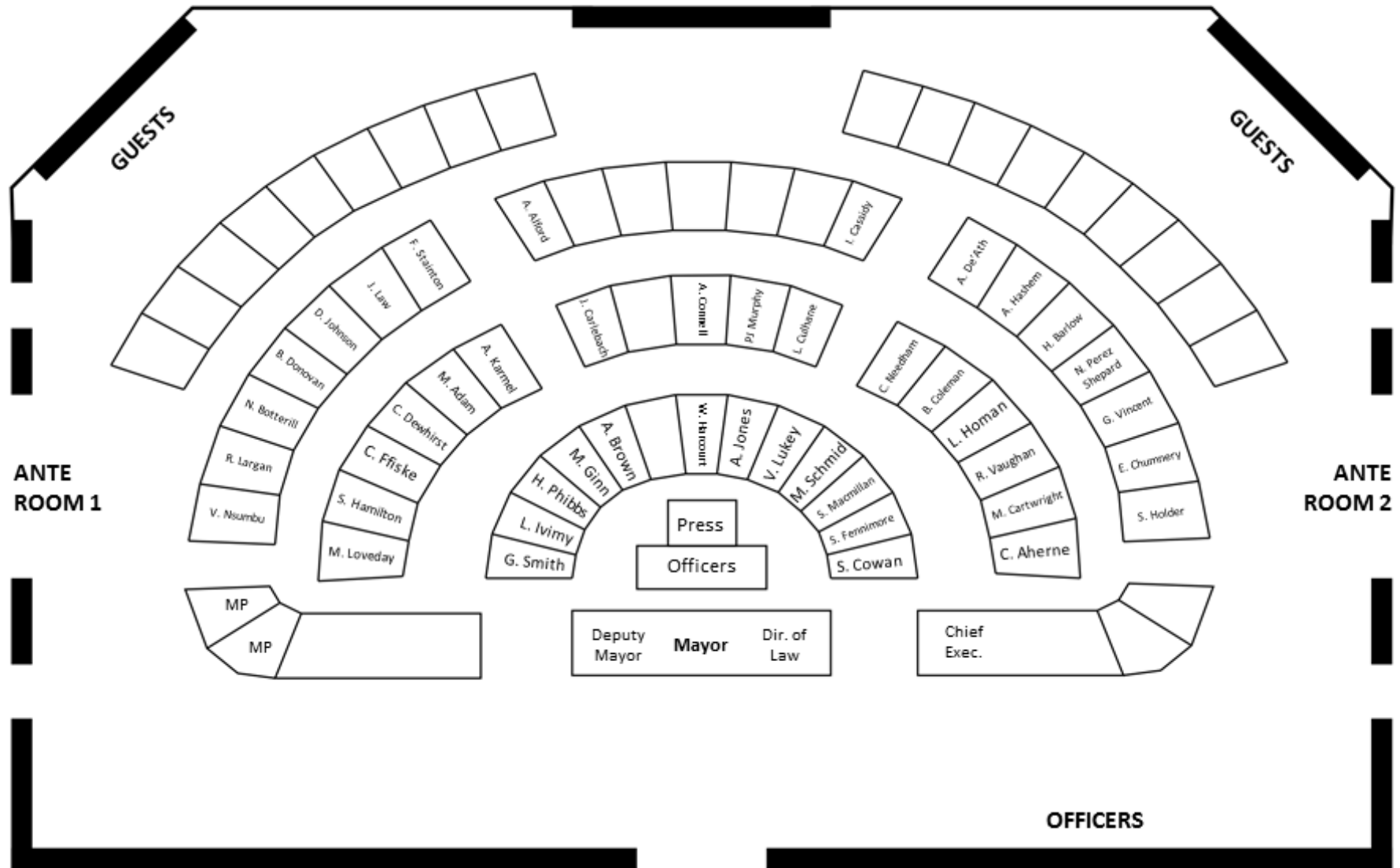


COUNCIL AGENDA

ORDINARY COUNCIL MEETING

Wednesday 15 July 2015

COUNCIL CHAMBER SEATING 2015/16



COUNCIL CHAMBER FOYER



The Mayor Councillor Mercy Umeh
Deputy Mayor Councillor Daryl Brown

ADDISON

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

HAMMERSMITH
BROADWAY

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

RAVENS COURT PARK

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

ASKEW

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

MUNSTER

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

SANDS END

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

AVONMORE &
BROOK GREEN

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

NORTH END

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

SHEPHERDS BUSH
GREEN

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

COLLEGE PARK &
OLD OAK

Elaine Chumnerly (L)
Wesley Harcourt (L)

PALACE RIVERSIDE

Marcus Ginn (C)
Donald Johnson (C)

TOWN

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

FULHAM BROADWAY

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

PARSONS GREEN AND
WALHAM

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

WORMHOLT AND
WHITE CITY

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

FULHAM REACH

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

SUMMONS

Councillors of the London Borough of
Hammersmith & Fulham
are requested to attend the
Meeting of the Council on
Wednesday 15 July 2015
at Hammersmith Town Hall, W6

The Council will meet at 7.00pm.

Town Hall
Hammersmith W6

Nigel Pallace
Chief Executive

Full Council Agenda

15 July 2015

<u>Item</u>		<u>Pages</u>
1.	MINUTES To approve and sign as an accurate record the Minutes of the Council Meeting held on 20 May 2015.	213 - 222
2.	APOLOGIES FOR ABSENCE	
3.	MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS (IF ANY)	
4.	DECLARATIONS OF INTERESTS If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent. At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken. Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest. Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.	
5.	PUBLIC QUESTIONS (20 MINUTES) The Leader/relevant Cabinet Member to reply to questions submitted by members of the public:	
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6.1	REVIEW OF THE CONSTITUTION	224 - 235
	This reports recommends a number of amendments to the Council's Constitution.	
7.	SPECIAL MOTIONS	
	To consider and determine any Special Motions:	
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COUNCIL MINUTES

ANNUAL COUNCIL MEETING

WEDNESDAY 20 MAY 2015



PRESENT

The Mayor Councillor Mercy Umeh
Deputy Mayor Councillor Daryl Brown

Councillors:

Michael Adam	Alan De'Ath	Jane Law
Adronie Alford	Charlie Dewhirst	Mark Loveday
Colin Aherne	Belinda Donovan	Vivienne Lukey
Hannah Barlow	Sue Fennimore	Sue Macmillan
Nicholas Botterill	Caroline Ffiske	PJ Murphy
Andrew Brown	Marcus Ginn	Caroline Needham
Joe Carlebach	Steve Hamilton	Viya Nsumbu
Michael Cartwright	Wesley Harcourt	Natalia Perez Shepherd
Iain Cassidy	Ali Hashem	Harry Phibbs
Elaine Chumnerly	Sharon Holder	Max Schmid
Ben Coleman	Lisa Homan	Greg Smith
Adam Connell	Lucy Ivimy	Frances Stainton
Stephen Cowan	Donald Johnson	Rory Vaughan
Larry Culhane	Andrew Jones	Guy Vincent
	Alex Karmel	
	Robert Largan	

1. ELECTION OF MAYOR

7pm – Councillor Mercy Umeh took the Chair at the start of the meeting.

Councillor Colin Aherne, proposed, and seconded by Councillor Larry Culhane, that Councillor Mercy Umeh be re-elected Mayor of the London Borough of Hammersmith and Fulham for the 2015/16 Municipal Year.

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

FOR	Unanimous
AGAINST	0
NOT VOTING	0

The recommendation was declared **CARRIED**.

7.02pm – RESOLVED

Councillor Mercy Umeh was duly declared Mayor of the London Borough of Hammersmith and Fulham for the 2015/16 Municipal Year, following which she made the statutory Declaration of Acceptance of Office and signed the statutory undertaking to observe the Code of Conduct for Councillors.

The Mayor then made a brief speech welcoming Councillors and honoured guests to the meeting. She thanked her fellow Councillors and her family for their support and said that serving as Mayor for the previous municipal year had been an exciting and humbling experience. Some of her many highlights were; opening a poppy garden in Furnivall Gardens to commemorate those who fought for our freedom in World War One, attending a fundraising event organised by young people at St. Paul's School in aid of the Rainbow Child Foundation, and fundraising for her chosen charities, Lupus UK and Maggie's Cancer Care.

The Mayor announced that she had decided to appoint Mr Maxwell Linus Umeh as her Consort and Ms Frances Umeh as her Mayoress for the 2015/16 Municipal Year.

The Mayor then announced that she had appointed Councillor Daryl Brown as Deputy Mayor and Mr Benito Brown as Deputy Mayor's Consort for the 2015/16 Municipal Year.

The Mayor then thanked the outgoing Deputy Mayor, Councillor Ali Hashem, and his Deputy Mayoress Zahraa Marhoon for their service to the Council.

The Mayor also thanked Ita Hartzenberg and Keith Simpson for their dedicated support and effective running of the Mayor's Office.

2. MINUTES

7.10pm - RESOLVED

That the minutes of the Budget Council Meeting held on 25 February 2015 were confirmed and signed as an accurate record.

3. APOLOGIES FOR ABSENCE

Apologies for lateness were received from Councillor Jane Law.

4. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS

The Mayor announced the passing of former Mayor Bill Smith on 30 March 2015, aged 96. He had a distinguished career in local politics as a former Alderman,

Leader of the Council, and Mayor. He was also a magistrate, a school governor, and the President of Hammersmith Rotary Club. He was awarded an MBE for his life-long commitment to public service.

The Mayor invited Councillor Nicholas Botterill to make a speech. A minute of silence was observed in remembrance of former Mayor Bill Smith.

5. DECLARATIONS OF INTERESTS

There were no declarations of interest.

6. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

7. APPOINTMENT OF THE CHIEF EXECUTIVE

7.20pm - The report of the Leader of the Council on the appointment of Mr Nigel Pallace as the Chief Executive and Head of Paid Service was moved by the Leader of the Council, Councillor Stephen Cowan.

A short speech on the report was made by Councillor Stephen Cowan, before putting it to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

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

7.23pm – RESOLVED

- (1) That Mr Nigel Pallace be appointed as the Chief Executive for the London Borough of Hammersmith and Fulham with effect from 21 May 2015.
- (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.

8. PARTY APPOINTMENTS FOR 2015/16 MUNICIPAL YEAR

7.23pm - The report of the Chief Executive on the party appointments for the 2015/16 Municipal Year was noted.

9. COUNCIL APPOINTMENTS TO LOCAL GOVERNMENT ORGANISATIONS AND OUTSIDE BODIES

7.24pm - The report of the Leader of the Council on appointments to Local Government Organisations and Outside Bodies for the 2015/16 Municipal Year was moved by the Leader of the Council, Councillor Stephen Cowan.

The report and recommendations were put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

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

7.24pm – RESOLVED

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.

10. REVIEW OF THE CONSTITUTION

7.24pm - The report of the Leader of the Council on the review of the Constitution was moved by the Leader of the Council, Councillor Stephen Cowan.

Speeches on the report were made by Councillors Mark Loveday (for the Opposition) and Councillors Andrew Jones and Max Schmid (for the Administration).

The report and recommendations were put to the vote:

FOR	25
AGAINST	19
NOT VOTING	0

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

7.39pm – RESOLVED

- (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) 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.
- (3) That the Pensions Board Members' term of office be increased from 2 years to 3 years (extendable for a further three years).
- (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.

- (5) To note the changes made to the Constitution by the Monitoring Officer under delegated powers.
- (6) That subject to the approval of recommendations above, the Council's Constitution be adopted for the 2015/16 Municipal Year.

11. MEMBERS' ALLOWANCES SCHEME: REVISION

7.39pm - The report of the Leader of the Council, Councillor Stephen Cowan, on a revision to the Member's Allowances Scheme was moved by Councillor Stephen Cowan.

Speeches on the report were made by Councillor Greg Smith (for the Opposition) and Councillors Stephen Cowan, Max Schmid and PJ Murphy (for the Administration).

The report and recommendations were put to the vote:

FOR	25
AGAINST	20
NOT VOTING	0

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

7.56pm – RESOLVED

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

12. COMMUNITY INFRASTRUCTURE LEVY

7.56pm - The report of the Cabinet Member for Economic Development and Regeneration on the Community Infrastructure Levy charging schedule was noted.

The report and recommendations were put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

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

7.57pm – RESOLVED

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

- (1) The adoption of the CIL charging schedule.
- (2) The CIL charging schedule to take effect from 1 September 2015.

13. **PETITIONS: ANNUAL REPORT 2014/15**

7.58pm – The report of the Chief Executive on the petitions annual report 2014/15 was formally moved by the Leader of the Council, Councillor Stephen Cowan.

The report and recommendations were put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

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

7.58pm – RESOLVED

- (1) That the Council agree to continue to operate the Petitions Scheme.
- (2) That the operation of the Council's Petitions Scheme be noted.

14. **SPECIAL MOTIONS**

14.1 **Special Motion 1 - Appointment by the Leader of the Deputy Leader and Cabinet Members**

8.01pm – Councillor Stephen Cowan moved, seconded by Councillor Michael Cartwright, the special motion standing in their names.

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

The special motion was put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

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

8.02pm – RESOLVED

That the 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			Councillor Ben Coleman

RESIDENT SATISFACTION

CABINET MEMBER FOR ECONOMIC DEVELOPMENT AND REGENERATION **FOR Councillor Andrew Jones**

CABINET MEMBER FOR ENVIRONMENT, TRANSPORT AND RESIDENTS SERVICES* **FOR 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 Services	Councillor Alan De’Ath
Local Business Champion	Councillor Alan De’Ath

14.2 **Special Motion 2** - Appointment of Chairs and Memberships of Regulatory, Policy and Accountability and Other Committees 2015/16

8.02pm – Councillor Stephen Cowan moved, seconded by Councillor Michael Cartwright, the special motion, as amended, standing in their names.

“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.”

The special motion was put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

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

8.02pm – RESOLVED

- (1) That the 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.

- (2) This Council also notes their respective Portfolios / Terms of Reference, as set out in the Council's Constitution and the change to the composition of the Licensing Committee as 15 Members (8:7).

14.3 **Special Motion 3 - Council Calendar 2015/16 and 2016/17**

8.03pm – Councillor Larry Culhane moved, seconded by Councillor Ali Hashem, the special motion standing in their names.

“This Council agrees that meetings of the Council, it's 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.”

The special motion was put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

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

8.03pm – RESOLVED

That the Council agrees that meetings of the Council, it's 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.

15. INFORMATION REPORTS - TO NOTE

16. TO RECEIVE THE LEADER'S ANNUAL REPORT (ORAL)

8.03pm – The Council received an oral report from the Leader of the Council, Councillor Stephen Cowan. The Leader of the Opposition, Councillor Greg Smith made a speech on behalf of the Opposition.

17. POLICY AND ACCOUNTABILITY COMMITTEES ANNUAL REPORT 2014/15

8.13pm - The report of the Policy and Accountability Committee Chairs on the activity of the Policy and Accountability Committees for the 2014/15 municipal year. The Councillor Ben Coleman gave an oral presentation on the highlights of the work of the Committees, Task Groups and Commissions. The report was duly noted.

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

Meeting started: 7.00 pm
Meeting ended: 8.19 pm

Mayor

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 15 JULY 2015


Question by: Anna Richmond-Dodd

To: The Deputy Leader

QUESTION

“The residents of Parsons Green Lane, Harbledown Road area, Purser’s Cross and Epple Road have lived alongside the Al Muntada centre for many years. Over that time, the centre’s use has grown significantly. However this has now resulted in residents experiencing extremely serious noise disturbance close to 24 hours a day, as well as other problems relating to parking and other matters.

These issues are affecting residents’ health, forcing others to move home and generally causing significant stress in an otherwise peaceful residential area. What is the council doing to address these environmental health and planning enforcement issues?”

	<p>London Borough of Hammersmith & Fulham</p> <p>COUNCIL</p> <p>15 July 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 at its meeting on 20 May 2015 agreed revisions to the Constitution and re-adopted the document for the 2015/16 Municipal Year.
- 1.2. This report recommends some further amendments:
 - To Officer Employment Procedure Rules in so far as they apply to the dismissal of the Chief Executive, Monitoring Officer and Chief Finance Officer.
 - To the Officers Scheme of Delegation to reflect new legislative changes.
 - To the composition of the Joint Appointments Panel.
 - To establish a Lead Member (Champion) post outside of the Cabinet.

2. RECOMMENDATIONS

- 2.1 That the amendments to the Council's Constitution outlined in Appendix 1 (Officer Employment Procedure Rules) be agreed.
- 2.2 That the changes to the Officers Scheme of delegation, by the Monitoring Officer under delegated powers, to reflect new legislative changes be noted.

2.3 That the Council amends the composition of the Joint Appointments Panel and agrees its terms of reference as follows:

(i) The membership of the panel will comprise three Council members from each relevant authority (to include one Cabinet member from each relevant authority) split in the ratio of administration to opposition members in each Council. The sovereignty guarantee ensures that the Council cannot be forced to accept an appointment in relation to Hammersmith and Fulham.

(ii) For the appointment of Chief Officers with responsibility for shared services covering more than one Council a joint panel shall be convened comprising three members from each relevant authority. Other appointments, other than at Chief Officer level, may be conducted by members where all relevant authorities agree that the appointment should be made by members.

2.4 That the creation of a Member Cycling and Pedestrian Champion post be approved and Councillor Iain Cassidy be appointed into this post.

3. REASONS FOR DECISION

3.1 The Council's Monitoring Officer is required to keep the Council's Constitution up to date 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 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.

4.2 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

THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015 - (Dismissal Of Certain Officers)

5.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 came into force on 11 May 2015 amending the Local Authorities

(Standing Orders) (England) Regulations 2001 in so far as they apply to the dismissal of certain officers.

- 5.2 Councils are required to modify their standing orders to implement these Regulations no later than the first ordinary meeting of the council after the Regulations come into force.

Current requirements

- 5.3 The following Council officers namely the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer have statutory responsibilities to discharge. Since they work with and report to the elected members, they discharge these responsibilities in a political environment. As a result, statutory protection requiring an appointment of a Designated Independent Person (DIP) to investigate any allegation of misconduct against these senior officers was introduced in the 2001 Regulations.

New requirements

- 5.4 DCLG report that the DIP process is in practice complex and expensive. It has placed councils as the employer at a great disadvantage in comparison to the position of the employee, particularly given that the recommendation of the DIP must be followed. There have also been suggestions that some councils prefer to negotiate severance payments rather than go through the formal DIP process. The Government believes that such a process is not appropriate as it defeats the purpose of having the DIP process in place.
- 5.5 The new Regulations, which apply to all principal councils in England, change the disciplinary process for the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer. They remove the requirement that a DIP be appointed to investigate and make a binding recommendation on disciplinary action against these members of staff. The Regulations provide that, in place of the DIP process, the decision will be taken by full council, which must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned. The Council must appoint the panel at least 20 working days before the Council meeting at which the Council will consider whether or not to dismiss one or more of the statutory officers.
- 5.6 The Council is required to invite independent persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to be considered for appointment to the panel with a view to appointing at least two independent persons to the panel.

The Panel

- 5.7 The Regulations provide that the Council must appoint a Panel at least 20 working days before the relevant meeting i.e. the Council meeting to

consider whether or not to dismiss the relevant officer. It requires that the Council appoint to the panel at least two independent persons who have accepted an invitation in accordance with the following priority order:

- an independent person who has been appointed by the council and who is a local government elector;
- any other independent person who has been appointed by the council; and
- an independent person who has been appointed by another council or councils.

Independent Person

5.8 In 2012 the Council appointed Ms Janis Cammel OBE to consider complaints against Members and to offer an impartial view on each case, including any investigations undertaken. The Council will seek to appoint an additional independent person.

5.9 Ms Cammel and the additional person will act as independent persons falling under priorities 1 and 2 listed above.

NEW LEGISLATION

5.10 The Consumer Rights Act 2015 in summary amends the law relating to the rights of consumers and protection of their interests and to make provision and investigatory powers for enforcing the regulation of traders;

The Act constitutes a major reform of consumer protection law covering:

- statutory implied terms and remedies in consumer contracts for goods, digital content and services;
- unfair contract terms in consumer contracts;
- enforcement of consumer protection law;
- secondary ticketing provisions; and
- measures to facilitate private actions for breaches of competition law.

5.11 The Energy Act 2011 in summary imposes a requirement upon the sale or let of property for any Green Deal obligations to be disclosed as part of the Energy Performance Certificate for the property. These obligations are enforced via the Energy Performance of Buildings (England and Wales) Regulations 2012.

SHARED SERVICES APPOINTMENTS PANELS

5.12 In June 2011 a Joint Appointments Panel was established to appoint joint Chief Officers and Deputy Chief Officers for the Royal Borough of Kensington and Chelsea, City of Westminster and the London Borough of Hammersmith and Fulham.

5.13 The membership of the current panel comprises four Council members from each relevant authority including one Cabinet member. There is a split in the

ratio of administration to opposition members in each Council on the panel. From experience, the panel of twelve members has been large and unwieldy. Members have expressed a preference for a smaller panel while retaining the appropriate safeguards in respect of political proportionality and sovereignty.

- 5.14 This report proposes a panel of nine Members comprising three people from each authority with a split in the ratio of administration to opposition members on each Council. This would result in a panel consisting of two administration and one opposition members. With this arrangement, any H&F Panel will consist of two Labour and one Conservative members. The sovereignty guarantee ensures that the Council cannot be 'outvoted' by the other two councils and cannot be forced to accept an appointment in relation to Hammersmith and Fulham.

CREATION OF A MEMBER CYCLING AND PEDESTRIAN CHAMPION

- 5.15 The Administration has proposed the creation of a Lead Member (Champion) post outside the Cabinet. The post-holder will support the Administration in achieving its manifesto commitments. The posts will not be entitled to a special responsibility allowance. The description of the portfolio's responsibilities are listed below.
- 5.16 This post-holder will be working directly with the Cabinet Member for Environment, Transport and Resident Services to:
- To act as the 'public face' of cycling and pedestrian interests in the borough, representing the council at community events, such as the opening of cycle routes and facilities, opening of play streets, 20mph consultation within the borough and at London-wide and national events.
 - To work with Cabinet Members, the Chief Executive and Directors (particularly in services leading on environment and transport) to ensure cyclists' and pedestrians' needs are taken into account in their activities.
 - To ensure that the council works in a joined up way, making the connections between cycling, pedestrians and health, well-being, tackling obesity, social inclusion, air quality and education.
 - To liaise with the borough's cycling, pedestrian and motorist interest groups and other community groups on relevant issues.
 - To work with Transport for London, the police, residents' associations and community groups such as Action on Disability, and H&F Cyclists to reduce and as far as possible eliminate conflicts between cyclists and pedestrians.

SCHEME OF DELEGATION

- 5.17 The Monitoring Officer has approved the changes to the Officers Scheme of delegation under delegated powers to reflect the introduction of legislation. The updates are outlined in Appendix 2 attached to this report.

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

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

8 FINANCIAL AND RESOURCES IMPLICATIONS

8.1 There are no direct financial implications.

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

9 RISK MANAGEMENT

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

10 PROCUREMENT AND IT STRATEGY IMPLICATIONS

10.1 There are no procurement of IT strategy implications.

10.2 Implications verified/completed by: Kayode Adewumi, Head of Governance and Scrutiny (020 8753 2499)

LOCAL GOVERNMENT ACT 2000 BACKGROUND PAPERS USED IN PREPARING THIS REPORT

None.

Officer Employment Procedure Rules

Local Government Act 2000 & Local Authorities (Standing Orders) (England) Regulations 2015.

LEADER AND CABINET CONSTITUTIONS

1. Recruitment and Appointment

(a) Declarations

- i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons.
- ii) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her.

(b) Seeking support for appointment.

- i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) No Councillor will seek support for any person for any appointment with the Council.

2. Recruitment of Head of Paid Service and Chief Officers

(a) Where the Council proposes to appoint a Chief Officer (within the meaning of the Local Authorities (Standing Orders) Regulations 1993) and it is not proposed that the appointment be made exclusively from among their existing officers, it shall:-

- (i) draw up a statement specifying –
 - (a) the duties of the officer concerned, and
 - (b) any qualifications or qualities to be sought in the person to be appointed;
- (ii) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (iii) make arrangements for a copy of the statement to be sent to any person on request.

(b) Where a post has been advertised under paragraph 2(a) the Council shall interview all qualified applicants for the post or select a short list of such

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qualified applicants and interview those included on the short list. Where no qualified person has applied the Council shall make further arrangements in accordance with paragraph 2(a)(ii).

3. Appointment of the Head of Paid Service

- (a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a Committee or Sub-Committee of the Council before an offer of appointment is made. That Committee or Sub-Committee shall include at least one member of the Executive.
- (b) 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 following their notification of the details of the proposed appointment in accordance with the procedure in paragraph 5.

4. Appointment of Chief Officers

- (a) A Committee or Sub-Committee of the Council will appoint Chief Officers. That Committee or Sub-Committee shall include at least one member of the Executive.
- (b) An offer of appointment must only be made where no well-founded objection from any member of the Executive has been received following their notification of the details of the proposed appointment in accordance with the procedure in paragraph 5.

5. Consultation with the Executive

- (a) An offer of appointment must not be given in respect of the Head of Paid Service or any other Chief Officer post until: -
- (b) the Committee or Sub-Committee has notified to the Director for Human Resources the name of the person it wishes to appoint and any other particulars which it considers relevant to the appointment;
- (c) the Director for Human Resources has notified every member of the Executive of:-
 - (i) the name of the person to whom the Committee or Sub-Committee wishes to make an offer of appointment;
 - (ii) any other particulars relevant to the appointment which the Committee or Sub-Committee has notified to the Director for Human Resources;
 - (iii) the period within which any objection to the making of the offer is to be made by the Leader to the Director for Human Resources on behalf of the Executive, and

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- (d) Either
- (i) the Leader has within the period specified in paragraph 5(c)(iii) notified the Committee or Sub-Committee that neither he nor any other member of the Executive has any objection;
 - (ii) the Director for Human Resources has notified the Committee or Sub-Committee that no objection was received within that period from the Leader or;
 - (iii) the Committee or Sub-Committee is satisfied that any objection received from the Leader within that period is not well founded.

6. Other Appointments

- (a) **Officers below Chief Officer.** Appointment of officers below Chief Officer (other than assistants to political groups and an assistant to the Mayor) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

7. Disciplinary Action

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension must be on full pay and last no longer than the expiry of four months beginning on the day on which the suspension takes effect.
- (b) Councillors will not be involved in the disciplinary action against any officer below Chief Officer, except where such involvement is necessary for any investigation or inquiry into alleged misconduct, where the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action.

8 Dismissal (Head of Paid Service, the Monitoring Officer and the Chief Finance Officer)

The Head of Paid Service, the Monitoring Officer, and the Chief Finance Officer may not be dismissed unless the following procedure is complied with and the Council must approve the dismissal before notice is given to that person:

- The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- An independent person means a person who has been appointed

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under section 28(7) of the Localism Act 2011. The Council has appointed two independent persons who form a panel of independent persons. These persons appointed by the London Borough of Hammersmith and Fulham are therefore “relevant independent persons” for the purposes of this procedure.

The Council must appoint to the Panel such relevant independent persons who have accepted an invitation in accordance with the following priority order -

- (i) a relevant independent person who has been appointed by the Council and who is a local government elector;
- (ii) any other relevant independent person who has been appointed by the Council;
- (iii) a relevant independent person who has been appointed by another authority or authorities.

The Council must appoint any Panel at least 20 working days before the matter is considered at a meeting of the full Council. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council will take into account, in particular-

- (a) any advice, views or recommendations of the Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

7. Consultation with the Executive

- (a) A notice of dismissal must not be given in respect of the post of Chief Officer until: -
- (b) the Committee or Sub-Committee has notified to the Director for Human Resources the name of the person it wishes dismiss and any other particulars which it considers relevant to the dismissal;
- (c) the Director for Human Resources has notified every member of the Executive of:-
 - (i) the name of the person to whom the Committee or Sub-Committee wishes to give notice of dismissal;
 - (ii) any other particulars relevant to the dismissal which the Committee or Sub-Committee has notified to the Director for Human Resources;
 - (iii) the period within which any objection to the dismissal is to be made by the Leader to the Director for Human Resources on behalf of the Executive, and
- (d) Either
 - (iv) the Leader has within the period specified in paragraph 8(c)(iii)

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notified the Committee or Sub-Committee that neither he nor any other member of the Executive has any objection;

- (v) the Director for Human Resources has notified the Committee or Sub-Committee that no objection was received within that period from the Leader or;
- (vi) the Committee or Sub-Committee is satisfied that any objection received from the Leader within that period is not well founded.

9. Other Officers

Any disciplinary action taken in respect of all other officers will be in accordance with the relevant Council's disciplinary, capability and related procedures.

AMENDED JULY 2015

APPENDIX 2

TRANSPORT AND TECHNICAL SERVICES DEPARTMENT SCHEME OF DELEGATION

The Executive Director for Transport and Technical Services shall exercise the following functions and delegate them to the Proper Officers as shown. He/she may also amend the title of the Proper Officer to reflect changes introduced by departmental reorganisation.

No.	FUNCTION	PROPER OFFICER
22.	Consumer Rights Act 2015	Director for Environmental Health, Bi-borough Head of Environmental Health (Licensing and Trading Standards) Bi-borough Trading Standards Manager, Bi-borough Trading Standards Officer or Bi-Borough Senior Trading Standards Officer
58.	Energy Act 1976 S17 S18 (Price control enforcement made by Secretary of State). Energy Act 2011 S12 – 16 (Disclosure of green deal plan etc. in connection with sale or letting out)	Director for Environmental Health, Bi-borough Head of Environmental Health Residential, Bi-borough Environmental Protection Manager, Pest Control Manager, Bi-borough Head of Environmental Health (Licensing and Trading Standards), Bi-Borough Trading Standards Manager, Bi-Borough Licensing Manager, Commercial Services Manager and Head of Environmental Health Commercial, Bi-borough Private Housing and Health Manager Bi-borough Trading Standards Officers and Bi-borough Senior Trading Standards Manager

SPECIAL MOTION NO. 1 – CALLING ON MAYOR BORIS JOHNSON TO HALT PLANS TO CHANGE THE 424 BUS ROUTE IN SANDS END

Standing in the names of:

- (i) Councillor Sharon Holder
- (ii) Councillor Larry Culhane

This Council calls on Mayor Boris Johnson (Con), the Chair of Transport for London (TfL), to halt plans to re-route the 424 bus in the Sands End area.

The Council appreciates how the current 424 bus route provides a vital service to local residents – many of them elderly, living in local sheltered housing schemes. For many it is the only means they can access shops, GP surgeries and other essential and day-to-day services that they rely on and which allows them to live full and independent lives.

The Council notes that residents' concerns about TfL's poor consultation and calls on Mayor Boris Johnson to listen to residents and the Council and safeguard this vital service.

Agenda Item 7.2

SPECIAL MOTION NO. 2 – SUPPORTING DISABLED PEOPLE TO KEEP LIVING INDEPENDENTLY

Standing in the names of:

- (i) Councillor Adam Connell
- (ii) Councillor Iain Cassidy

This Council welcomes the success of the Independent Living Fund (ILF) in enabling nearly 18,000 people with high-support needs to live their lives with choice and control, rather than going into residential care or being trapped at home.

The Council regrets that on 1 July 2014, the Conservative government only confirmed funding for just one year. It notes the anxiety this has caused people in receipt of ILF and calls on the government to guarantee the necessary funding for this vital service so that disabled people can continue to live independently no matter where they live in the country.

SPECIAL MOTION NO. 3 – GREG HANDS MP APPOINTMENT AS CHIEF SECRETARY TO THE TREASURY

Standing in the names of:

- (i) Councillor PJ Murphy
- (ii) Councillor Guy Vincent

This Council congratulates Rt Hon. Greg Hands, the Member of Parliament for Chelsea and Fulham, on his appointment as Chief Secretary to the Treasury and notes his responsibility for leading on the government's austerity programme.

The Council calls on Greg Hands MP to comprehensively and objectively review all the cuts the government is considering making to policing, local government and other vital services to ensure important services are maintained and that the residents of this borough and the citizens of our great country are not adversely impacted by the decisions he makes.

Agenda Item 7.4

SPECIAL MOTION NO. 4 – SUPPORTING RESIDENTS TO OPPOSE THAMES WATER AND THE GOVERNMENT’S SEWER WORKS SITES

Standing in the names of:

- (i) Councillor Hannah Barlow
- (ii) Councillor Ali Hashem

This Council calls on Thames Water and the Conservative government to listen to residents objections to many of the potential sites for the Counters Creek storm relief sewer and find better sites that do not damage neighbourhoods and blight homes.

The Council agrees to support residents to fight these proposals if Thames Water and the Conservative government do not work with the Council and borough residents to find better ways to deal with the risk of flooding in homes across the borough.

SPECIAL MOTION NO. 5 – COUNTER’S CREEK SEWER SITES

Standing in the names of:

- (i) Councillor Lucy Ivimy
- (ii) Councillor Steve Hamilton

THIS COUNCIL:

1. Understands that sewer flooding is a problem in our borough and brings misery and upset to those affected.
2. Notes with real concern the sites in Hammersmith & Fulham identified by Thames Water to support The Counters Creek sewer flooding alleviation scheme. These sites will cause unacceptable disruption and disturbance to residents during the works proposed.
3. Calls on Thames Water to come up with alternative sites and solutions which minimise the impact, inconvenience and financial loss to residents of Hammersmith & Fulham.
4. Calls on the Administration to publish the minutes of the meetings it has had with Thames Water and give guarantees to residents it will not agree a deal to transfer Council owned sites to Thames Water behind closed doors.
5. Resolves to use every means possible to defend the right of residents impacted by this blight wherever they live in Hammersmith & Fulham.

Agenda Item 7.6

SPECIAL MOTION NO. 6 – HOUSING

Standing in the names of:

- (i) Councillor Greg Smith
- (ii) Councillor Harry Phibbs

THIS COUNCIL:

1. Welcomes the Government's proposals to give Housing Association tenants the same levels of 'Right to Buy' discount as council tenants.
2. Recognises that even with the maximum discount in London of £103,900 many tenants will still be unable to afford to buy.
3. Resolves to revive and extend the 'Right to buy part' scheme proposed by the previous Conservative administration to allow council tenants a right to shared ownership.

SPECIAL MOTION NO. 7 – HEATHROW AIRPORT COMMISSION

Standing in the names of:

- (i) Councillor Lucy Ivimy
- (ii) Councillor Mark Loveday

THIS COUNCIL:

1. Rejects the recommendations in the report of the Airports Commission for an extended northern runway at London Heathrow Airport.
2. Resolves to continue its campaign against additional runways at Heathrow Airport.

Agenda Item 7.8

SPECIAL MOTION NO. 8 – THE GOLDEN TICKET

Standing in the names of:

- (i) Councillor Charlie Dewhurst
- (ii) Councillor Harry Phibbs

THIS COUNCIL:

1. Welcomes all schemes to encourage and increase recycling rates in the Borough.
2. Notes the Council's initial support for the Western Riverside Waste Authority's "golden ticket" recycling reward competition across four London boroughs.
3. Regrets the financial and environmental impact of the sudden decision by the Council to withdraw from the competition at a late stage.