aug 2014 – 3 Oct 2014	Draft Charging Schedule (DCS) Consultation (5 weeks)
Timescales	Stage							
7 Sep 2012 – 19 Oct 2012	Preliminary Draft Charging Schedule (PDCS) Consultation (6 weeks)							
22 Aug 2014 – 3 Oct 2014	Draft Charging Schedule (DCS) Consultation (5 weeks)							

	November 2014	Submission of DCS for examination
	March 2015	Independent public examination report issued
	1 September 2015	Recommended date for CIL to take effect

Section 02 Scoping of Full EqIA

Plan for completion
 Resources: Staff time
 Lead Officer: Siddhartha Jha

What is the policy, strategy, function, project, activity, or programme looking to achieve?
 The CIL charging schedule for the borough as set out below:

Charging zones	Uses			All other uses
	Residential (C3)	Office (B1a/b)	Student accommodation	
	HMO (C4)		A class uses (including retail clubs)	
			Health and fitness leisure centres	
			Hostels	
			Night clubs	
			Laundrettes	
			Taxi businesses	
			Amusement centres & Casinos	
North	£100/m ²	Nil	£80/m ²	Nil
Central A†	£200/m ²	£80/m ²		
Central B		Nil		
South	£400/m ²			
White City East‡	Nil			
Earls Court & West Kensington Opportunity Area‡				

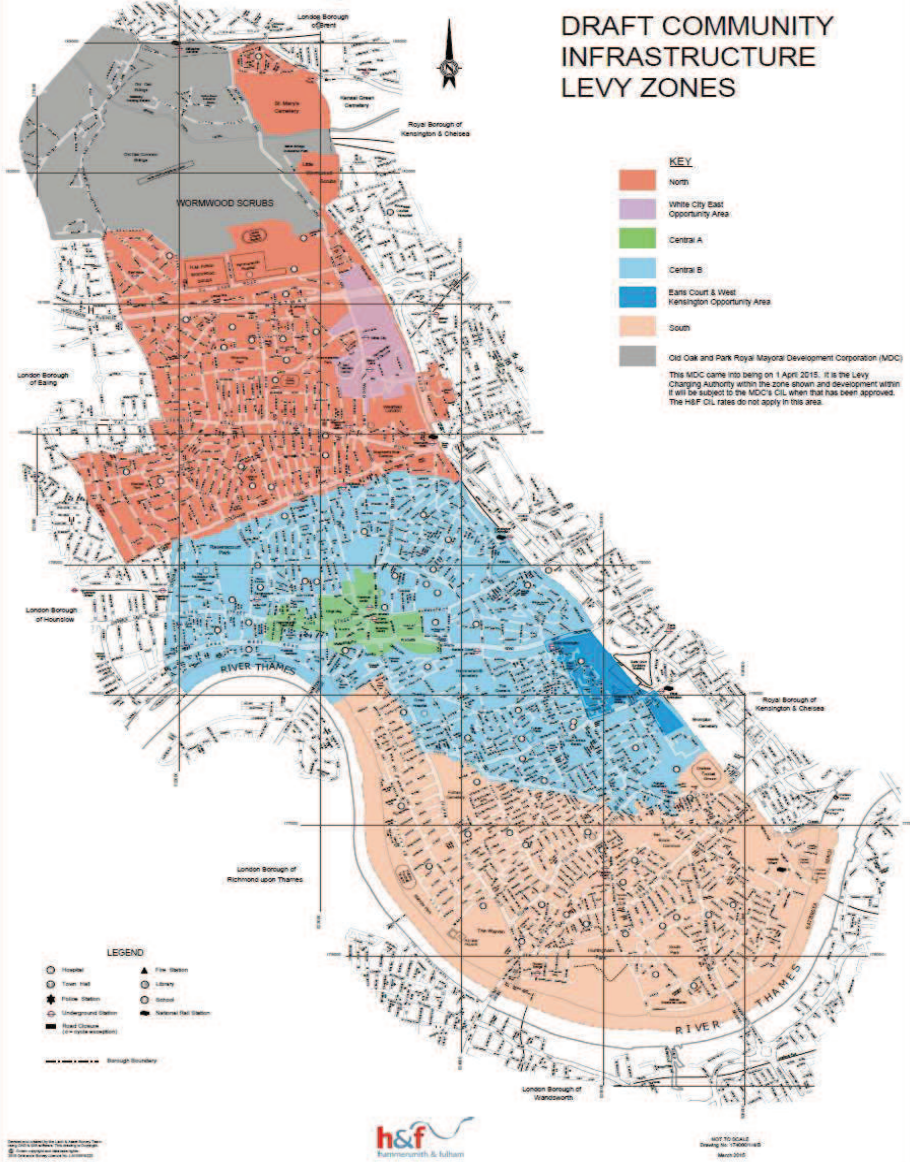
† The Central A Charging Zone boundary is the same as the Hammersmith Town Centre boundary on the council's adopted

Proposals Map.

‡ It should be noted that, whilst a £0/m² (nil) rate is proposed at White City East and Earls Court & West Kensington Opportunity Area, this does not mean that the council will not receive significant financial contributions from developments in these areas as S106s will continue to be used.

London Borough of Hammersmith & Fulham

DRAFT COMMUNITY INFRASTRUCTURE LEVY ZONES



Section 03

Documents and data reviewed

Analysis of relevant data and/or undertake research

NATIONAL DOCUMENTS

The following national documents have been considered for the purposes of preparing the CIL charging schedule:

Document	Publisher	Date
Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991 and others)	HM Government	May 1990
Planning Act 2008	HM Government	Nov 2008
The CIL Regulations 2010 (as amended 2011, 2012, 2013, 2014)	HM Government	2010-2014
Localism Act 2011	HM Government	Nov 2011
National Planning Policy Framework (NPPF)	DCLG	Mar 2012
National Planning Practice Guidance (NPPG): Local Plans	DCLG	Mar 2014
National Planning Practice Guidance (NPPG): Planning Obligations	DCLG	Mar 2014
National Planning Practice Guidance (NPPG): Viability	DCLG	Mar 2014
National Planning Practice Guidance (NPPG): CIL	DCLG	May 2014

In addition to these, other national documents have also been considered for the purposes of considering equalities issues:

CIL: Initial Impact Assessment	DCLG	Nov 2007
CIL: Impact Assessment	DCLG	Nov 2008
CIL: Impact Assessment	DCLG	Dec 2008
CIL: Partial Impact Assessment	DCLG	Jul 2009
CIL: Final Impact Assessment	DCLG	Feb 2010
Explanatory Memorandum to the CIL Regulations	DCLG	Mar 2010
Localism Bill: CIL – Impact Assessment	DCLG	Jan 2011
Explanatory Memorandum to the CIL (Amendment) Regulations 2011 No.987	DCLG	Mar 2011
Explanatory Memorandum to the CIL (Amendment) Regulations 2014 No.385	DCLG	Feb 2014

Localism Bill CIL Impact Assessment

The Localism Bill CIL Impact Assessment provides a general overview at a national level of the impact of CIL. Page 1 states:

“The Community Infrastructure Levy was introduced as an alternative to planning obligations. It provides a simpler, fairer and more transparent system of standard charges to unlock additional funding for infrastructure and respond to the needs of local communities. The planning obligations system by which developers contribute funding for infrastructure is often slow and unpredictable, based on ad hoc negotiations conducted in private. Research shows the burden of funding is unfair, falling primarily on major residential developments.”

It also describes a further benefit of CIL as ensuring “funding for vital infrastructure projects for communities that might otherwise not be delivered and thereby help to deliver further development and the benefits associated with this” (page 3). Page 8 lists several advantages of CIL over the current system of planning obligations including: simplicity; predictability; transparency; fairness; and efficiency.

REGIONAL DOCUMENTS

The following regional documents have been considered for the purposes of preparing the CIL charging schedule:

Document	Publisher	Date
The London Plan: Spatial Development Strategy for Greater London	GLA	Jul 2011
Mayor of London CIL Charging Schedule	GLA	Apr 2012
London Implementation Plan 1	GLA	Jan 2013
CIL Instalments Policy	GLA	Mar 2013
Use of Planning obligations in the funding of Crossrail and the Mayoral CIL SPG (Crossrail SPG)	GLA	Apr 2013
The London Plan: Spatial Development Strategy for Greater London: Revised Early Minor Alterations: Consistency with the National Planning Policy Framework	GLA	Oct 2013
Draft Further Alterations to The London Plan (FALP)	GLA	Jan 2014
Long Term Infrastructure Investment Plan for London: Progress Report	GLA	Mar 2014

London Planning Statement SPG	GLA	May 2014
Draft Social Infrastructure SPG	GLA	Jun 2014

In addition to these, other regional documents have also been considered for the purposes of considering equalities issues for the CIL charging schedule:

Report to the Mayor of London: Mayoral CIL: Approval of Charging Schedule	GLA	Feb 2012
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LOCAL DOCUMENTS

The following local documents have been considered for the purposes of preparing the CIL charging schedule:

Document	Publisher	Date
Community Strategy 2007-2014	LBHF	Sep 2007
Park Royal Opportunity Area Planning Framework (OAPF)	GLA / LBHF / LB Ealing / LB Brent	Jan 2011
Core Strategy Development Plan Document (DPD)	LBHF	Oct 2011
Earls Court Viability Study: Development Infrastructure Funding Study	DVS	November 2011
Earls Court and West Kensington Opportunity Area Joint Supplementary Planning Document (SPD)	GLA / LBHF / RBKC	Mar 2012
South Fulham Riverside Delivery and Infrastructure Funding Study	CgMs; Cushman & Wakefield; Jacobs	Mar 2012
South Fulham Riverside Supplementary Planning Document (SPD)	LBHF	Jan 2013
White City Development Infrastructure Funding Study	AECOM; Deloitte	May 2013
Old Oak: A Vision for the Future	GLA / LBHF / LB Ealing / LB Brent	Jun 2013
Development Management Local Plan (DM LP)	LBHF	Jul 2013

Planning Guidance Supplementary Planning Document (PG SPD)	LBHF	Jul 2013
White City Opportunity Area Planning Framework (OAPF)	GLA / LBHF	Oct 2013
Local Plan Review: Issues and Options for Review	LBHF	Jul 2013
Monitoring Report April 2012 to March 2013	LBHF	Aug 2014

In addition to these, other local documents have also been considered for the purposes of considering equalities issues for the CIL charging schedule:

Opportunity for All: Single Equality Scheme 2009-12	LBHF	February 2010
Core Strategy DPD EqIA	LBHF	July 2011
DM DPD EqIA	LBHF	July 2013
PG SPD EqIA	LBHF	July 2013

The CIL charging schedule has been drafted taking into account the context set by all of the above documents. In particular, the Core Strategy, DM DPD and PG SPG have all had individual EqIAs undertaken.

The Equality Act 2010

The Council is no longer required to produce equality schemes (e.g. those for race, disability, gender). The Council adopted its response to the new requirements (S153 of the Act) in December 2011. The Council gave feedback to the public at a public meeting on its Single Equality Scheme ('SES') 2009-2012 in July 2012. The objectives of the SES were based on the same Community Strategy objectives as the Core Strategy. The CIL charging schedule is based on these same broad objectives. While the SES is now complete, it is relevant insofar as it has had outcomes for equality groups in mind and informed the Council's strategic planning policy.

LOCAL DEMOGRAPHICS OF EQUALITY TARGET GROUPS

A summary of the demographic situation in relation to each of the equality groups is given below. This provides a starting point for the analysis of likely impacts of the DCS on these groups. **Demographics of Equality Target Groups**

A summary of the demographic situation in relation to each of the equality groups is given below. This provides a starting point for the analysis of likely impacts of the DM LP on these groups. Data includes the 2011 Census.

Population

The population of the borough is relatively young and ethnically diverse. It is also a highly mobile population with about half of all households having moved in the previous five years. In 2011, nearly half of the population (46.8%) was between 20 and 40 years old which was significantly higher than the London (37.3%) and the national (28.5%) averages.

The borough has a high proportion of single people (55.9%) compared to 34% in England & Wales, and 37.5% of all households consisted of one person households in 2011.

It is projected by the GLA (taking account of the borough's housing target of an additional 615 dwellings per annum) that the population will increase from 182,400 in 2011 to 209,000 in 2031, (a 14.6% increase). This compares to a 22% increase for Inner London as a whole.

Between 2010 and 2031, the population aged 20 to 49 is expected to grow by 6.5%, the population aged 50 to 64 by 37%, the population aged 65 to 79 by 15% and the population over 80 by 23%.

Households will increase by 9% from 76,400 households in 2008 to 83,130 in 2033 (Source: DCLG). It is projected that the main growth in number of households will be in 'one person' households (21% up to 2033), while the number of 'co-habiting couples' households will decrease by nearly 11% between 2008 and 2033.

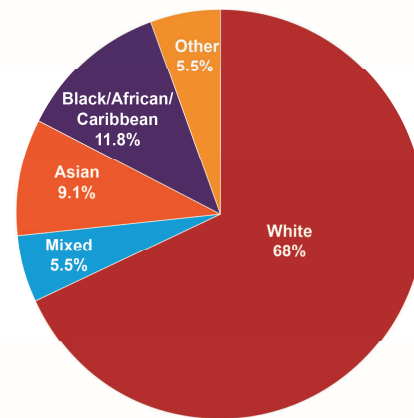
Race

According to the Census 2011, 32% of the borough's population in 2011 belonged to ethnic groups other than white. This represents an increase of nearly 10% since 2001. The main ethnicity in the borough was 'white people' (68 %) followed by people from 'black African' origin (5.7%) and the 'other'¹ group.

In 2011, the white population represented 80% of the economically active population followed by the Black African ethnic group (4.4%) and the 'other group' (3.90%).

¹ The other group refers to the two ONS 2011 Census Ethnic Category: 'other Asian or any other ethnic group'.

Figure 1: Ethnic groups in Hammersmith & Fulham, Census 2011



Source: Office for National Statistics

Disability

The rate of physical disability registrations for Hammersmith and Fulham as a whole is 37.3 registrations per 1,000 population. The Single Equalities Scheme (SES) from 2009-12 indicates that around 15% of residents in Hammersmith and Fulham have a disability. College Park and Old Oak has the highest rate of physical disability registrations in the borough (53.95). The five wards with the highest rates are all in the north of the borough; College Park and Old Oak, Wormholt and White City, Shepherd's Bush Green, Hammersmith Broadway and Askew. Palace Riverside has the lowest rate of registrations in the borough. Physical disability registration is voluntary so the figures do not give a complete picture of disability within Hammersmith & Fulham. In 2011, 12.6% of the borough population had limited day-to-day activities in the borough.

We recognise that people with disabilities and those that support them may be represented in one or more of the other equality groups. The other related group that is usually referenced is age, in particular, we recognise that people with disabilities who can experience difficulty accessing services and accessing the built environment are often children and young people, older people, and those who may provide care for older and younger disabled people. As disability covers a broad spectrum, we also recognise that adaptations for people with mobility impairments may not make the built environment accessible for people with sensory impairments, and that people with mental health or long-term limiting illnesses may have different requirements from their environment. It is for these reasons that we actively engaged with the Hammersmith and Fulham Disability Forum, the local user group

representing disabled people.

Figure 2: Number of people registered with a disability



Source: Community Services registrations

Gender

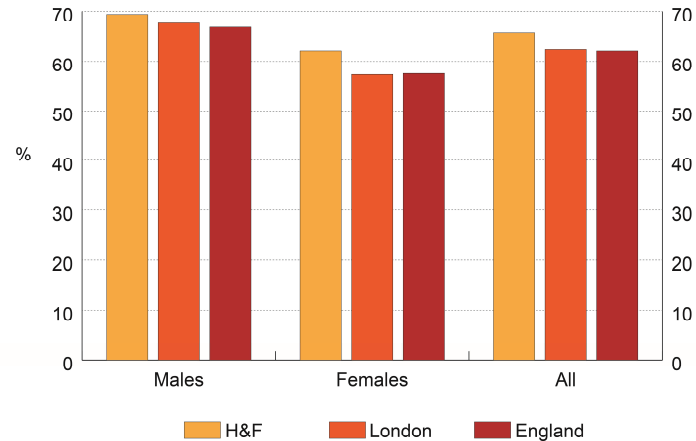
In 2011, there were more women in the borough than men (there were also more women than men in London).

The Single Equalities Scheme (SES) indicates that there are more female headed households in the borough which represents a key equality gap for Hammersmith and Fulham.

Women are less economically active than men representing respectively 70% and 78% in 2011. These figures are higher than the London figures of 66% for women and 77.5% for men (Source: Census 2011).

Hammersmith & Fulham has a marginally higher proportion of male residents in employment (69.4%) than the London (67.6%) and national averages (66.8%). The proportion of female residents in employment (62.1%) is also higher than the London (57.3%) and national averages (57.5%).

For commentary regarding transgendered or transitioning people, see 'sexual orientation (and transgender)' below. For the assessment of policies, transgendered or transitioning people are represented in the gender category (see section 05).

Figure 3: Employment in Hammersmith and Fulham, Census 2011

Source: Office for National Statistics

Religion

The religious profile of the borough is less diverse than in London as a whole. In 2011, 54.1% of residents in the borough were Christians, 10% Muslim and 23.8% stated that they had no religion.

This partly reflects the ethnic profile of the borough, with a higher White population who are predominantly Christian and a lower Asian population who have a more diverse religious profile.

The policies in the DM LP are not aimed specifically at religious groups, but it is noted that members of this population will also be represented through one or more other equality strands and that race and religion are often linked, meaning that benefits will be experienced by this group in more subtle ways. For example, through increased employment opportunities, better transport and quality of built environment. Further, places of worship are supported in the DM LP policies D1 and D2 that are concerned with community services and arts, culture and leisure respectively.

Age

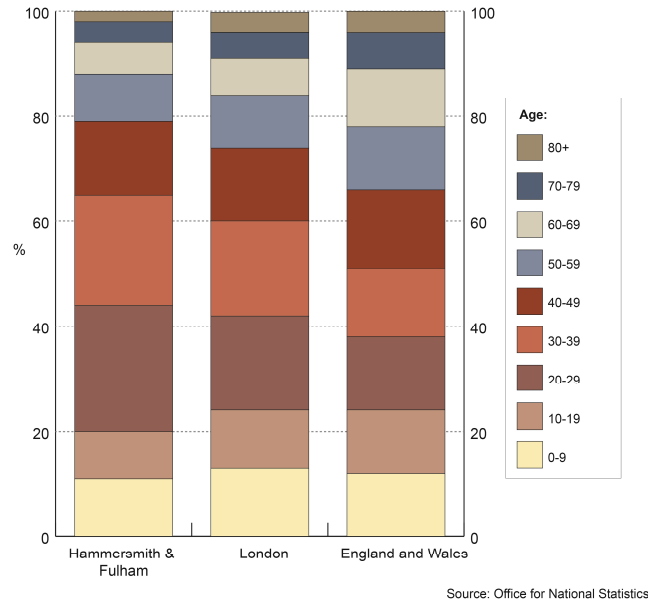
In 2011, the borough had a higher proportion of young adults aged 25-39 (35.7%) than London (28%) and England and Wales (20%). Conversely, the proportion of children and young adults (0-24) in the borough was

lower than in London (26.7% compare to 32.2%) and England and Wales (30.7%).

12.7% of the population is aged 60 or over, which is slightly lower than the London (15.2%) and England and Wales (20.3%) averages.

According to the H&F Carer's Strategy 2005-2010 and Experian Mosaic Data for the borough, older residents in the borough are more likely to live alone.

Figure 4: Age structure (% of total population, Census 2011)



Sexual Orientation (and transgender)

The nature of issues facing LGB people can be similar to transgendered or transitioning people as well, hence the council often use the term LGBT (lesbian, gay, bisexual and transgender). This is relevant when assessing impacts and looking at populations, for there are no official statistics on sexual orientation or gender identity, as these are not routinely captured by public bodies, and are not captured by the census. However:

'In 2005, the Department for Trade and Industry published a figure of 6% as the percentage of LGBT people in the general population..... the number of LGBT people in London is thought to be anywhere between 6% and 10% of the total population, increased by disproportionate levels of migration. This equates to an urban population of between 450,000 and 750,000' (Kairos in Soho, *London's LGBT Voluntary Sector Infrastructure Project*, 25:2007).

To put this in a local context so far as is possible, although there are no accurate statistics for the numbers of lesbian, gay and bisexual residents in the borough, the 2011 census recorded that 568 people (or 1.1% of couples), aged 16 and over, were living as same sex couples in Hammersmith and Fulham. In 2011, there were 299 same sex civil partnerships in the borough.

This gives us some of the picture but within the parameters of the DTI figures, we note that these local statistics may hide single LGB people, or LGB people who have not entered into civil partnerships. We do not have specific data on transgendered or transitioning people. The policies in the DM LP are not aimed specifically at LGBT people but it is noted that members of this population will also be represented through one or more other equality strands, meaning that benefits will be experienced by this group in more subtle ways. For example, through increased employment opportunities, better transport and quality of built environment.

Socio-economic

In 2010, Hammersmith & Fulham is ranked as the 55th most deprived local authority in England, in the country and there are significant pockets of deprivation.

The 2011 Census shows that Hammersmith & Fulham is a polarised borough with relatively high proportions of residents who are either high earners or low earners. Census measures also show very high degrees of polarisation compared to other local authorities in educational attainment and occupation levels.

H&F has high proportions of working age residents in higher-paid jobs. In 2011, 14.6% were managers and senior officials compared to 11.6% in London and 10.8% in England and Wales.

27% were in professional positions: this has increased significantly from 2001 when only 19.6% fell within this occupation group. Conversely, the Associate and Technical occupations category has decreased slightly from 23.5% in 2001 to 22.1% in 2011.

Also, in 2011, 6.7% of the population were in the 'elementary occupations' category compared to 9.6% in London and 11.1% in the UK.

In terms of economic inactivity, 26% of the 16-74 population in 2011 was inactive compared to an average of 28.3% in London.

New research

It is considered that no new research is required for this EqIA.

Section 04	Undertake and analyse consultation						
<p>Consultation</p>	<p>The draft CIL charging schedule was subjected to two statutorily prescribed stages of public consultation as follows:</p> <table border="1" data-bbox="580 408 1715 671"> <thead> <tr> <th data-bbox="580 408 1146 448">Consultation dates</th> <th data-bbox="1146 408 1715 448">Stage of development of CIL</th> </tr> </thead> <tbody> <tr> <td data-bbox="580 448 1146 560">September 2012 – October 2012</td> <td data-bbox="1146 448 1715 560">1st stage public consultation on the Preliminary Draft Charging Schedule (PDCS)</td> </tr> <tr> <td data-bbox="580 560 1146 671">August 2014 - October 2014</td> <td data-bbox="1146 560 1715 671">2nd stage public consultation: Draft Charging Schedule (DCS)</td> </tr> </tbody> </table> <p>The CIL consultations received comments from a wide range of people including, the local community, businesses, neighbouring boroughs, the Mayor of London, developers and the property industry and infrastructure providers.</p>	Consultation dates	Stage of development of CIL	September 2012 – October 2012	1 st stage public consultation on the Preliminary Draft Charging Schedule (PDCS)	August 2014 - October 2014	2 nd stage public consultation: Draft Charging Schedule (DCS)
Consultation dates	Stage of development of CIL						
September 2012 – October 2012	1 st stage public consultation on the Preliminary Draft Charging Schedule (PDCS)						
August 2014 - October 2014	2 nd stage public consultation: Draft Charging Schedule (DCS)						
<p>Analysis</p>	<p>Formal representations on the DCS and the supporting evidence base documents were submitted to an independent examiner as part of the independent public examination and are publicly available for inspection on the council's website and other locations.</p> <p>Representations on the Neighbourhood CIL and the Equalities Impact Assessment (EqIA), which are separate to the formal DCS consultation, were not submitted to the independent examiner as they did not form part of the independent public examination.</p>						

Section 05

Analysis of impact and outcomes

Analysis

PROTECTED CHARACTERISTICS AND THE PUBLIC SECTOR EQUALITY DUTIES (PSED)

This EQIA analyses the likely impacts of the CIL charging schedule on statutorily identified protected characteristics, human rights and children's rights. It will also assess the CIL charging schedule against the public sector equality duties (PSED) in S149 of the Equality Act 2010 which states that in the exercise of our functions the council must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited under the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

Having due regard for advancing equality 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

The 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.

PSED ANALYSIS

The analysis includes a rating of the relevance of the policies to the protected characteristics listed as:

High (H)	The policy, strategy, function, project, activity, or programme is relevant to all or most parts of the general duty, and/or to human/children's rights
	There is substantial or a fair amount of evidence that some groups are (or could be) differently affected by it
	There is substantial or a fair amount of public concern about it
Medium (M)	The policy, strategy, function, project, activity, or programme is relevant to most parts of the general duty, and/or to human/children's rights
	There is some evidence that some groups are (or could be) differently affected by it
	There is some public concern about it
Low (L)	The policy, strategy, function, project, activity, or programme is not generally relevant to most parts of the general duty, and/or to human/children's rights
	There is little evidence that some groups are (or could be) differently affected by it
	There is little public concern about it
Not Applicable (N/A)	Not applicable

The impacts of the policy on the protected characteristics are also analysed and rated as:

Positive (+)	The EIA shows the policy is not likely to result in adverse impact for any protected characteristic and does advance equality of opportunity, and/or fulfils PSED in another way
Neutral	The EIA shows the policy, strategy, function, project or activity is not likely to result in adverse impact for any protected characteristic and does not advance equality of opportunity, and/or fulfils PSED in another way
Negative (-)	The EIA shows the policy, strategy, function, project or activity is likely to have an adverse impact on a particular protected characteristic(s) and potentially does not fulfil PSED, or the negative impact will be mitigated through another means

Proposed CIL charges / zones impact		
Residential (C3); HMO (C4); £100-400/m²	Although the proposed charge for residential uses varies across the borough, this is based on evidence that residential development viability varies across the borough, so there should be no overall detrimental impact on delivery of residential development across the borough.	
	Age Minimal impact on the availability of accommodation across the borough for any age group.	L Neutral
	Disability Minimal impact on the availability of accommodation across the borough for any level of ability/disability.	L Neutral
	Gender reassignment Minimal impact on the availability of accommodation across the borough for all people whether experiencing gender reassignment or not.	L Neutral
	Marriage and Civil Partnership Minimal impact on the availability of accommodation across the borough for all people whether single-person, couple or family.	L Neutral
	Pregnancy and maternity Minimal impact on the availability of accommodation across the borough for all people whether experiencing pregnancy, maternity, parenthood or not.	L Neutral
	Race Minimal impact on the availability of accommodation across the borough for any race, including where race/culture may have an influence on household size.	L Neutral
	Religion/belief (including non-belief) Minimal impact on the availability of accommodation across the borough for any religion/belief/non-belief, including where religion/belief/non-belief may have an influence on household size.	L Neutral
	Sex Minimal impact on the availability of accommodation across the borough for either sex.	L Neutral
	Sexual Orientation Minimal impact on the availability of accommodation across the borough for any sexual orientation.	L Neutral

	Office (B1a/b) £0-£80/m²	Although the proposed charge for office uses varies across the borough, this is based on evidence that office development viability varies across the borough, so there should be no overall detrimental impact on delivery of office development across the borough. Where a £0/m ² charge is applied to such development, S106 contributions can still be sought (if in accordance with S106 tests, pooling restrictions and policy) to ensure any necessary supporting infrastructure or mitigating measures are delivered.		
	Age	Minimal impact on employment opportunities across the borough for any age group, including the working population.	L	Neutral
	Disability	Minimal impact on employment opportunities across the borough for any level of ability/disability.	L	Neutral
	Gender reassignment	Minimal impact on employment opportunities across the borough for all people whether experiencing gender reassignment or not.	L	Neutral
	Marriage and Civil Partnership	Minimal impact on employment opportunities across the borough for all people whether single-person, couple or family.		
	Pregnancy and maternity	Minimal impact on the employment opportunities across the borough for all people whether experiencing pregnancy, maternity, parenthood or not.	L	Neutral
	Race	Minimal impact on the employment opportunities across the borough for any race.	L	Neutral
	Religion/belief (including non-belief)	Minimal impact on the employment opportunities across the borough for any religion/belief/non-belief.	L	Neutral
	Sex	Minimal impact on the employment opportunities across the borough for either sex.	L	Neutral
	Sexual Orientation	Minimal impact on the employment opportunities across the borough for any sexual orientation.	L	Neutral
	All other uses £0/m²	The proposed charge for all other uses is zero and so there should be no detrimental impact on delivery of such development. Where a £0/m ² charge is applied to such development, S106 contributions can still be sought (if in accordance with S106 tests, pooling restrictions and policy) to ensure any necessary supporting infrastructure or mitigating measures are delivered.		

	Age No impact on employment opportunities for any age group, including the working population.	N/A	Neutral
	Disability No impact on employment opportunities for any level of ability/disability.	N/A	Neutral
	Gender reassignment No impact on employment opportunities for all people whether experiencing gender reassignment or not.	N/A	Neutral
	Marriage and Civil Partnership No impact on employment opportunities for all people whether single-person, couple or family.	N/A	Neutral
	Pregnancy and maternity No impact on employment opportunities for all people whether experiencing pregnancy, maternity, parenthood or not.	N/A	Neutral
	Race No impact on employment opportunities for any race.	N/A	Neutral
	Religion/belief (including non-belief) No impact on employment opportunities for any religion/belief/non-belief.	N/A	Neutral
	Sex No impact on employment opportunities for either sex.	N/A	Neutral
	Sexual Orientation No impact on employment opportunities for any sexual orientation.	N/A	Neutral
	The following uses:	The proposed charge for all other uses is based on development viability evidence, so there should be no overall detrimental impact on delivery of other uses development across the borough.	
£80/m²	Age Minimal impact on any age group.	L	Neutral
	Disability Minimal impact on any level of ability/disability.	L	Neutral
	Gender reassignment Minimal impact for all people whether experiencing gender reassignment or not.	L	Neutral
	Marriage and Civil Partnership Minimal impact for all people whether single-person, couple or family.	L	Neutral

		Pregnancy and maternity Minimal impact for all people whether experiencing pregnancy, maternity, parenthood or not.	L	Neutral
		Race Minimal impact for any race.	L	Neutral
		Religion/belief (including non-belief) Minimal impact for any religion/belief/non-belief.	L	Neutral
		Sex Minimal impact for either sex.	L	Neutral
		Sexual Orientation Minimal impact for any sexual orientation.	L	Neutral
	White City East	The proposed charge for White City East and Earls Court & West Kensington Opportunity Area is zero and is based on development viability evidence, so there should be no overall detrimental impact on delivery of development in these areas. Where a £0/m ² charge is applied to such development, S106 contributions can still be sought (if in accordance with S106 tests, pooling restrictions and policy) to ensure any necessary supporting infrastructure or mitigating measures are delivered.		
	Earls Court & West Kensington Opportunity Area	Age Minimal impact on any age group.	L	Neutral
	£0/m²	Disability Minimal impact on any level of ability/disability.	L	Neutral
		Gender reassignment Minimal impact for all people whether experiencing gender reassignment or not.	L	Neutral
		Marriage and Civil Partnership Minimal impact for all people whether single-person, couple or family.	L	Neutral
		Pregnancy and maternity Minimal impact for all people whether experiencing pregnancy, maternity, parenthood or not.	L	Neutral
		Race Minimal impact for any race.	L	Neutral
		Religion/belief (including non-belief) Minimal impact for any religion/belief/non-belief.	L	Neutral

		Sex Minimal impact for either sex.	L	Neutral
		Sexual Orientation Minimal impact for any sexual orientation.	L	Neutral
Potential CIL-funded infrastructure schemes*				
Drainage & Flooding, Highways & Transport		Infrastructure which may potentially be funded by CIL includes sustainable urban drainage, schemes which provide better transport access to jobs/services, improved public transport services and step-free access.		
		Age Positive impact on all age groups, but in particular the young, young adult or elderly age groups who may have more limited mobility.	M	+
		Disability Positive impact on all levels of ability/disability, but in particular disabled people with particular mobility and/or transport access needs.	M	+
		Gender reassignment Positive impact on people whether experiencing gender reassignment or not.	L	+
		Marriage and Civil Partnership Positive impact on people whether single-person, couple or family.	L	+
		Pregnancy and maternity Positive impact for all people whether experiencing pregnancy, maternity, parenthood or not, but in particular, those with particular mobility and/or transport access needs arising from pregnancy and caring for babies/children.	M	+
		Race Positive impact for all races.	L	+
		Religion/belief (including non-belief) Positive impact for all religions/beliefs/non-belief, but in particular those requiring transport access to religious centres or places of worship.	M	+
		Sex Positive impact for either sex.	L	+
		Sexual Orientation Positive impact for any sexual orientation.	L	+
Waste Street	&	Infrastructure which may potentially be funded by CIL includes schemes which provide waste facilities, energy, environmental health, noise and air quality improvements.		

Enforcement, Energy & Environmental Health	Age Positive impact on all age groups, but in particular the young or elderly age groups who may be more vulnerable to environmental health impacts.	M	+
	Disability Positive impact on all levels of ability/disability, but in particular disabled people who may be more vulnerable to environmental health impacts.	M	+
	Gender reassignment Positive impact on people whether experiencing gender reassignment or not.	L	+
	Marriage and Civil Partnership Positive impact on people whether single-person, couple or family.	L	+
	Pregnancy and maternity Positive impact for all people whether experiencing pregnancy, maternity, parenthood or not, but in particular pregnant women who may be more vulnerable to environmental health impacts.	M	+
	Race Positive impact for all races.	L	+
	Religion/belief (including non-belief) Positive impact for all religions/beliefs/non-belief.	L	+
	Sex Positive impact for either sex.	L	+
	Sexual Orientation Positive impact for any sexual orientation.	L	+
	Economic development, adult learning & skills	Infrastructure which may potentially be funded by CIL includes schemes which provide access to jobs, training, (small) business engagement and adult learning. It should be noted, however, that this infrastructure category is likely to have only a few schemes which qualify for CIL for legal reasons and may continue to be provided predominantly by S106s.	
Age Positive impact on all age groups, but in particular young adults and the working age population.		M	+
Disability Positive impact on all levels of ability/disability, but in particular disabled people who may benefit from specialist training or business engagement.		M	+

		Gender reassignment Positive impact on people whether experiencing gender reassignment or not.	L	+
		Marriage and Civil Partnership Positive impact on people whether single-person, couple or family.	L	+
		Pregnancy and maternity Positive impact for all people whether experiencing pregnancy, maternity, parenthood or not.	L	+
		Race Positive impact for all races, but in particular those whose first language may not be English and may require support in terms of training, business engagement and/or adult learning to help access jobs.	M	+
		Religion/belief (including non-belief) Positive impact for all religions/beliefs/non-belief.	L	+
		Sex Positive impact for either sex.	L	+
		Sexual Orientation Positive impact for any sexual orientation.	L	+
		Infrastructure which may potentially be funded by CIL includes schemes which provide third sector hubs, disability services accommodation, community space and libraries.		
	Culture, Community Investment, Libraries & Archives	Age Positive impact on all age groups, but in particular, the young and the elderly who may have a greater need for such services.	M	+
		Disability Positive impact on all levels of ability/disability, but in particular disabled people who may have a greater need for such services.	M	+
		Gender reassignment Positive impact on people whether experiencing gender reassignment or not.	L	+
		Marriage and Civil Partnership Positive impact on people whether single-person, couple or family, but in particular those seeking marriage or civil partnership who may have a greater need to access appropriate venues for ceremonies.	M	+

		Pregnancy and maternity Positive impact for all people whether experiencing pregnancy, maternity, parenthood or not, but in particular those who may have a greater need for such services.	M	+
		Race Positive impact for all races, but in particular those who may have a greater need for such services.	M	+
		Religion/belief (including non-belief) Positive impact for all religions/beliefs/non-belief, but in particular those who may have a greater need for such services which may be related to religion/belief/non-belief.	M	+
		Sex Positive impact for either sex.	L	+
		Sexual Orientation Positive impact for any sexual orientation.	L	+
	Children's Services, Early Years, Schools & Youth	Infrastructure which may potentially be funded by CIL includes schemes which provide nurseries, schools and special education.		
		Age Positive impact on all age groups, but in particular the young, young adults, or those seeking adult education.	M	+
		Disability Positive impact on all levels of ability/disability, but in particular disabled people who may require specialist educational services to meet their needs.	M	+
		Gender reassignment Positive impact on people whether experiencing gender reassignment or not.	L	+
		Marriage and Civil Partnership Positive impact on people whether single-person, couple or family.	L	+
		Pregnancy and maternity Positive impact for all people whether experiencing pregnancy, maternity, parenthood or not.	L	+
		Race Positive impact for all races.	L	+
		Religion/belief (including non-belief) Positive impact for all religions/beliefs/non-belief.	L	+

	Sex Positive impact for either sex.	L	+
	Sexual Orientation Positive impact for any sexual orientation.	L	+
Adult Social Care & Health	Infrastructure which may potentially be funded by CIL includes schemes which provide adult social care, mental health and primary care services.		
	Age Positive impact on all age groups, but in particular the young or elderly age groups who may have a greater need for health services.	M	+
	Disability Positive impact on all levels of ability/disability, but in particular disabled people who may have a greater need for health services.	M	+
	Gender reassignment Positive impact on people whether experiencing gender reassignment or not, but in particular those experiencing gender reassignment who may have a greater need for health services to assist with reassignment.	M	+
	Marriage and Civil Partnership Positive impact on people whether single-person, couple or family.	L	+
	Pregnancy and maternity Positive impact for all people whether experiencing pregnancy, maternity, parenthood or not, but in particular those who may have a greater need for health services.	M	+
	Race Likely to have a positive impact for all races, but in particular those who may have a greater need for particular health services.	M	+
	Religion/belief (including non-belief) Positive impact for all religions/beliefs/non-belief.	L	+
	Sex Positive impact for either sex.	L	+
	Sexual Orientation Positive impact for any sexual orientation.	L	+
Emergency services &	Infrastructure which may potentially be funded by CIL includes schemes which provide policing, community safety hubs and CCTV.		

community safety	Age	Positive impact on all age groups, but in particular the young or elderly age groups who may be more vulnerable to crime or the fear of crime.	M	+
	Disability	Positive impact on all levels of ability/disability.	L	+
	Gender reassignment	Positive impact on people whether experiencing gender reassignment or not.	L	+
	Marriage and Civil Partnership	Positive impact on people whether single-person, couple or family.	L	+
	Pregnancy and maternity	Positive impact for all people whether experiencing pregnancy, maternity, parenthood or not.	L	+
	Race	Positive impact for all races, but in particular those groups (including minority ethnic groups) who may be more likely to experience or fear racism and/or hate crime(s).	M	+
	Religion/belief (including non-belief)	Positive impact for all religions/beliefs/non-belief, but in particular those groups who may be more likely to experience or fear hate crime(s) based on their religion.	M	+
	Sex	Positive impact for either sex.	L	+
	Sexual Orientation	Positive impact for any sexual orientation, but in particular those groups who may be more likely to experience or fear hate crime(s) based on their sexual orientation.	M	+
	Leisure & Parks	Infrastructure which may potentially be funded by CIL includes schemes which provide leisure and sport facilities, parks/park improvements and play spaces / improvements.		
	Age	Positive impact on all age groups with regard to health benefits, but in particular the young who benefit from play space provision.	M	+

Disability Positive impact on all levels of ability/disability with regard to health benefits, but in particular disabled people who may require specialist leisure/sport infrastructure or benefit from access improvements in parks.	M	+
Gender reassignment Positive impact on people whether experiencing gender reassignment or not.	L	+
Marriage and Civil Partnership Positive impact on people whether single-person, couple or family.	L	+
Pregnancy and maternity Positive impact for all people whether experiencing pregnancy, maternity, parenthood or not.	L	+
Race Positive impact for all races.	L	+
Religion/belief (including non-belief) Positive impact for all religions/beliefs/non-belief.	L	+
Sex Positive impact for either sex.	L	+
Sexual Orientation Positive impact for any sexual orientation.	L	+

*From the Infrastructure Schedule, a background document to the CIL charging schedule. Note that the purpose of the Infrastructure Schedule is to demonstrate an aggregate funding gap for infrastructure across the borough, primarily for CIL purposes and *not* to represent a detailed spending plan for infrastructure schemes which S106 or CIL monies can be spent on. Identification of schemes in the Infrastructure Schedule does not mean that they will necessarily have CIL monies spent on them – this is dependent on the public consultation, examination, and the circumstances at the time, including prioritising infrastructure schemes. It follows that schemes have been suggested here *as indicative examples of schemes which CIL may be spent on* only for the purposes of assessing equality impacts. Some categories of infrastructure, for example economic development, adult learning and skills, are likely to have only a few schemes which qualify for CIL for legal reasons and may continue to be provided predominantly by S106s. The proposed consultation also includes consultation on the Neighbourhood CIL where suggestions can be put forward for CIL expenditure, which will also be considered by the council in due course.

HUMAN RIGHTS

Will it affect Human Rights, as defined by the Human Rights Act 1998?

No

It is worth noting that the amendments to the CIL legislation assessed in the Localism Bill CIL Impact Assessment were deemed by the government to “not have an adverse impact on human rights” (page 25). Further the explanatory memorandum for the 2104 amendments to the CIL Regulations 2010 states that the amendments “are compatible with the [European] Convention [on human] rights” (para.6).

CHILDREN’S RIGHTS

Will it affect Children’s Rights, as defined by the UNCRC (1992)?

No

OTHER ANALYSES

It is also considered important to consider the potential impacts of the proposed CIL charges and zones in the CIL charging schedule for other general groups as set out below.

Affordable housing	<p>It should be noted that a significant factor influencing viability of residential development schemes is the provision of affordable housing for different tenures. The Viability Study document which supports the CIL charging schedule demonstrates that the proposed CIL charges can be achieved without having an overall impact on delivering policy-compliant levels of affordable housing.</p> <p>It is acknowledged that affordable housing can help advance equality issues for protected characteristics and groups.</p>	L	Neutral
Social groups	<p>The Localism Bill CIL Impact Assessment considers that CIL “is unlikely to have an adverse impact on any social group” (page 25).</p> <p>The Report to the Mayor of London on the Mayoral CIL states that “It is considered that the proposals will not have a significant adverse impact on any particular social group or community” (6.6).</p> <p>Further to the PSED analysis above, it is considered that the proposed CIL charges and zones in the CIL charging schedule. will not have any significant</p>	L	Neutral

		adverse impacts on any social groups, and in fact will have a positive impact when potential CIL-funded infrastructure schemes are considered.		
	Health	<p>The Localism Bill CIL Impact Assessment suggests that CIL will not “have an adverse impact on health” (page 25).</p> <p>Further to the PSED analysis above, it is considered that the proposed CIL charges and zones in the CIL charging schedule. will not have any significant adverse impacts on health, and in fact will have a positive impact when potential CIL-funded infrastructure schemes are considered.</p>	L	Neutral
	Charities	<p>CIL (Amendment) Regulations 2014 Explanatory Memorandum “The impact on... charities or voluntary bodies is limited to those who develop land or own land that is developed. The changes improve flexibility in the application of the levy and update and add to both discretionary and mandatory reliefs from the levy” (para.10.1).</p> <p>It is acknowledged that charities can help advance equality issues for protected characteristics and groups.</p> <p>The mandatory exemption from CIL for charitable purposes will be applied as part of any borough CIL, as per the CIL regulations, and no difference in approach is proposed through the CIL charging schedule.</p> <p>The council may propose at a later date to introduce a policy to allow the additional discretionary charitable relief although that is not currently part of this particular decision-making process for the CIL charging schedule.</p>	L	Neutral
	Businesses / Developers / Landowners	<p>The Localism Bill CIL Impact Assessment considers that CIL will provide a number of benefits to businesses, developers and landowners, including:</p> <ul style="list-style-type: none"> • Simplicity; • Reducing risk and providing upfront certainty about liability; • Speeding up the development process; • Avoiding only the minority of (typically larger) developments contributing to the infrastructure needed to support growth as with the existing system of 	L	Neutral

		<p>planning obligations; and</p> <ul style="list-style-type: none"> • Avoiding rewarding developers' ability to negotiate as with the existing system of planning obligations. <p>It goes on to conclude "We expect that any additional upfront costs on developers should be offset by the benefits..." (page 20); "We do not anticipate the Community Infrastructure Levy having an adverse impact upon fair and open business competition" and "This impact assessment therefore assumes that there will be a neutral effect overall in terms of the administrative burdens on developers" (page 24).</p> <p>CIL (Amendment) Regulations 2014 Explanatory Memorandum states that "The impact on business... is limited to those who develop land or own land that is developed. The changes improve flexibility in the application of the levy and update and add to both discretionary and mandatory reliefs from the levy" (para.10.1).</p>		
	<p>Small and Medium Sized Businesses</p>	<p>The CIL Regulations Explanatory Memorandum states that the CIL legislation "applies to small businesses in the same way that it applies to larger businesses" (11.1).</p> <p>Both the CIL Regulations Explanatory Memorandum and the Localism Bill CIL Impact Assessment emphasise the provisions in the CIL Regulations which are partly intended to help small businesses, namely:</p> <ul style="list-style-type: none"> • The 100sqm threshold under which developments generally don't give rise to a CIL liability, to ensure small developments do not pay CIL; • The £50 CIL liability threshold under which CIL liability is deemed to be zero, to avoid administrative costs associated with paying small amounts of CIL; and • The ability for charging authorities to introduce discretionary instalments policies to help with any cash flow issues. <p>The council may propose at a later date to introduce a policy to allow instalments although that is not currently part of this particular decision-making process for the DCS.</p>	L	Neutral

		<p>The Localism Bill CIL Impact Assessment acknowledges that “as the Community Infrastructure Levy is payable on almost all new developments, there will be a small administrative burden on some developers who did not previously contribute towards infrastructure through section 106 agreements” (page 12). However, it goes on to state that “we would ultimately expect these costs, for small and big businesses alike, to be passed back to landowners through reduced prices for land” (page 24). It should also be noted that the 2014 amendment regulations introduced exemptions for residential annexes, residential extensions and self-builders.</p>		
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Section 06	Reducing any adverse impacts				
Outcome of Analysis	<p>The proposed CIL charges in the CIL charging schedule are not considered to have any negative impacts on equality. When assessed, it has an overall a positive impact, particularly relating to the potential CIL-funded infrastructure schemes.</p> <p>It is therefore not anticipated that any specific actions will be needed to remove or mitigate against the risk of unlawful discrimination. However, despite this, the council will undertake the following actions set out in Section 07 Action Plan.</p>				

Section 07	Action Plan					
Action Plan						
	Issue identified	Action (s) to be taken	When	Lead officer	Expected outcome	Date added to business/service plan
	Need to ensure EqIA is robust	Ensure EqIA considered and consulted on in further stages of consultation	See Section 01	Sid Jha	More information and analysis on equalities impact	N/A

Impact of CIL on cashflow of (small) businesses	Consider pros/cons of introducing a discretionary instalments policy	Prior to CIL Charging Schedule taking effect (see Section 01)	Sid Jha	Decision on whether or not to introduce a discretionary instalments policy	N/A
Impact of CIL on charities where charities undertaking development for investment purposes	Consider pros/cons of introducing a discretionary charitable relief policy	Prior to CIL Charging Schedule taking effect (see Section 01)	Sid Jha	Decision on whether or not to introduce a discretionary charitable relief policy	N/A
Impact of CIL on Discounted Market Sale (DMS) housing delivery	Consider pros/cons of introducing a discretionary social housing relief policy	Prior to CIL Charging Schedule taking effect (see Section 01)	Sid Jha	Decision on whether or not to introduce a discretionary social housing relief policy	N/A
Impact of CIL on sites with exceptional viability circumstances, such as abnormal on-site costs and significant S106 contributions	Consider pros/cons of introducing an exceptional circumstances policy	Prior to CIL Charging Schedule taking effect (see Section 01)	Sid Jha	Decision on whether or not to introduce an exceptional circumstances policy	N/A
Impact of CIL on borough development / viability and delivery of infrastructure	Monitor as part of Annual Monitoring Reports (AMRs)	In relevant AMRs after the CIL Charging Schedules takes effect (see Section 01)	Sid Jha / Sandrine Mathard	Information and analysis on impact of CIL	N/A

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Section 08	Agreement, publication and monitoring	
Chief Officer sign-off	Name:	Nigel Pallace
	Position:	Executive Director, Transport and Technical Services
	Email:	nigel.pallace@lbhf.gov.uk
	Telephone No:	0208 753 3000
Key Decision Report	Date of report to Council:	20 May 2015
	Equalities issues included:	Yes.

	London Borough of Hammersmith & Fulham COUNCIL 20 MAY 2015
PETITIONS: ANNUAL REPORT 2014/15	
Report of the Chief Executive	
Open Report	
Classification - For Decision	
Key Decision: No	
Wards Affected: None	
Accountable Director: Nigel Pallace, Chief Executive	
Report Author: Kayode Adewumi, Head of Governance and Scrutiny	Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk

1. EXECUTIVE SUMMARY

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

2. RECOMMENDATION

- 2.1. That Council agree to continue to operate the Petitions Scheme.
- 2.2. That the operation of the Council's Petitions Scheme be noted.

3. REASONS FOR DECISION

- 3.1. The Council has made a commitment to continue to operate a Petitions Scheme providing another avenue for residents to engage with the democratic process.

4. INTRODUCTION AND BACKGROUND

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

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

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

5. Annual Report 2014/15

5.1. The Scheme has worked well over the past four years. In 2014/15, one petition was received regarding speed humps up Chancellors Road. The Scheme also allows people living, working or studying in the borough to petition a Policy and Accountability Committee but this did not happen during the period under review.

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

Summary of Petition Types, Requirements and Decision Maker.

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

6. FINANCIAL AND RESOURCES IMPLICATIONS

- 6.1. There are no financial implications to this report.
- 6.2. Implications verified/completed by: Kayode Adewumi, Head of Governance and Scrutiny 020 8753 2499.

7. LEGAL IMPLICATIONS

- 7.1. The comments of the Director are within this report.
- 7.2 Implications verified by: Tasnim Shawkat, Director of Law 020 8753 2700

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

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

Agenda Item 7.1

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

Standing in the names of:

- (i) Councillor Stephen Cowan
- (ii) Councillor Colin Aherne

"This Council notes the appointments by the Leader to the Cabinet as set out below".

DEPUTY LEADER	Councillor Michael Cartwright
CABINET MEMBER FOR CHILDREN AND EDUCATION	Councillor Sue Macmillan
CABINET MEMBER FOR COMMERCIAL REVENUE AND RESIDENT SATISFACTION	Councillor Ben Coleman
CABINET MEMBER FOR ECONOMIC DEVELOPMENT AND REGENERATION	Councillor Andrew Jones
CABINET MEMBER FOR ENVIRONMENT, TRANSPORT & RESIDENTS SERVICES *	Councillor Wesley Harcourt
CABINET MEMBER FOR FINANCE	Councillor Max Schmid
CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE	Councillor Vivienne Lukey
CABINET MEMBER FOR HOUSING	Councillor Lisa Homan
CABINET MEMBER FOR SOCIAL INCLUSION	Councillor Sue Fennimore

* Includes Planning, Licensing and Public Protection and Safety.

Lead Member - Contracts	Councillor Guy Vincent
Lead Member - Hospitals and Health Care	Councillor Sharon Holder
Lead Member - Representative For The Armed Forces De'Ath	Councillor Alan
Local Businesses Champion – Councillor Alan De'Ath	

MAY 2015

SPECIAL MOTION NO. 2 – APPOINTMENTS OF CHAIRS AND MEMBERSHIPS OF REGULATORY, POLICY AND ACCOUNTABILITY AND OTHER COMMITTEES

Standing in the names of:

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

"This Council agrees the appointments of Chairs and Memberships of Regulatory, Policy and Accountability and other Committees under its Constitution for the Municipal Year 2015/16, as set out in appendix 1.

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

Amendment to Appendix 1 of Special Motion 2 – Chair and Committee Memberships

REGULATORY & OTHER COMMITTEES MEMBERSHIPS 2015 / 2016

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

1. PLANNING AND DEVELOPMENT CONTROL COMMITTEE *
10 members, ratio 6:4

Councillor Adam Connell (Chair)
Councillor Iain Cassidy (Vice-chair)
Councillor Colin Aherne
Councillor Elaine Chumney
Councillor Michael Cartwright
Councillor Natalia Perez Shepherd
Councillor Lucy Ivimy
Councillor Alex Karmel
Councillor Rob Lorgan
Councillor Viya Nsumbu

2. LICENSING COMMITTEE*^ 15 members, ratio 8:7

Councillor Natalia Perez Shepherd (Chair)
Councillor Daryl Brown (Vice-chair)
Councillor Michael Cartright
Councillor Colin Aherne
Councillor Iain Cassidy
Councillor Larry Culhane
Councillor Guy Vincent
Councillor Vivienne Lukey
Councillor Adronie Alford
Councillor Steve Hamilton
Councillor Alex Karmel
Councillor Mike Adam
Councillor Belinda Donovan
Councillor Jane Law
Councillor Frances Stainton

3. LICENSING SUB-COMMITTEE* 3 members, ratio 2:1

Councillor Natalia Perez Shepherd (Chair)
Councillor Daryl Brown (Vice-chair)
Councillor Mike Adam

(Members and substitutes for the above must be drawn from the full membership of the Licensing Committee)

4. AUDIT, PENSIONS AND STANDARDS COMMITTEE* 9 members, ratio 5:4

Councillor Iain Cassidy (Chair)
Councillor Ben Coleman
Councillor Adam Connell

Councillor PJ Murphy
Councillor Guy Vincent
Councillor Mike Adam
Councillor Nick Botterill
Councillor Mark Loveday
Councillor Donald Johnson

5. APPOINTMENTS PANEL* 9 members, ratio 5:4

Leader – (Chair)
Deputy Leader - (Vice-Chair)
3 Cabinet Members*, one of whom should be relevant to the area of appointment
(NB: * Where an appointment relates to the portfolios of two Cabinet Members, both will be members of the panel)

Leader of the Opposition (or a named substitute)
3 relevant Opposition members

Exceptions: Appointment of Chief Executive

Leader (Chair)
All other Cabinet Members
Leader of the Opposition
4 Other Opposition Members

6. AUDIT, PENSIONS AND STANDARDS COMMITTEE (APPOINTMENTS) PANEL*

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

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

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

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

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

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

9. AUDIT, PENSIONS AND STANDARDS (DISPENSATIONS) SUB COMMITTEE

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

10. HEALTH AND WELL BEING BOARD*

Cabinet Member for Health and Adult Social Care - Councillor Vivienne Lukey (Chair)
Deputy - Councillor Rory Vaughan
Cabinet Member for Children and Education - Councillor Sue Macmillan

Deputy – Councillor Sharon Holder

11. WORMWOOD SCRUBS CHARITABLE TRUST

Councillor Wesley Harcourt
Councillor Elaine Chumnerly
Councillor Joe Carlebach

12. NORTH WEST LONDON JOINT HEALTH OVERVIEW & SCRUTINY COMMITTEE

Councillor Rory Vaughan (Voting Member)
Councillor Sharon Holder (Substitute Member)

13. PENSIONS BOARD

Councillor Ali Hashem
Councillor Rory Vaughan

OTHER BODIES

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

14. ADOPTION AND FOSTERING PANEL

Councillor Caroline Needham

15. CORPORATE PARENTING BOARD

Councillor Sue Macmillan
Councillor Sue Fennimore
Councillor Caroline Needham
Councillor Joe Carlebach

POLICY AND ACCOUNTABILITY COMMITTEES - 5 members, ratio 3:2

1. CHILDREN AND EDUCATION POLICY AND ACCOUNTABILITY COMMITTEE

Councillor Caroline Needham (Chair)
Councillor Alan De'Ath
Councillor Elaine Chumnerly
Councillor Caroline Ffiske
Councillor Donald Johnson

2. COMMUNITY SAFETY, ENVIRONMENT AND RESIDENTS SERVICES POLICY AND ACCOUNTABILITY COMMITTEE

Councillor Larry Culhane (Chair)
Councillor Iain Cassidy
Councillor Sharon Holder
Councillor Charlie Dewhirst

Councillor Steve Hamilton

3. ECONOMIC REGENERATION, HOUSING AND THE ARTS POLICY AND ACCOUNTABILITY COMMITTEE

Councillor Alan De'Ath (Chair)
Councillor Daryl Brown
Councillor Adam Connell
Councillor Harry Phibbs
Councillor Lucy Ivimy

4. FINANCE AND DELIVERY POLICY AND ACCOUNTABILITY COMMITTEE

Councillor PJ Murphy (Chair)
Councillor Ali Hashem
Councillor Guy Vincent
Councillor Greg Smith
Councillor Mike Adam

5. HEALTH, ADULT SOCIAL CARE AND SOCIAL INCLUSION POLICY AND ACCOUNTABILITY COMMITTEE

Councillor Rory Vaughan (Chair)
Councillor Hannah Barlow
Councillor Natalia Perez Shepherd
Councillor Joe Carlebach
Councillor Andrew Brown


Agenda Item 7.3

SPECIAL MOTION NO. 3 – COUNCIL CALENDARS 2015/16 AND 2016/17

Standing in the names of:

- (i) Councillor Larry Culhane
- (ii) Councillor Ali Hashem

"This Council agrees that meetings of the Council, its Committees and Panels be held on the dates, specified in the Council Calendar for the 2015/16 and 2016/17 Municipal Years, attached as Appendix 1*".

	<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">COUNCIL</p> <p align="center">20 MAY 2015</p>
<p align="center">REPORT OF THE POLICY AND ACCOUNTABILITY COMMITTEES 2014/15</p>	
<p>Report of the Policy & Accountability Committee Chairs</p>	
<p>Open Report</p>	
<p>Classification - For Information</p> <p>Key Decision: No</p>	
<p>Wards Affected: None</p>	
<p>Accountable Director: Tasnim Shawkat – Monitoring Officer</p>	
<p>Report Author: Craig Bowdery, Scrutiny Manager</p>	<p>Contact Details: Tel: 020 8753 2278 E-mail: craig.bowdery@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1 The Chairs of the Policy & Accountability Committee present the annual report of the activities and performance of the scrutiny function in Hammersmith & Fulham.
- 1.2 The attached report outlines the activities of the Policy & Accountability Committee and Task Groups during the 2014/15 municipal year.

2. RECOMMENDATION

- 2.1 That the Policy & Accountability Annual Report 2014/15, be received and noted.

REPORT OF THE POLICY AND ACCOUNTABILITY COMMITTEES 2014/15

Policy and Accountability Committees (PACs) are an innovation introduced by the Council's new administration following the election in May 2014. They implement the following commitment made by the administration in its manifesto:

"We will open up council decision-making and policy-making by setting up new Policy and Accountability Committees, cutting all but the statutory scrutiny committees. Each new Policy and Accountability Committee will have sufficient support to hold the administration to account and take a full part in developing policy. We will give residents and users' groups co-opted roles on the relevant Policy and Accountability Committees".

As agreed by Full Council in July 2014, PACs have the following key responsibilities:

- To hold the Cabinet to account
- To be a critical friend to the Executive and to challenge the assumptions behind the policies and actions of the Council and other local service providers
- To amplify the voice and concerns of local residents and to give residents a mechanism to comment on, participate in and determine Council policy
- To improve the Council's services by listening to residents and user groups
- To scrutinise decisions made by partner organisations in the interest of the residents of the Borough
- To be independent of party politics and ensure an informed evidence-based approach to policy development

There are five Policy and Accountability Committees:

1. Children and Education
2. Community Safety, Environment and Residents Services
3. Economic Regeneration, Housing and the Arts
4. Finance & Delivery
5. Health, Adult Social Care and Social Inclusion

In their first year, the PACs have all delivered engaging work programmes and have given residents the opportunity to be heard on the issues that matter to them. They have also established the following groups to look at issues in more detail:

1. Childcare Task Group
2. Parking Task Group
3. Taskforce on Social Value Procurement
4. North End Road Action Group
5. Empty Shops Action Group

The activities of the PACs and their related groups in 2014/15 are described in detail below.

POLICY AND ACCOUNTABILITY COMMITTEES

1. Children and Education PAC

Following the introduction of the new-style PACs, we have engaged with a wide range of members of the public relating to different areas of interest or concern.

At the first meeting in July, a large number of parents, school representatives and passenger transport drivers and escorts gave shocking evidence about serious and continuing problems with the new passenger transport contract for disabled children and vulnerable young people and adults. This was a tri-borough procurement that took place under the previous administration. At the meeting, the Leader of the Council committed the new administration to sorting this out as a priority. The Council then set up an ongoing working party involving parents, teachers, councillors and officers to resolve the problems with the service. The working party has redefined the service as being principally about care and support, not transport, and has put it on a new footing.

We also received a report on SEN arrangements, which outlined the key developments since the last update provided to the Committee. The report reflected on what worked well in terms of the implications of the changes following the introduction of the Children and Families Act, included feedback from parents and what needed to be done further in respect of the changes. Representatives from special schools and some parents attended the meeting to express their views about the changes.

Childcare was identified as a key priority for the Committee and formed the main focus of the September meeting. A number of children's centres and early years representatives were invited to the meeting and the purpose of the discussion was to listen and learn from them and to hear what the Council did well in terms of childcare provision and what it could learn from the representatives. The Committee set up a task group to review the provision of childcare in the borough and identify possible improvements. In April the task group presented three detailed recommendations aimed at improving the Family Information Service. The recommendations included; improving the website to make it easier for families to find high quality local child-minders, dedicating more resources to the team to improve response times, and better promoting the service to residents. Also as part of the childcare focus, the Committee received reports updating on the Task Group's work throughout its review and also on the Two Year Old Offer.

Public participation has been introduced to all PAC agendas, to give members of the public an opportunity to raise any items of interest at the PAC meetings. Parents and representatives from the Fulham Boys School (FBS) used our PAC meeting to express their concerns over the uncertainty that had occurred over the school's potential site. In respect of the news that funding had been withdrawn for the new FBS, parents of pupils who were due to attend the new school, thanked the Council for its support in addressing this problem. The Leader reported that the Council would do the best it could and was ready to assist FBS.

Another key priority to scrutinise was the area of adolescent mental health. This was the main focus of the November meeting where the Committee received a report giving an overview of child and adolescent mental health services (CAMHS) in Hammersmith and Fulham (H&F) and particularly services for young people aged 13 years and above. It also included information on the current CAMHS initiatives, both local and national, local need and services for H&F young people. A representative from Healthwatch, kindly attended the meeting to present the findings of a survey done by Healthwatch on the user experience of mental health services, which had consulted young people, schools, families etc. The Committee collaborated with the Health and Wellbeing Board to form a Task Group, led by Councillor Alan De'Ath, to investigate and present improvements to local mental health provision.

The views of looked after children and care leavers continues to be a focus for members and an annual report on this area was considered. It was reported that at the end of March 2014, there were 200 Looked After Children (LAC) which was a decrease from previous years and was different to the national figures where there had been an increase; the decrease in numbers was largely due to the early intervention measures in place in H&F. There had been substantial success this year in the Key Stage 4 results for LAC; there had been a year on year increase in the results. A representative from Barnardo's London Service for Sexually Exploited, Missing and Trafficked Children, also attended the meeting to talk about the work she was doing with young people, which included looked after children, in the borough.

A session was held before the above meeting with a number of care leavers, committee members and cabinet members, to give members an opportunity to hear first-hand about the experiences of care leavers. The young people were assured that the key points raised during the session would be followed up. The Committee was kept updated on the progress of this and was informed that laptops had been provided to 100 looked after children and care leavers in education, Wi-Fi in independent living arrangements was being commissioned and dongles were being provided until the Wi-Fi had been set up, the £30 limit for books had been removed and the parental contribution to university had been increased from £3K to £5K. The Chair was pleased how quickly the concerns of the young people had been addressed and hoped that this would encourage young people that they would be listened to.

The H&F Youth Parliament Member, the deputy Youth Parliament Member and a member of the Youth Council came along to the April meeting to update the Committee on the current and proposed arrangements for 'youth voice' (consultation and engagement of young people) in Hammersmith and Fulham. A DVD that the young people had prepared was shown which outlined the Youth Council's manifesto. It was noted that the top 5 issues identified by the young people were the living wage at work, giving young people a voice in improving communities, mental health, work experience and voting at age 16. The Committee and the Youth Council have identified key areas of work to collaborate on such as; skills for young people, adolescent mental health, and support for bilingual and multilingual families. The Chair is attending Youth Council meetings is committed to working closely with them to ensure young people have a voice in developing policy in H&F.

During the year the Committee considered other reports relating to social care which included Safeguarding and Looked After Children Performance Information report on activity during 2013-14 and the Local Safeguarding Children Board Annual report.

Other items also considered included the 2015 Medium Term Financial Strategy, the School Organisation and Investment Strategy, the implementation of the requirements in the Children and Families Act from September 2014, proposals for the commissioning of school meal services, responding to child sexual exploitation in Hammersmith and Fulham, E-safety for children and young people and the school performance report. The Executive Director of Children's Services and Cabinet Members have kept us updated on any relevant information through their regular update agenda items.

Outside of the meetings, some of the members have visited schools that have recently had an Ofsted Inspection, to see the school in action and to have the opportunity to discuss with the head teachers any issues raised in the Ofsted reports.

As highlighted above, we have considered a varied work programme in 2014/15 and we hope to keep engaging with members of the public, and continue to review areas of importance, such as childcare and looked after children and care leavers. We will also look at other areas of interest, such as reviewing support for children who are multi lingual and young carers. I would like to thank the Councillors and co-opted members for their support and participation throughout the year.

Councillor Caroline Needham (Chair)

2. Community Safety, Environment and Residents Services PAC

The Committee's first year has been engaging and productive as we have looked at a wide range of issues included within our remit. We started the year at our July meeting when we looked at cycling in the borough. In Hammersmith & Fulham we have one of the highest cycling rates in London with 4% of all journeys completed by bike, as compared to 2% across London. However with the Council committed to increasing cycling rates as much as possible, it is clear that more can be done to make travelling by bike easier, safer and more appealing for as many people as possible. We have looked at cycling at two of our meetings and have had many members of the public and representatives from the hfcyclists user group attend and describe their experiences. These have been invaluable and have helped the Council to understand residents' needs, and helped residents understand our plans and the challenges we face. One of the improvements that we heard that cyclists want is a Borough-wide 20mph speed limit, and we'll be hearing about the Council's plans to implement this at our first meeting in 2015/16.

Our first meeting also considered the improvement works that were underway at Wormholt Park. Residents raised concerns such as for nesting birds and suggestions such as a drinking fountain and the location of benches in the park, and these were all considered by the Council during the planning process. The same meeting also looked at the air quality in the Borough and the work of the Council to

address this vital issue. The Committee welcomed initiatives such as working with GPs and hospitals, promoting travel plans to reduce car journeys and requirements for electric car parking spaces in new developments. We will continue to monitor air quality in the borough in the next municipal year.

Another key issue we have looked at this year is parking in the borough, specifically on football match days. In September our meeting was attended by a number of local residents who described the challenges they face when large numbers of visitors try to park in our streets. The same meeting also considered the administration of parking permits and discussed with residents issues such as costs, the difficulties for residents trying to renew or amend their permits and the reductions for vulnerable users and carers. It became clear during the meeting that there was a wide range of conflicting issues and opinions related to parking, and so the Committee agreed to establish a Parking Task Group, which would look at all parking issues including football match days and the parking permits.

In September we also looked at the Council's use of RIPA legislation (the Regulation of Investigatory Powers Act) which outlined how the Council used its surveillance powers. We discussed the interception of telephone calls and were reassured to hear that the Council could not listen to calls but only get access to subscriber information and phone bills, and that to do so required permission from a magistrate. We also heard from officers with regard to the Surface Water Management Plan and the Council's proposals to develop more detailed mapping of all of the critical flood risk areas in the borough to help guide future planning policies.

In November welcomed over sixty members of the public to our meeting to discuss proposals to expand Heathrow airport. Residents explained that they were extremely concerned about the proposals, specifically on health and noise grounds. It was agreed that a resident-led Commission would be established to make an impartial and independent assessment of the proposals and help guide the Council's response to the national consultation. In January we received the final report of the Commission and welcomed the huge amount of work carried out by the Chair, Ms Christina Smyth, and her colleagues. We also supported the Commission's finding that

“if Heathrow were to expand under either of the options, Hammersmith & Fulham would enjoy some economic and leisure benefits, although economic developments elsewhere in the borough mean it is not dependent on them. In any case, these benefits would be far outweighed by the adverse effects of additional flights overhead, additional flight paths over the borough, additional noise, road and public transport congestion, worse air quality and uncertainty about precise impacts for many years.”

The development at Old Oak Common will likely have a significant impact on residents of the Borough and transport links will be important. In November we welcomed a representative from Transport for London (TfL) to discuss the plans to build a new overground rail station at Old Oak Common. Members and residents expressed concern that one of TfL's options would have a severe detrimental impact on the natural environment of Wormwood Scrubs and we also expressed our reservations regarding the second option which would require trains to reverse.

Despite TfL's third option not being ideal as it required a double station split over 650m, the Committee agreed that this would be preferable among the three options.

Recycling is another key challenge for the Borough and we have looked at the ways the Council can increase the amount of waste it recycles. The Committee supported the exploration of offering incentives to encourage residents to recycle more and the ways we communicate with people to emphasise the importance of recycling as much as possible. The transience of the local community was recognised as a key challenge for the Council and so the Committee asked officers to look into ways we can encourage people moving into the area to recycle correctly.

The Committee has also looked at developing planning policies, such as the draft Local Plan in February. The Committee welcomed new policies in the document such as new restrictions on the clustering and concentration of betting shops in an area and on double-storey basements. In April we also looked at how the local community would be involved in the planning process through a new Statement of Community Involvement. Members welcomed the efforts to keep those affected by developments engaged in the process and made a recommendation that local action groups be highlighted alongside statutory consultees on the materials sent to residents about upcoming developments.

In February we also reviewed the street cleansing service, following comments received by members from residents. The Committee welcomed the news that littering was decreasing and that officers were being instructed to focus on enforcement and tackling domestic littering and fly-tipping. Options such as underground storage and shared bins at the end of roads were raised by residents and the Cabinet Member undertook to consider the feasibility of such suggestions.

Our scrutiny of street cleansing and waste collection continued in April when we reviewed the contract with Serco. News of the regular meetings between the Cabinet Member and Serco officers was welcomed, as was the positive reports of Serco's performance against performance indicators that were standardised across multiple boroughs. At the same meeting we also reviewed the Council's methodology for highways maintenance works and the regular safety inspections that took place to ensure our roads are safe.

Councillor Larry Culhane (Chair)

3. Economic Regeneration, Housing and the Arts PAC

To ensure genuine resident involvement in Council decision-making and policy-making relating to our PAC's brief, we have made considerable effort to attract local residents, businesses and charities to our meetings and between 50 and 100 people have attended each one.

Council officers and community groups helped identify potentially interested participants and we publicised the PACs through the Council's regular e-newsletter and business e-newsletter. We have now built up our own extensive and growing emailing list of local residents, businesses and the third sector. Even if not everyone

comes to every meeting, this way they are kept informed and involved – as well as enthusiastic and rightly demanding.

At the meetings, we have sought to be informal and welcoming, giving attendees as much of an opportunity to contribute as councillors. We offer tea and coffee and use roving microphones to enable everyone to speak and hear each other without difficulty. We have also held some meetings in the community away from the town hall. Our inaugural meeting in July 2014 was at Melcombe Primary School in Fulham Palace Road and in September 2014 we held a meeting at St John's Church Fulham to discuss the revival of North End Road.

This changed approach to resident involvement was initially quite challenging for the committee clerks and other officers and I much appreciate their flexibility and willingness to adapt.

The PAC met seven times in 2014/2015. We made numerous recommendations and established a Taskforce and two Action Groups. Our activities and results are set out chronologically below under the three headings of economic regeneration, housing and the arts respectively.

Economic Regeneration

Business rates and support – At our first meeting in July 2014, the PAC recommended that the new administration take forward the report of the previous administration's Business Rates Scrutiny Task Group. One result is that a new policy to restrict the concentration of betting shops has been included in the draft Local Plan.

High street regeneration – The same PAC recommended that, in line with administration's manifesto, high street regeneration be a Council priority, starting with the two pilot sites of North End Road and Bloemfontein Road. In September 2014, we held a lively PAC attended by some 100 residents, shopkeepers, stallholders, officers and Councillors at St John's Church Fulham. Numerous attendees volunteered to join a new North End Road Action Group (NERAG) of residents, stallholders, businesses and the Council. (*See below for details.*)

Procurement – Following a recommendation by the July PAC and in line with the administration's manifesto, a Taskforce on Social Value Procurement was jointly established between this PAC and the Finance and Delivery PAC to look at how more of the economic benefits of Council procurement could be kept within the borough. (*See below for details.*)

Empty shops – Following a lively discussion in January 2015 with some 60 local residents and business, and in line with the administration's manifesto, the PAC recommend the establishment of an Empty Shops Action Group of residents, businesses and the Council to look at ways of bringing empty shops in the borough back in to use. This has happened. (*See below for details.*)

Housing

Resident involvement – At our first meeting, tenants and residents associations (TRAs) told us that the Council had not previously listened to TRAs and that the resident involvement process had divided rather than integrated residents and TRAs. In line with the administration's manifesto, we recommended that a wholly new approach be taken to resident involvement, with the Council actively working with residents rather than doing things to them. As a result, a monthly, resident-run TRA Forum was initiated in August 2014 and a strengthened Resident Involvement Team has been in place since March 2015. Also in March 2015, for the first time more than 300 Council tenants organised their own conference, 'Moving Forward Together'.

Other changes driven by the PAC are that TRAs are now able to develop their own constitutions, a simplified process for registering TRAs has been introduced, a new Repairs Handbook is being drafted and the Resident Involvement Team is looking at more ways to involve residents from street properties and gap sites.

Measurement of contractors – In July and September 2014, we explored how the satisfaction criteria for housing contractors (particularly Mitie and Pinnacle) were arrived at and assessed. Following a request from residents at the PAC, Mitie's contract was published on the Council's website in January 2015. The TRA Forum is now reviewing in more detail how contractors are and should be measured.

Mitie's communication with residents – In July 2014, we urged Mitie to improve its communication with residents. Mitie accepted that improvements were needed and is working with the Council and residents on a joint communications strategy.

Residents' Housing Commission – In November 2014, Council tenants told us that they deeply regretted the sale of Council homes under the previous administration. As a result and in line with the administration's manifesto, we requested the administration to establish a Residents' Commission on Council Housing to consider the options for empowering residents to take local control over their homes and for maximising investment in existing and new Council homes.

The Commission was established in December 2014 and held its first meeting in March 2015, with public hearings and calls for evidence planned for after the General Election. The Commission is chaired by Rt Hon Keith Hill MP and comprises six tenants, three leaseholders and three non-voting independent experts. To ensure its independence, there are no Councillors as members. It plans to report in autumn 2015. Residents will be given the final say on any changes to the ownership and management of their homes.

Criteria for allocating tenancies – In November 2014, we also requested the Cabinet to bring forward a paper around allocations and new forms of tenancy. As a result, detailed options were included in the draft Housing Strategy. The changes proposed will be brought back to the PAC for consideration.

Private rented housing – Also in November 2014, in line with the administration's manifesto, we asked the Cabinet to bring forward plans for improving private rented

housing in the borough. As a result, proposals were included in the draft Housing Strategy and recommendations will go to the Cabinet in May 2015.

Rents and repairs – In December 2014, following extensive discussion with tenants, we recommended expenditure of approximately £185 million on planned repairs to Council homes over the next four years and an average increase in rents and service charges of only 2.89%, representing just two-thirds of the increase planned by the previous administration. This has become Council policy.

Better housing for disabled residents – In January 2015, we heard from numerous disabled residents and their representatives that the Council should be flexible around lifetime tenancy agreements; make the process of getting on the housing register more disability friendly; do more to ensure that existing properties were suitable for disabled residents; improve the accuracy of data on disabled residents, carers of disabled adults and adaptations; and improve coordination between the Council's Housing, Adult Services and Children's Services departments.

We submitted these demands and a full note of the discussion as a formal response to the Council's draft Housing Strategy. As a result, the housing register application form is being revised and consulted on with Mencap and Action on Disability. Initial work has started with Children's Services and Adult Services to improve co-ordination around housing for disabled people, and a paper for the PAC to consider is being prepared. Given the difficulties inherent in joint working across departmental boundaries, this area will need consistent scrutiny and follow-up by the PAC.

The Arts

In March 2015, following a lively discussion with some 70 local artists and arts organisations, we requested the Cabinet Member for Economic Development and Regeneration to lead the development of a new arts strategy for the borough. The draft strategy is under development and will be brought to the PAC for consultation. The meeting also led to better networking between arts organisations present and the Council is holding discussions with several to see how it can work better with them.

Councillor Ben Coleman (Chair)

4. Finance and Delivery PAC

With the Council facing significant financial pressures, delivering a balanced budget and identifying more efficient ways of working was an ongoing focus for the Finance and Delivery PAC. We started the year at our July meeting by reviewing the authority's Medium Term Financial Strategy (MTFS) and sought assurances that our most vulnerable residents and frontline services were being protected wherever possible.

Even budgets as large as a Council's can only be cut so much, and so we were also interested to hear of the work being carried out by the Innovation and Change Management team, which was to conduct a fundamental review of how the organisation delivered services to our residents.

At the same meeting the Committee reviewed how the Council was making use of capital resources to benefit frontline services. For example my colleagues and I welcomed plans to invest in Extra Care Units for vulnerable residents. Not only would this allow more people to be housed locally with improved access to their family and friends, it would also be a cheaper alternative to paying other providers to house people further away outside of the borough. At subsequent meetings members have discussed the Council's Capital Strategy to make our cash balances work harder for us. The Committee will continue to monitor such initiatives and promote a more sensible use of the Council's resources.

A recurring item on our agendas has been the BT Managed Services Project, which was effectively outsourced to Westminster, to run as part of the old tri-borough approach. Initial performance was inadequate and it was only after the involvement of Hammersmith & Fulham's officers that this joint project was brought back on track.

We have been closely monitoring the delays to implementation and pushed hard to ensure the Council received the maximum compensation it was due. We will now continue to monitor its implementation and seek assurances that all anticipated savings are realised.

Consideration of new ways of working and an objective assessment of how services are delivered continued at our September meeting when we looked in more detail at the Innovation Unit. Many of the more 'straightforward' savings had already been made by the Council, so the Unit was tasked with being more radical and innovative to close the budget gap created by reduced Government spending.

We noted the team's successes, such as the Smart Working IT programme, and welcomed the savings this allowed the Council to make. As an area of work that local Councils are less familiar with, we will monitor the Innovation Unit with interest and look forward to further proposals. In February we also discussed the use of Business Intelligence by the Council to make our services much more responsive and able to better anticipate our residents' needs.

At the September meeting we also began our scrutiny of the finances and governance of the Western Riverside Waste Authority (WRWA). It was necessary for us to insist on their attendance. The Committee was concerned at the lack of clarity over accountability of the WRWA officers and were unclear how the Authority was delivering value for money as Hammersmith & Fulham paid a higher fee for waste collection and processing than many other London Boroughs. Whilst the Committee welcomed many of the initiatives implemented by WRWA, we sought further information such as a detailed savings plan for the medium to long term and greater detail regarding capital receipts.

The WRWA attended our April meeting, but did not respond to our request for ideas for cost saving and increased recycling. We recorded our disquiet at their lack of commercialism, sense of urgency and a desire to always see the contractors side of the argument.

In January we reviewed the Council's proposed Budget for 2015/16. Members welcomed the proposals that there should be no real terms increases in any of the fees and charges for residents, particularly as many were actually being reduced. It was clear that the Council still faced an enormous challenge to deliver future budgets, so the Committee is committed to ensuring the Council looks for more innovative and efficient ways of working.

As a fundamental function and enabler of other services, the Council's IT provision has been a key item we have looked at this year. Whilst performance reports suggest that the authority's IT is performing well, the Committee remain concerned at the overall value for money it provides. With the contract due for renewal over the next two years, we will be looking for assurances that the Council's future IT contract delivers the tools the organisation needs at the lowest possible price.

At our April meeting we looked at the Council's Human Resources policies on senior officer performance related pay and how our staff are being supported through organisational changes. The Committee was of the view that the performance related pay scheme needed to be adapted to reflect the Council's focus on reduced budgets and increased customer satisfaction.

During the year the Committee co-opted four members of the public including; a former board director of Marks and Spencer, a former Group Financial Controller for the London Stock Exchange, and the heads of international businesses and sales teams. I would like to take this opportunity to thank them all for their valuable contributions and recognise the positive impact they have had on the quality of the Committee's work by bringing a commercial perspective and drawing on their extensive business experience.

The financial pressures facing the Council look set to continue for a number of years, and so the work of the Finance and Delivery PAC will be more important than ever. Next year we will continue to review the ways the Council proposes to make savings and seek to ensure that our residents' money is spent as wisely as possible.

Councillor PJ Murphy (Chair)

5. Health, Adult Social Care and Social Inclusion PAC

During the first year of the PAC, we continued the work of our predecessor select committee in monitoring the implementation of 'Shaping a Healthier Future', the North West London NHS service reconfiguration and health service performance issues. Senior managers and clinicians from both Hammersmith & Fulham Clinical Commissioning Group (CCG) and Imperial College Healthcare NHS Trust (ICHT) have regularly attended our meetings. We are pleased that these meetings were well attended by members of the public.

We remain concerned at the closure of Hammersmith Hospital Accident & Emergency Department and have continued to monitor the impact on Charing Cross and St. Mary's Hospitals, and also the performance of the three Urgent Care Centres. In addition, there is evidence of poor performance in a number of areas, most importantly Accident & Emergency waiting times and Cancer Care. We

received some assurance from ICHT in respect of its action plan to improve performance.

A Care Quality Commission (CQC) inspection resulted in ICHT being rated as 'Requires Improvement'. We asked ICHT to report on its action plan, and were given some assurance about the actions already put in place. Chelsea and Westminster NHS Foundation Trust, which was also rated as 'Requires Improvement', will be invited to the first meeting of the municipal year to update on its action plan, as a significant number of Hammersmith & Fulham residents are treated at this hospital.

The future of Charing Cross Hospital is of particular concern and we continue to press for information in respect of ICHT's business plan and site strategy. In particular, the revised proposal for the Charing Cross Hospital site that the Independent Reconfiguration Panel recommended in its report in September 2013 on the original Shaping a Healthier Future proposals has not been forthcoming. We have recommended that there should be full public consultation on those revised proposals before any final decisions are made on the future of Charing Cross Hospital.

There has been poor performance across Hammersmith & Fulham in respect of the Under Fives Flu Vaccination Programme. We were not satisfied with the answers given by the three bodies with responsibility for the programme, NHS England, the CCG and Public Health, and asked them to jointly attend a meeting to address the issues raised by our residents and explain what actions they were taking to improve performance during the remainder of the flu period. We were pleased to see greater publicity of the vaccinations, including on the Council's website.

Central London Community Healthcare NHS Trust presented to the committee on their five-year plan, including their application for NHS foundation trust status. We have asked for information on what this will mean specifically for Hammersmith & Fulham, and will review in the light of the forthcoming CQC inspection.

There have been a number of evidence gathering sessions, which have helped us to comment on key policy areas, such as Food Banks, Engaging Home Care Service Users, their Families and Carers, Abolition of Home Care Charging and Meals on Wheels.

We have continued to monitor the progress of self-directed support, and specifically the introduction of pre-loaded payment cards, about which we have some concerns. We shall review the pilot evaluation at the beginning of 2016.

Healthwatch gave a presentation on the role of Dignity Champions and we noted our appreciation of their work and the excellent benefits, particularly for service users.

The final meeting of the municipal year considered three policy items: Listening To and Supporting Carers; Learning Disabilities Complex Needs and Developing a Digital Inclusion Strategy. We were pleased to welcome expert witnesses from the Carers Network, H&F Mind, the Citizens Advice Bureau and Age UK and the Head Teacher of Queensmill School, and to take written evidence from HF Mencap.

The Care Act 2014 has provided new rights for carers, and we shall continue to monitor their implementation, together with other significant changes, including the financial implications.

We were assured by officers that the Learning Disabilities service would be flexible to recognise different levels of need, but would like to revisit the actions being taken to recruit and retain high calibre staff. A member of the public provided a specific example of the consequences of a carer having several jobs and raised the issue of respite care for those with moderate needs, to which Adult Social Care will respond. The report on the transition from Children's to Adult Social Care, which is being brought to the first meeting of the municipal year, will pick up on a number of the issues.

We were pleased to hear the progress being made to increase access to the internet and address digital exclusion, which can have a significant impact on employment and social inclusion. The expert witnesses gave examples of good practice and some different ways of engaging with people.

We should like to thank the organisations and individuals who have attended our meetings to give evidence to help us make recommendations, which we shall review at future meetings.

Our co-opted members represent Action on Disability, Age UK and HAFCAC, and bring a range of experience and knowledge to our discussions.

A busy work programme has been drafted for the next municipal year, and we plan to cover a number of areas, which we have not been able to address in any depth this year, including mental health and public health.

Councillor Rory Vaughan (Chair)

GROUPS ESTABLISHED BY THE PACS

6. Childcare Task Group

Following the September meeting of the Children and Education PAC, a task group was set up to review the provision of childcare in the borough. Its members are Councillors Natalia Perez Shepherd (Chair), Elaine Chumnerly and Caroline Ffiske. We were joined by four representatives from children's centres and early years centres who kindly agreed to be involved to give their expert advice. They were Michele Barrett (Head of Vanessa Nursery), Patricia Logan (Head of Bayonne Nursery), Michael Pettavel (Head of Randolph Beresford Early Years Centre) and Andy Sharpe (Masbro Centre).

We heard from a number of witnesses who were invited to meetings to give evidence and express their views on childcare, which included officers from Children's Services and Finance and Corporate Services, and leaders of local and national childcare organisations including the Family and Childcare Trust, the London Early

Years Foundation, the West London Zone for Children and Young People, a representative for the 8-6 Childcare in Schools Pilot and the Hammersmith and Fulham Family Information Service.

The views of local families were gathered by an online survey and a parents' focus group held at one of the children's centres. Local childminders were engaged through group interviews at the Quality Childcare Forums in the north and south of the borough, and local providers fed into the task group through a questionnaire that was conducted either in person or through email.

We also received and considered a range of written documentation and research, including the 'London Childcare Report 2014' (Family and Childcare Trust) and 'Research to Inform the Evaluation of the Early Excellence Centres Pilot Programme' (DfEE).

The Task Group felt it had met its original remit of reviewing the provision of childcare in the borough, but as there was so much more that could be looked into due to the wide remit of childcare, it would continue its review and look at these areas in more depth. An interim report was considered at April CEPAC meeting, which covered the work done so far, including the large amount of evidence gathered. It also focused on the Family Information Service. We have identified several key areas that we would like to investigate in more detail, and then would report back to CEPAC on throughout the next municipal year. These areas are as follows:

- The importance of accurate information for local families and the current performance of the Hammersmith and Fulham Family Information Service
- Improving support for childminders and the effectiveness of the offer of childminding services for local families
- The role of Children's Centres in delivering effective, high quality childcare in Hammersmith and Fulham
- Building on the findings of the 8-6 out-of-core-hours pilot for support in schools
- Innovative solutions for growing a skilled workforce.

I would like to thank all those who have taken part in the review so far, with particular thanks to our expert witnesses who have dedicated a lot of their time to this review.

Councillor Natalia Perez Shepherd (Chair)

7. Parking Task Group

At its meeting in September 2014, the Community Safety, Environment and Residents Services PAC (CSERS PAC) received a report exploring the issues surrounding parking in Hammersmith and Fulham on football match days. The borough has three major football clubs: the Premiership clubs Chelsea and Queens Park Rangers and the Championship club Fulham. Attendances at home matches for the three clubs range from around 17,000 to over 40,000. Whilst some of these attendees arrive by public transport or by foot, a large number travel to the grounds

by car. There is therefore a significant stress on local parking availability around the football stadiums on football match days.

At the same meeting, the Committee heard from members of the public about other parking issues, such as the Smart Visitor Permit (SVP) scheme. Many of the public comments related to the difficulties caused by the SVPs for residents' visitors, especially for the borough's more vulnerable residents, to who carers found it difficult to visit.

The CSERS PAC meeting heard from officers that a public consultation on parking restrictions had been conducted during December 2010 and January 2011. The outcomes from the consultation had not been consistent across the borough and so different restrictions were introduced in each of the 27 parking zones. Match day restrictions have not been reviewed since this consultation. The Committee heard from officers that there were two types of match day restrictions currently in use. In the areas surrounding Stamford Bridge (Chelsea FC), there were blanket restrictions which applied at weekends even if there was not a match taking place. However around Craven Cottage (Fulham FC) the restrictions only applied when a match was actually taking place, with specially designed signage advisors drivers of the restrictions in place on that particular day. The match day only controls around Craven Cottage were introduced following the 2010/11 consultation.

A number of members of the public attended the PAC meeting and many residents left comments complaining about the current parking arrangements on the Council's website. It was therefore apparent that the existing restrictions caused concern for many people and that they were due to be reviewed. The CSERS PAC therefore agreed to establish the Parking Task Group to explore the unintended difficulties caused by the existing restrictions and to seek to find a balanced way of managing the demand for on-street parking across the borough.

The Task Group has so far met four times and has considered the following issues:

- Examples of parking arrangements at other sports stadiums, such as the use of Section 106 funds at the Emirates Stadium in Islington to fund changeable flap signage
- New proposals for match day restrictions in Zone J based on public consultation and a consultation on residents and businesses in Zone D
- The development and expansion of an online system that alerted residents of upcoming football matches
- The results of a survey of all Smart Visitor Permit holders, leading to improvements to the registration and top-up processes
- Green parking initiatives such as reduced costs for parking permits for owners of more environmentally-friendly vehicles, an expanded car club provision and more electric vehicle charging points
- Cashless payment for parking (e.g. by phone or by credit/debit card at machines)

Throughout the work of the Task Group, members have helped form recommendations made to the Cabinet Member for Environment, Transport and Residents Services and influenced developing policies. It has become clear that a member sounding board has an important role to play in parking policy as a means of balancing often-conflicting views. The Task Group will therefore be recommending

that an informal meeting of Councillors from both parties be established to help keep all parking matters under review, and to listen to the views of local residents and businesses. It is currently anticipated that the Task Group will finish its work over the summer of 2015.

I would like to thank my colleagues Councillors Steve Hamilton and Sharon Holder for their work with the Task Group, and officers for their contributions.

Councillor Larry Culhane (Chair)

8. Taskforce on Social Value Procurement

In its manifesto, the new administration made the following commitment: *“While still keeping costs down, Council procurement will take a ‘community benefit’ approach that supports local jobs and businesses and develops young people’s skills through apprenticeships. At a first step, we will identify and remove barriers that small firms face in trying to win Council contracts.”*

As a result, in July 2014, the PACs on Economic Regeneration, Housing and the Arts and on Finance and Delivery agreed to set up a joint Taskforce on Social Value Procurement.

As the Council does not at present have a policy on achieving greater social value through procurement, the Taskforce was tasked with recommending what such a policy might look like.

Besides myself, the Taskforce members were Cllr Guy Vincent and Cllr Greg Smith. Witnesses included local businesses and third sector support organisations, Council officers and procurement officers from other boroughs. I would like to thank my colleagues and all those who took part for their very helpful contributions.

At our first meeting, we reviewed how the Council currently procured and the approach it took to social value and responsible procurement. We also noted the Council’s statutory duties and its interest in procuring jointly with other boroughs.

At our second meeting, we explored local suppliers’ experiences through a discussion with local firms and with business and third sector support organisations.

At our third meeting, we learnt about procurement and social value in other authorities with officers from Croydon, Kirklees and Lambeth councils.

At our fourth meeting, we explored two case studies, seeking to identify social value opportunities in future council contracts for the provision of school meals and for the Janet Adegoke swimming pool and gym facilities at Phoenix High School.

Members also considered a range of written documentation and research.

A draft report has been discussed with the officer Procurement Board and is being finalised for review at the PAC. The final report is due to be published in the summer of 2015.

Councillor Ben Coleman (Chair)

9. North End Road Action Group

The North End Road Action Group brings local residents, stallholders, shopkeepers together with the Council to drive the revival of this run-down Fulham high street.

The Economic Regeneration, Housing and the Arts PAC (EHRA PAC) of September 2014 recommended the establishment of the group and NERAG has met monthly since October 2014, with between 20 and 40 people attending at a time. It has discussed a range of issues, including enhancing the market, addressing parking, resolving encroachment issues, undertaking a street audit and marketing.

NERAG helped organise a pedestrianised, extended Festive Market of 100 stalls on 6 December 2014. This attracted more than 10,000 visitors and showcased what North End Road could look like as a thriving high street. Some of the additional stalls have become regular traders.

Priorities for 2015 include holding more pedestrianised markets, focusing on encroachment by shops and running a NERAG-led marketing campaign.

Councillor Ben Coleman (Facilitator)

10. Empty Shops Action Group

The Empty Shops Action Group brings together residents, businesses and the Council to devise approaches to bringing empty shops in the borough back in to use. It was a recommendation of the EHRA PAC of January 2015.

At its first meeting in March 2015, the group decided to build a picture of vacancies throughout the borough, including numbers, location, landlord details, length of vacancy, size and state of repair. The group recommended that ready-to-rent properties then be identified and listed on the Council's website. As an interim measure, the group also recommended applying vinyls to abandoned properties in a poor state of repair.

Councillor Ben Coleman (Facilitator)