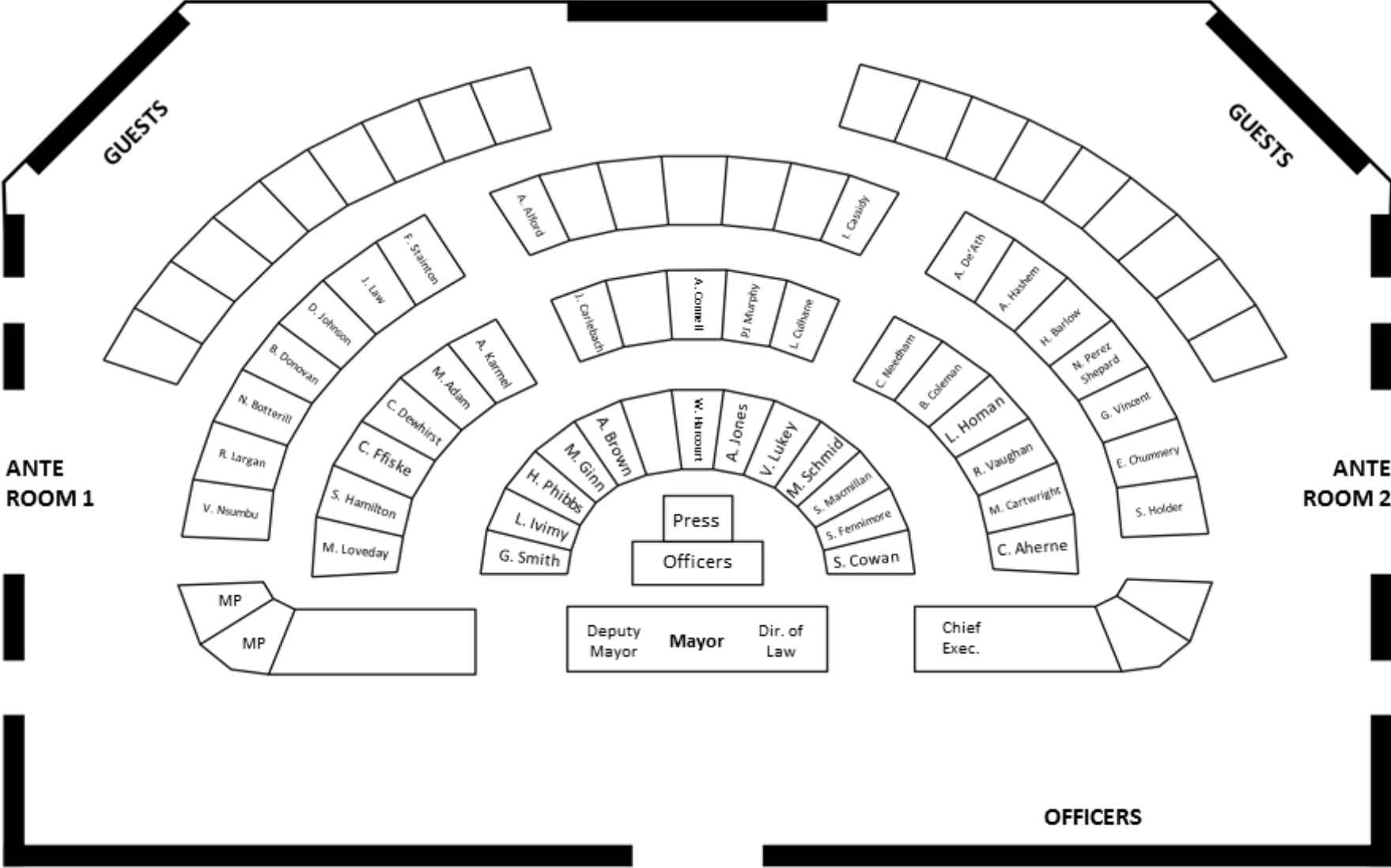


COUNCIL AGENDA

COUNCIL MEETING

Wednesday 21 October 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 21 October 2015
at Hammersmith Town Hall, W6

The Council will meet at 7.00pm

9 October 2015
Town Hall
Hammersmith W6

Nigel Pallace
Chief Executive

Full Council Agenda

21 October 2015

<u>Item</u>		<u>Pages</u>
1. MINUTES		1 - 15
	To approve and sign as an accurate record the Minutes of the Council Meeting held on 15 July 2015.	
2. APOLOGIES FOR ABSENCE		
3. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS		
4. 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>	
5. PUBLIC QUESTIONS (20 MINUTES)		
	No questions were submitted.	

6.	<u>ITEMS FOR DISCUSSION/COMMITTEE REPORTS</u>	
6.1	REVIEW OF THE CONSTITUTION This report recommends amendments to the Constitution to reflect changes to the Council's management structure and new legislation.	16 - 50
6.2	REVISED STATEMENT OF GAMBLING POLICY The Statement of Gambling Policy has undergone a review and a 12 week public consultation this year. The revised version is required to be adopted by Council to comply with the Gambling Act 2005.	51 - 90
7.	<u>SPECIAL MOTIONS</u> To consider and determine any Special Motions:	
7.1	SPECIAL MOTION 1 - HOUSING	91
7.2	SPECIAL MOTION 2 - CALLING ON PARLIAMENT TO OPPOSE GEORGE OSBORNE AND GREG HANDS' £800 MILLION CUT TO THE METROPOLITAN POLICE SERVICE	92
7.3	SPECIAL MOTION 3 - CALLING FOR ACTION ON AIR QUALITY	93
7.4	SPECIAL MOTION 4 - WELCOMING AND SUPPORTING REFUGEES	94
7.5	SPECIAL MOTION 5 - INTRODUCING CASHLESS PARKING TO MODERNISE AND IMPROVE SERVICES FOR MOTORISTS	95
8.	<u>INFORMATION REPORTS - TO NOTE</u>	
8.1	TREASURY REPORT 2014/15 OUTTURN This report presents the Council's Outturn Treasury Report for 2014/15 in accordance with the Council's treasury management practices.	96 - 101
8.2	ANNUAL REPORT OF THE CHAIR OF THE AUDIT, PENSIONS AND STANDARDS COMMITTEE This report details audit work undertaken by the Audit, Pensions and Standards Committee from 1 April 2014 to 31 March 2015.	102 - 115



COUNCIL MINUTES

ORDINARY COUNCIL MEETING

WEDNESDAY 15 JULY 2015



PRESENT

The Mayor Councillor Mercy Umeh
Deputy Mayor Councillor Daryl Brown

Councillors:

Adronie Alford
Colin Aherne
Hannah Barlow
Andrew Brown
Joe Carlebach
Michael Cartwright
Iain Cassidy
Ben Coleman
Adam Connell
Stephen Cowan
Larry Culhane
Alan De'Ath
Charlie Dewhirst

Belinda Donovan
Sue Fennimore
Caroline Ffiske
Marcus Ginn
Steve Hamilton
Ali Hashem
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
Natalia Perez Shepherd
Harry Phibbs
Max Schmid
Greg Smith
Frances Stainton
Rory Vaughan
Guy Vincent

18. MINUTES

RESOLVED

That the minutes of the Council Meeting held on 20 May 2015 were confirmed and signed as an accurate record.

19. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Viya Nsumbu, Nick Botterill, Mike Adam, Elaine Chumnerly, and Wesley Harcourt.

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

The Mayor, on behalf of all Councillors, congratulated Councillor Greg Smith on his recent marriage.

The Mayor also congratulated Lyn Carpenter on her recent appointment as Chief Executive of Thurrock Council.

Councillor Stephen Cowan expressed his thanks to Lyn Carpenter for her service to the borough, particularly her efforts supporting the Lyric Theatre.

Councillor Greg Smith thanked Lyn Carpenter for her remarkable achievements working for the borough and wished her and her family the best.

The Council observed a minute of silence in remembrance of the victims of the recent terrorist attack in Tunisia.

21. DECLARATIONS OF INTERESTS

In respect of Item 6.1 – Review of the Constitution, Councillor Caroline Needham declared a significant interest as she was a personal friend of Ms Janice Cammel OBE, named as an Independent Person in the report. She 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 Special Motion 7 – Heathrow Airport Commission, Councillor Hannah Barlow declared a significant interest as her employer had a contract with Heathrow Airport. She 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.

22. PUBLIC QUESTIONS (20 MINUTES)

22.1 Public Question - Noise Disturbance

Question 1 – Anna Richmond-Dodd

7.08pm - The Mayor called on Anna Richmond-Dodd who had submitted a question to the Deputy Leader of the Council, Councillor Michael Cartwright, to ask her question. The Deputy Leader responded. Anna Richmond-Dodd asked a supplementary question which was also answered.

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

23. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

23.1 Review of the Constitution

7.23pm - 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 Councillors Vivienne Lukey, PJ Murphy, and Iain Cassidy (for the Administration) and Councillor Mark Loveday (for the Opposition).

The report and recommendations were put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

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

7.35pm - RESOLVED

1. That the amendments to the Council's Constitution outlined in Appendix 1 of the report (Officer Employment Procedure Rules) be agreed.
2. That the changes to the Officers Scheme of delegation, by the Monitoring Officer under delegated powers, to reflect new legislative changes be noted.
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.
4. That the creation of a Member Cycling and Pedestrian Champion post be approved and Councillor Iain Cassidy be appointed into this post.

24. SPECIAL MOTIONS

7.36pm - Under Standing Order 15(e) iii, Councillor Colin Aherne moved and Councillor Stephen Cowan seconded a motion that Special Motion 7 take precedence on the agenda. This was agreed.

24.1 Special Motion 7 - Heathrow Airport Commission

7.36pm - Councillor Lucy Ivimy moved, seconded by Councillor Mark Loveday, the special motion standing in their names:

"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."

Speeches were made by Councillors Lucy Ivimy and Mark Loveday (for the Opposition).

Under Standing Order 15(e) (vi), Councillor Alan De'Ath moved, seconded by Councillor Larry Culhane, an amendment to the motion as follows:

"Delete all after "This Council" and replace with:

... profoundly thanks Christina Smyth (Chair) Stephen Claypole, Andy Sharpe, Melanie Whitlock, Isobel Hill-Smith, Natasha Gabb and Victoria Timberlake for the thorough, evidence-based review they carried out as members of the London Borough of Hammersmith and Fulham's resident-led Heathrow Commission which was set up by the new Administration in September 2014 and which reported its findings in January 2015.

The Council supports the H&F Heathrow Commission's informed conclusion that, *"the negative impacts on the London Borough of Hammersmith & Fulham (LBHF) of expansion at Heathrow would outweigh the positive impacts"*.

The Council notes that in 2010 Prime Minister David Cameron stated: *"The third runway at Heathrow is not going ahead, no ifs, no buts"*.

The Council:

1. Rejects the recommendations in the report of the Airports Commission for any extended or additional runway at London Heathrow Airport.
2. Resolves to continue its campaign against additional runways at Heathrow Airport.
3. Calls on the Prime Minister and all members of the government to reject the proposals for another Heathrow runway and vote against such proposals should they be put forward in Parliament."

Speeches on the amendment were made by Councillors Alan De'Ath and Larry Culhane (for the Administration) and Councillor Charlie Dewhirst (for the Opposition) before it was put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

The amendment was declared **CARRIED**.

Councillor Lucy Ivimy Cowan (for the Opposition) made a speech winding up the debate. The report and recommendations were put to the vote:

FOR	Unanimous
AGAINST	0

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

7.57pm - RESOLVED

This Council profoundly thanks Christina Smyth (Chair) Stephen Claypole, Andy Sharpe, Melanie Whitlock, Isobel Hill-Smith, Natasha Gabb and Victoria Timberlake for the thorough, evidence-based review they carried out as members of the London Borough of Hammersmith and Fulham's resident-led Heathrow Commission which was set up by the new Administration in September 2014 and which reported its findings in January 2015.

The Council supports the H&F Heathrow Commission's informed conclusion that, *"the negative impacts on the London Borough of Hammersmith & Fulham (LBHF) of expansion at Heathrow would outweigh the positive impacts"*.

The Council notes that in 2010 Prime Minister David Cameron stated: *"The third runway at Heathrow is not going ahead, no ifs, no buts"*.

The Council:

1. Rejects the recommendations in the report of the Airports Commission for any extended or additional runway at London Heathrow Airport.
2. Resolves to continue its campaign against additional runways at Heathrow Airport.
3. Calls on the Prime Minister and all members of the government to reject the proposals for another Heathrow runway and vote against such proposals should they be put forward in Parliament.

24.2 Special Motion 1 - Calling On Mayor Boris Johnson To Halt Plans To Change The 424 Bus Route In Sands End

Councillor Sharon Holder moved, seconded by Councillor Larry Culhane, the special motion standing in their names:

"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."

Speeches on the Special Motion were made by Councillors Sharon Holder, Larry Culhane, and Lisa Homan (for the Administration) and Councillors Steve Hamilton,

Donald Johnson, and Robert Largan (for the Opposition) before it was put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

The motion was declared **CARRIED**.

8.22pm - RESOLVED

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.

24.3 Special Motion 2 - Supporting Disabled People To Keep Living Independently

8.23pm - Councillor Adam Connell moved, seconded by Councillor Iain Cassidy, the special motion standing in their names:

“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 2015, 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.”

Speeches on the special motion were made by Councillors Adam Connell, Iain Cassidy, and Caroline Needham (for the Administration).

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

“Delete second paragraph and insert:

The Council:

1. Believes that the test of a good society is whether you look after the frail, the vulnerable, and the poorest.

2. Further believes that local government is best placed to manage and coordinate the funding for disabled people.
3. Welcomes the transfer of funds from the Government to allow local authorities to continue funding those previously receiving the Independent Living Fund, and pledges to maintain this funding for the small number of H&F residents in receipt of this support.
4. Further welcomes the NHS's increased partnership with the council through the Community Independence Service that helps keep disabled people as well as chronically ill patients healthy and in their own homes.
5. Supports the Chancellor's announcement at the budget that disability benefits will not be taxed or means tested.
6. Further supports his announcement that rents for social housing will be reduced by 1% a year for 4 years, as well as the announcement in the March Budget of £1.25 billion of additional funding for mental health services, a crucially important and often overlooked cause and component of disability."

Speeches on the amendment to the special motion were made by Councillors Andrew Brown and Marcus Ginn (for the Opposition) and by Councillors Vivienne Lukey, and Ben Coleman (for the Administration), before it was put to the vote:

FOR	17
AGAINST	23
NOT VOTING	0

The amendment was declared **LOST**.

Speeches on the substantive motion were made by Councillor Andrew Brown (for the Opposition) and by Councillors Stephen Cowan, Rory Vaughan, and PJ Murphy (for the Administration).

Councillor Adam Connell Cowan (for the Administration) made a speech winding up the debate. The substantive motion was put to the vote and a roll-call was requested:

FOR	AGAINST
AHERNE	ALFORD
BARLOW	BROWN (A)
BROWN (D)	CARLEBACH
CARTWRIGHT	DEWHIRST
CASSIDY	DONOVAN
COLEMAN	FFISKE
CONNELL	GINN
COWAN	HAMILTON
CULHANE	IVIMY
DE'ATH	JOHNSON
FENNIMORE	KARMEL
HASHEM	LARGAN
HOLDER	LAW
HOMAN	LOVEDAY

JONES
LUKEY
MACMILLAN
MURPHY
NEEDHAM
PEREZ SHEPHERD
SCHMID
VAUGHAN
VINCENT

PHIBBS
SMITH
STANTON

FOR	23
AGAINST	17
NOT VOTING	0

The motion was declared **CARRIED**.

9.12pm - RESOLVED

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 2015, 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.

24.4 Special Motion 4 - Supporting Residents To Oppose Thames Water And The Government's Sewer Works Sites

Under Standing Order 15(e) iii, Councillor Mark Loveday moved and Councillor Greg Smith seconded a motion that special motion 4 be considered before special motion 3 as the guillotine was approaching. This was agreed.

21.13pm - Councillor Hannah Barlow moved, seconded by Councillor Ali Hashem, the special motion standing in their names:

“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.”

Speeches on the special motion were made by Councillors Hannah Barlow and Ali Hashem, who delivered his maiden speech (for the Administration).

Under Standing Order 15(e) (vi), Councillor Lucy Ivimy moved, seconded by Councillor Steve Hamilton, an amendment to the motion as follows:

“Delete all (including title of Special Motion) and insert:

Special Motion No. 4 – Counter’s Creek Sewer Sites

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.”

Speeches on the amendment to the special motion were made by Councillors Lucy Ivimy, Steve Hamilton, Joe Carlebach, Belinda Donovan, and Caroline Ffiske (for the Opposition) and by Councillors Larry Culhane, Sue Fennimore, Lisa Homan and PJ Murphy (for the Administration), before it was put to the vote and a roll-call was requested:

FOR

ALFORD
BROWN (A)
CARLEBACH
DEWHIRST
DONOVAN
FFISKE
GINN
HAMILTON
IVIMY
JOHNSON
KARMEL
LARGAN
LAW

AGAINST

AHERNE
BARLOW
BROWN (D)
CARTWRIGHT
CASSIDY
COLEMAN
CONNELL
COWAN
CULHANE
DE’ATH
FENNIMORE
HASHEM
HOLDER

LOVEDAY
PHIBBS
SMITH
STANTON

HOMAN
JONES
LUKEY
MACMILLAN
MURPHY
NEEDHAM
PEREZ SHEPHERD
SCHMID
VAUGHAN
VINCENT

FOR	17
AGAINST	23
NOT VOTING	0

The amendment was declared **LOST**.

The substantive motion was then put to the vote:

FOR	23
AGAINST	17
NOT VOTING	0

The motion was declared **CARRIED**.

10.03pm - RESOLVED

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.

24.5 Special Motion 3 - Greg Hands MP Appointment As Chief Secretary To The Treasury

(NOTE: as the guillotine had passed, this item was considered without discussion)

10.04pm - Councillor PJ Murphy moved, seconded by Councillor Guy Vincent, the special motion standing in their names:

“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.”

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

“Delete all after ‘Treasury’ and insert:

“and notes he is the first MP for the Borough to be at the Cabinet table in 45 years.

The Council calls on Greg Hands MP to continue:

- delivering the Government’s Long Term Economic Plan
- reducing the country’s deficit
- ensuring work always pays and
- growing the UK economy by the fastest rate in the G7
- delivering for the people of Hammersmith & Fulham.”

The amendment was put to the vote:

FOR	17
AGAINST	23
NOT VOTING	0

The amendment was declared **LOST**.

The substantive motion was put to the vote:

FOR	23
AGAINST	17
NOT VOTING	0

The motion was declared **CARRIED**.

10.05pm - RESOLVED

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.

24.6 Special Motion 5 - Counter’s Creek Sewer Sites

10.06pm - This motion was withdrawn.

24.7 Special Motion 6 - Housing

10.06pm - This motion was withdrawn.

24.8 Special Motion 8 - The Golden Ticket

10.07pm - This motion was withdrawn.

Meeting started: 7.00 pm
Meeting ended: 10.08 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?”

ANSWER

Planning permission was granted for a change of use from a factory to an educational establishment in 1966. No conditions were applied to control the operation or hours of use. The change from an educational establishment to a Mosque fell within the D1 use class and did not require planning permission and therefore the Mosque operates without any conditions controlling either the hours or noise levels. It has been operating legally for nearly 50 years.

Planning permission was granted in 1990 (ref: 1990/01515/FUL) for the use of the second floor of the educational centre for short stay residential accommodation for up to a maximum of 15 people in connection with the operation of the centre as an educational establishment. I was Chair of the Planning Applications Committee at that time and I made a private visit with Councillor Gerald Wombwell then Leader of the Conservative Group to see how the mosque was operating. We recommended that the committee consider a section 106 agreement which they approved.

A further application for a link corridor at second floor level was approved in May 2015 (ref: 2015/01150/FUL). This restricted the use of the adjacent flat roof as a terrace to prevent a loss of amenity to neighbours.

Unfortunately, as the building was granted change of use without a restriction on operating times nearly 50 years ago, there is nothing that can be done from a planning perspective to control the hours the premises operates.

The Council have previously received similar complaints which increase during Ramadan (this year 18th June till 17th July) when prayers continue late into the evening. The Council's Noise and Nuisance service carried out pro-active monitoring at the end of June 2015 but were unable to hear any noise or disturbance arising from activities from within the centre. A programmed visit to Ms Richmond-Dodds (Parsons Green Lane) was undertaken at midnight on 10 July where any noise from the Centre was likely to be more audible. No statutory noise nuisance was observed and officers found the pedestrian dispersal to be well organised. The majority of people appeared to be on foot and they left quickly and quietly with no loitering. The mosque wardens were evident and would have moved on any groups that loitered.


Officers observed a large number of cars parked on the single yellow lines along Parsons Green Lane, which is permitted at that time of day. The mosque wardens were patrolling and speaking to motorists to ensure engines and vehicle lights were turned off promptly.

Officers revisited the area at 2am and 3.30am but did not observe any activity to be causing disturbance. The top floor windows facing Epple Road were found to be open during amplified prayer/service. Officers brought this to the attention of the mosque and the windows were closed. A further complaint was received that the windows were opened again but this was not witnessed by officers.

Noise and Nuisance powers relate to noise arising from premises and not activities in the street. From the monitoring carried out to date, no activities have been witnessed which would cause a statutory nuisance. Should officers witness a statutory nuisance from the noise and light at the centre, we shall work with the responsible parties to carry out necessary works.

We are conscious that this issue arises on an annual basis and in response the Noise & Nuisance team proactively work with the Mosque to ensure that appropriate control measures are put in place in advance.

Agenda Item 6.1

London Borough of Hammersmith & Fulham COUNCIL 21 OCTOBER 2015	 hammersmith & fulham
REVIEW OF THE CONSTITUTION	
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 Author: Kayode Adewumi, Head of Governance and Scrutiny	Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. The Council 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 the Officers Scheme of Delegation to reflect new legislative changes and changes to the Council's Management Structure.
 - The appointment of the Chief Executive as the Returning Officer, Electoral Registration Officer and Acting Returning Officer.

2. RECOMMENDATIONS

- 2.1 That the appointment of Mr Nigel Palace as the Returning Officer and Electoral Registration Officer and the Scheme of Delegation at Appendix 1, be approved.
- 2.2 That the changes to the Officers Scheme of delegation, by the Monitoring Officer under delegated powers, to reflect new legislative changes in Appendix 2, be noted.
- 2.3 That the appointment of the Leader of the Council to the Board of the Old Oak and Park Royal Development Corporation from 1st April 2015 to May 2018, be noted.

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

MANAGEMENT STRUCTURE

- 5.1 Since the last Council meeting, a new senior management has been introduced with the deletion of two Executive Director posts and reorganisation of the departmental structures. The Monitoring Officer approved the changes to the Officers Scheme of delegation under delegated powers to reflect this re-organisation. The updated scheme is attached as Appendix 1.

APPOINTMENT THE RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

- 5.2 The Council is requested to approve the appointment of Mr Nigel Palace as the Returning Officer and Electoral Registration Officer.

SCHEME OF DELEGATION

- 5.3 Since the last update, the following legislation has been enacted. The Monitoring Officer has approved the changes to the Officers Scheme of delegation under delegated powers to reflect the introduction of the legislation as highlighted in Appendix 2.

Crime and Policing Act 2014 - Community Protection Notice Guidance /Anti-Social Behaviour

- 5.4 The act provides for wide-ranging powers for the police, local authorities and landlords, but particularly in relation to the council's powers, the act will

introduce simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities.

- 5.5 The new community trigger and community remedy will empower victims and communities, giving them a greater say in how agencies respond to complaints of anti-social behaviour and in out-of-court sanctions for offenders.

Road Traffic (Vehicle Emissions)(Fixed Penalty)(England) Regulations 2002

- 5.6 The Regulation 2002 (SI 2002. No 1808) enables local authorities in England to issue fixed penalty notices to drivers who allow their vehicles to run unnecessarily while stationary on the road. If an officer authorized under the above legislation discovers a vehicle with its engine running unnecessarily, the first action would be to advise the driver of the legal requirements and that such an offence carries a fixed penalty. The officer would then request the driver to turn the engine off. A fixed penalty notice would only be issued if the driver refuses to turn off the engine when requested to do so.
- 5.7 Drivers will not be penalised in cases where common sense dictates that the engine needs to be running, such as;
- where a vehicle is stationary at traffic lights or in a traffic jam
 - where a vehicle is broken down and the engine is being run to find a defect
 - where an engine is needed to refrigerate fresh goods or run a compactor on a refuse vehicle
 - any other situations that may be considered acceptable (e.g. defrosting a windscreen or cooling down on a hot day for a few minutes)

OLD OAK AND PARK ROYAL DEVELOPMENT CORPORATION

- 5.8 Members are asked to note the appointment of the Leader of the Council, Councillor Stephen Cowan, to the Board of the Old Oak and Park Royal Development Corporation from 1st April 2015 to May 2018. The Leader can be reappointed to the position after the next municipal election.

6. EQUALITY IMPLICATIONS

- 6.1 The equalities implications of this decision has been considered to be neutral.

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.

Scheme of Delegation to Officers

Part 1 – Scheme of Delegation to Officers

1. Powers of Delegation

- 1.1 The Council has made the following arrangements for the discharge of executive and non-executive functions under the Local Government Act 1972 and the Local Government Act 2000.
- 1.2 This Scheme of Delegation also applies to officers in operating within Shared Services which are governed by agreements under s113 of the Local Government Act 1972.

2. General Principles of Delegation

- 2.1 All delegated powers are exercised in accordance with Council policies, within any financial limits imposed and within any guidelines prescribed in this Constitution or by the Council, Cabinet or appropriate committee.
- 2.2 Each officer shall exercise all powers subject to the Council's Constitution, Executive Arrangements and Schemes of Delegation, Contract Standing Orders and Financial Regulations, as appropriate.
- 2.3 The executive powers, duties and functions of the Executive (Cabinet) Members, Committees, or officers shall be exercised on behalf of the Leader.
- 2.4 Cabinet Members may delegate functions in their portfolios to officers in writing.
- 2.5 Any matter that does not fall within the definition of a Key Decision under this Constitution is delegated to the relevant Cabinet Member or officer of the Authority - albeit that any officer can, where he/she sees fit to do so, consult the relevant Cabinet Member prior to taking any decision falling within his or her delegated authority.
- 2.6 All executive directors/directors are authorised to make arrangements for the proper administration of the functions falling within their responsibility. An executive director may authorise a director or head of service, and a director may authorise a head of service or another officer to act as their deputy with power to exercise any of the powers of the authorising executive director or director respectively.
- 2.7 Cabinet Members or Committees may reserve to themselves decisions that have been delegated to officers by giving notice to the Chief Executive, the Director of Law and the relevant executive director.

- 2.8 Where any new power or duty is given to the Council, the exercise of that power or duty will be undertaken by the relevant executive director or director until such time as the allocation of responsibility has been determined by the Leader or the Council.
- 2.9 In all cases where the exercise of executive functions is not specifically reserved to the Executive, those functions are deemed to be delegated to the Chief Executive and the executive director and/or director with responsibility for the relevant function as set out in this Chapter of the Constitution and the Internal Schemes of Delegation for each executive directorate or Service Group.

3. Limitations and Conditions of Delegation

- 3.1 No officer to whom powers are delegated shall exercise those powers where revenue expenditure will be incurred or new sources of revenue secured, (including loans or investments and management of Council funds), other than in accordance with approved revenue estimates, without reference to the Cabinet or the Leader.
- 3.2 Officers to whom powers are given shall not exercise those powers where any capital expenditure will be incurred except in accordance with Financial Regulations, except that authority may be given for the incurring of expenditure on preliminary action or appraisals, or design work where expenditure will:
- be treated as capital expenditure, and
 - the scheme appears in the approved capital programme.
- 3.3 No officer exercising any power shall contract or issue orders for goods, materials or services (including for maintenance or repair work to Council premises) except in accordance with the Contract Standing Orders and Financial Regulations of the Council.
- 3.4 An officer to whom power is delegated may decline to exercise his/her powers in a particular case and shall in such instances refer the matter to the Leader, the Cabinet, relevant Cabinet Member or the full Council as appropriate in order that a decision may be made, provided that an executive decision within the Budget and Policy Framework may not be taken by the full Council and a non-executive decision may not be taken by the Cabinet or a Cabinet Member.
- 3.5 Where officers are taking decisions under delegated powers, the following principles and conditions shall apply:
- (a) The officer exercising such powers shall take into account the principles set out in, Part 2 Article 12 (Decision Making), the Budget and Policy Framework and any other relevant policies, procedures or previous decisions.

- (b) All decisions shall be taken in the name of, but not necessarily personally by, the Proper Officer(s) to whom the power is delegated. Any sub-delegation or authorisation to act shall be in writing, and the officer delegating or authorising the power shall remain accountable for the exercise of that power.
 - (c) In any case where the officer exercising the power considers that a departure from existing policy or a significant change in financial practice is likely to be involved or, in the case of an executive decision, is contrary to or not wholly in accordance with the Budget and Policy Framework, he/she shall consult the departmental executive director/director and the Chief Executive or Cabinet Member, as appropriate, who shall refer the matter to the appropriate decision maker(s).
 - (d) Where officers consider that a decision which they have taken under delegated authority is of significance, they shall report the decision to the relevant Cabinet Member/the Cabinet for information. Any decisions taken by officers under delegated powers shall be recorded by departments at the time of the decision in a register kept specifically for this.
 - (e) The Chief Executive as Head of the Council's paid service shall monitor the exercise of delegated powers, other than statutory functions, for which executive directors/directors have responsibility. The Chief Executive may require any officer to cease the exercise of such powers pending a report to the next meeting of the Cabinet.
- 3.6 Routine service decisions on matters which fall within their departmental or service group remit which are not otherwise covered by this scheme may be taken by the relevant executive director/director provided that this is done in accordance with paragraph 6 – Routine Service Decisions of the General Functions Delegated to the Chief Executive and all Executive Directors/directors set out below.
- (a) In relation to the day to day conduct of decision making by the Council, the ruling of the Director of Law on questions relating to this scheme shall be final.
 - (b) The exercise of functions by Executive Members, Committees and officers shall be subject to the provisions of the Local Government Act 1972, the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, and any subsequent amendments.
- 3.7 Subject to the above constraints and limitations, officers may exercise all powers within their respective areas of responsibility, and the absence of a specific delegation to an officer shall not be taken as implying an absence of authorisation to act.

4. Conflicts of Interest

- 4.1 Every officer is responsible for identifying whether he/she has any conflict of interest in any matter which is under consideration, actual or perceived, within the authority, and notifying the authority.
- 4.2 Where an officer has a conflict of interest in any matter, he/she shall not participate in that matter in his/her capacity as an officer except with the prior approval of his/her line manager, the Monitoring Officer or the Chief Executive.
- 4.3 Where the Chief Executive is unable to act on a matter because of a conflict of interest, the matter shall be discharged by another officer designated by the Chief Executive. Where such officer is unable to act, the matter shall be discharged by the executive directors/directors collectively, or by such officer as they shall determine for this purpose.
- 4.4 Where an executive director/director is unable to act on a matter because of a conflict of interest, the Chief Executive shall discharge the matter him/herself or allocate the matter to another officer.
- 4.5 Where the Monitoring Officer is unable to act on a matter in his/her statutory capacity under section 5 of the Local Government and Housing Act 1989, the matter shall be discharged by the officer designated by the Monitoring Officer as Deputy Monitoring Officer.
- 4.6 Where the Monitoring Officer is unable to act on a matter in relation of Member conduct, the matter shall be discharged by the person appointed by the Monitoring Officer for this purpose.
- 4.7 Where any other officer is unable to act on a matter, that officer's line manager or the Chief Executive may arrange for another officer to discharge the matter.
- 4.8 Subject to the constraints and limitations as set out in this scheme, officers may exercise all powers within their respective areas of responsibility, and the absence of a specific delegation to an officer shall not be taken as implying an absence of authorisation to act.

General Functions Delegated to the Chief Executive, all Executive Directors/Directors

1. Introduction

- 1.1 Under the Council's Constitution, the following common functions are delegated to the Chief Executive and to all executive directors/directors. These delegations are in addition to the specific responsibilities that apply in individual service areas, as set out below, and in the separate Internal Scheme of Delegation maintained by each department or service group. These decision-making powers are delegated from full Council, and not via the Executive.
- 1.2 Where any of these functions are sub-delegated by the chief executive, executive director/director or other Proper Officer to another officer within the department, such sub-delegations should be set out in a written departmental Sub-Delegation Scheme, which should be reviewed and updated as necessary. Decisions sub-delegated in this way within a department are taken in the name of the chief executive, executive director/director or other Proper Officer (as set out below or in the relevant internal Scheme of Delegation) who remains responsible for maintaining any necessary records of such decisions.

2. General

- 2.1 To manage and promote the services for which they are responsible. This includes taking and implementing decisions which help to maintain the operational effectiveness of the services within their remit and which fall within a policy decision made by the executive or the Council. These above powers are to be exercised:
- (a) having regard to any legal advice from the Director of Law and/or the Monitoring Officer
 - (b) in accordance with any instructions or advice given by the Chief Executive or s151 Officer or the Monitoring Officer, statutory codes of conduct or statutory guidance, and codes and protocols as may be approved by the Cabinet or the Council
 - (c) in accordance with Financial Regulations and the Contract Standing Orders set out in the Constitution; and
 - (d) within any budgets or policies approved by the Council, and not committing the Council's budget to growth for future financial years.
- 2.2 To respond to consultation documents where the response would not amount to a Key Decision.
- 2.3 To enter and inspect premises, and to make applications for warrants.

- 2.4 To give factual information to the press.
- 2.5 To enter into arrangements or do anything else which is considered necessary or expedient in respect of functions delegated to them.
- 2.6 To promote services (not policy), ensuring always that publications are compliant with the Council's Publications Guidelines and Code.
- 2.7 To enter into arrangements or do anything else which is considered necessary or expedient in respect of functions delegated to them.

3. Financial, Contractual and Grants

- 3.1 To be responsible for the overall financial management within their services or department and for ensuring that all staff under their responsibility are aware of the existence and content of the Council's Financial Regulations and Contract Standing Orders set out in the Constitution and that they comply with them.
- 3.2 To incur expenditure from approved revenue estimates and capital programmes, including making virements, within the limits and controls set down in the Financial Regulations.
- 3.3 To submit bids for funding to Government departments and other external bodies, and for projects and initiatives within Council policies, subject to any approvals required by the relevant Executive Member(s) or Cabinet and, where bids are successful, to seek subsequent approval of resultant new expenditure commitments.
- 3.4 To authorise payment of revenue grants to voluntary organisations, from within approved budgets, of up to £10,000 per annum to any one organisation where that organisation is already in receipt of approved funding from the Council. The use of this delegated authority is to be reported in summary form to the relevant Cabinet Member for information, on a quarterly basis.
- 3.5 To set the level of fees and charges for services or facilities up to £10,000 total income per annum, with the setting of all such charges being reported on a quarterly basis to the relevant Executive Member for information.
- 3.6 Under section 92 of the Local Government Act 2000, to make payments in settlement of claims where the Council considers that action taken by it (or on its behalf) amounts, or may amount, to maladministration, up to an annual limit of £12,000 per annum in respect of each executive director/director.

- 3.7 To write off any debt due to the Council in accordance with the Council's Financial Regulations set out in the Constitution.
- 3.8 To seek tenders for approved projects and schemes in accordance with the Council's Contract Standing Orders set out in the Constitution.
- 3.9 To open tenders in accordance with the Council's Contract Standing Orders set out in the Constitution.
- 3.10 To approve variations in contracts in accordance with the Council's Contract Standing Orders set out in the Constitution.
- 3.11 To approve bids to undertake cross boundary tendering in accordance with agreed policy and criteria.

4. Staffing and Employee Relations

- 4.1 To appoint, promote and dismiss permanent and temporary staff (save in relation to posts to which appointments are made by the Appointments Panel) within approved budgets and in accordance with the Council's agreed Human Resources Policies.
- 4.2 In accordance with the Council's Human Resources Policies, consulting where appropriate with the Director for Human Resources, to remunerate, reward or pay honoraria to staff within approved budgets or withhold rewards/increments.
- 4.3 To take disciplinary or other action and exercise the discretionary powers in relation to all staffing matters detailed in the Human Resources Policies.
- 4.4 To consider employees' final appeals in relation to capability, disciplinary and grievance matters, provided the executive director/director has not taken the decision in question.
- 4.5 To attend or nominate members of their staff to attend conferences and seminars convened by institutional or professional associations and like bodies, and to authorise the payment of proper expenses incurred in respect of such attendance.
- 4.6 To authorise officers of the Council to give evidence on behalf of the Council in Courts or at Inquiries or before Tribunals or Committees.
- 4.7 To undertake, in consultation with the Director for Human Resources, minor re-organisations of staff structure (directly affecting a maximum of 25 posts) provided no post subject to Member appointment procedures is affected, there is no increase in cost and the relevant Cabinet Member is advised in advance about forthcoming minor re-organisations.

- 4.8 In consultation with Human Resources on the application of paragraphs 4.8(c), 4.8(d), 4.9, 4.10 and 4.12 below, all executive directors/directors are authorised:
- (a) To authorise acting up arrangements for a period of up to six months.
 - (b) To authorise action under the personal injury allowance scheme.
 - (c) To authorise the extension of service each year for staff working beyond normal retirement age (65) where this is supported by their department.
 - (d) To authorise the waiver of repayment of maternity leave.
 - (e) To authorise overtime working.
 - (f) To appoint consultants where the value of the commission is below £25,000, subject to the requirements of Contract Standing Orders.
 - (g) In line with corporate policies/ procedures, to take decisions including contractual matters on the recruitment, appointment, organisation, grading, designation, remuneration, pay, terms and conditions of all staff and employees within the relevant department or service group.
- 4.9 To suspend and/or dismiss any staff within their division, other than those appointed by the Council or Appointments Panel, and subject to the Council's disciplinary procedures.
- 4.10 To conduct negotiations under the Council's collective bargaining arrangements, taking into account joint agreements and the Council's personnel procedures, with matters in dispute being referred as appropriate through the Council's joint negotiating machinery.
- 4.11 To implement decisions of the Council's joint negotiating committees, subject to financial and other limits incorporated in the Schemes of Delegation/Financial Regulations.
- 4.12 To respond to industrial action, or threatened industrial action, subject to advice where appropriate from the Director for Human Resources and the Director of Law.
- 4.13 To approve applications for season tickets loans/car loans for Council employees in accordance with Council policies.

5. Legal Proceedings and property matters

- 5.1 To prepare and serve any statutory notices or authorise the Director of Law to prepare and serve statutory notices in respect of functions delegated to them.

- 5.2 To authorise the commencement of legal proceedings in respect of functions delegated to them.
- 5.3 To issue formal cautions where criminal offences are admitted, following consultation with the Director of Law, where necessary.
- 5.4 To use and occupy the premises and estate efficiently.
- 5.5 To take enforcement action including the issuing of fixed penalty notices.
- 5.6 To authorise the institution of legal proceedings for an offence against or failure to comply with any statutory provision, bye-law or notice, permission, order, authorisation, request or consent, within the executive director/director's area of responsibility.
- 5.7 To sign any notice, order or other document which the local authority is authorised or required to give or make or issue under any enactment that is either specifically delegated by Council or of a kind falling within the department's area of responsibility (e.g. under Part I and Part II Regulation of Investigatory Powers Act 2000).
- 5.8 To authorise the carrying out of work in default or non-compliance with any statutory provision, bye-laws, notice, permission, order, authorisation, or consent, which is of a kind falling with the executive director/directors' area of responsibility and to exercise the Council's statutory power to recover expenses incurred.

6. Routine Service Decisions

- 6.1 Subject to the restrictions in 6.2 below, the Chief Executive and executive directors/directors are authorised to make all routine and day-to-day operational decisions required in relation to service and activities within their departmental or service group responsibilities.
- 6.2 Unless specifically stated otherwise in the Constitution, or otherwise approved by the Cabinet, any decisions involving new expenditure (or a future commitment to incur new expenditure) are subject to the following limitations:
 - (a) If the decision requires expenditure in excess of £25,000, and the decision is not a key decision (as defined in, Part 2 Article 12 of this Constitution), it must be taken by the relevant Cabinet Member (referred to as a Cabinet Member's Decision).
 - (b) If the decision is a Key Decision, it must be made in accordance with the rules for taking such decisions set out in, Part 4 (Executive Procedure Rules and Access to Information Procedure Rules) in this Constitution.

- 6.3 Decisions requiring expenditure of less than £25,000 may be made by executive directors/directors, provided they are met from within overall approved budgets and comply with the Council's Financial Regulations and Contract Standing Orders.

7. Recording, Implementing and Accounting for Decisions

- 7.1 Each officer is responsible for ensuring that any decision which he/she takes is adequately recorded, and that the record of that decision is available to other officers, to Members and to the public as required by statute and this Constitution, particularly if the decision relates to a change in policy or practice, or a financial commitment.
- 7.2 Every officer is responsible for ensuring that any decision which he/she takes is implemented in accordance with that decision.
- 7.3 Every officer is accountable for each decision which he/she takes and may be called to provide an explanation of his/her reasons for the decision and account for its implementation to other officers, Members and statutory regulators.

8. Other Responsibilities

- 8.1 All matters not reserved to the Council, to the Executive, or to a Committee for decision are delegated to the appropriate executive director/director's subject to the conditions and limitations above and to the Contract Standing Orders and the Financial Regulations.
- 8.2 Each executive director/ director or other Proper Officer in making decisions under this scheme is required to do so in accordance with the Internal Scheme of Delegation for his/her own directorate. This will include appropriate monitoring arrangements and dissemination of information both internally and externally to the Council.
- 8.3 The areas of responsibility of each executive director/director shall be as set out below, and shall include the areas of responsibility of each officer within his/her directorate.

Responsibilities of the Chief Executive and Executive Directors/ Directors

1. The Chief Executive

1.1 The Chief Executive shall:

- (a) be the Head of the Paid Service in accordance with the Local Government and Housing Act 1989.
- (b) have authority over all other officers so far as is necessary for the efficient management and execution of the Council's affairs, functions or services except:
 - (i) where officers are exercising specific responsibilities imposed on them under statute;
 - (ii) that where the professional judgment or expertise of a Director is involved the officer shall have full opportunity to explain his or her views.
- (c) Exercise overall corporate management and operational responsibility, including overall management responsibility for all officers;
- (d) Provide professional advice to all parties in the decision-making process;
- (e) Have responsibility, together with the Monitoring Officer, for a system of record keeping for all the Council's decisions;
- (f) Represent the Council on partnership and external bodies (as required by statute or the Council);
- (g) Manage the Chief Executive's Office;
- (h) Discharge the functions of Electoral Registration Officer and be responsible for elections;
- (i) make decisions on employee terms and conditions, (including procedures for dismissal);
- (j) discharge those functions under Section 138 (1) of the Local Government Act 1972, (powers of principal Councils with respect to emergencies or disasters) as Head of Paid Service (Gold Command) appointed by the London Borough Councils from time to time to respond to an incident requiring a "Level 2" response (single site or wide-area disruptive challenge requiring a co-ordinated response by relevant agencies on behalf of the Councils); and
- (h) be responsible for the Council's responsibilities as an employer under Health and Safety legislation

1.2 The areas of responsibility of the Chief Executive shall include the following departments and functions (in which day-to-day responsibility shall normally be delegated to the appropriate executive director or director):

- (a) Adult Social Care and Health (Shared Services)
- (b) Children's Services (Shared Services)
- (c) Environmental Services "Service Group" (Shared Services) (ELRS & TTS)
- (d) Finance
- (e) Housing Services "Service Group"
- (f) Corporate Services "Service Group"

2. The Strategic Director for Financial Corporate Services

2.1 The Strategic Director for Financial Corporate Services shall:

- (a) act as the statutory officer, Chief Financial Officer, under section 151 of the Local Government Act 1972.
- (b) be responsible for effective financial administration throughout the Council,
- (c) be responsible for all arrangements concerning financial planning, financial control, banking, accounts, income, insurances, investments, bonds, loans, leasing, borrowing (including methods of borrowing), trust and pension funds (within the scope of the Council's pension fund investment policies that are approved by the Superannuation Committee), the payment of creditors and the payment of salaries, wages, pension scheme benefits and gratuities.
- (d) be responsible for the provisions of the Accounts and Audit Regulations 2003 (as amended) in respect of the need to maintain an adequate and effective system of internal audit of the Council's accounting records and of its system of internal control in accordance with proper internal audit practices.
- (e) be responsible for Council Tax.
- (f) be the Proper Officer of the Council in relation to the following statutory provisions:

Local Government Act 1972

- (i) Section 115(2) - the officer to whom all money due from every officer employed by the Council shall be paid.
- (ii) Section 146 - the officer to make any statutory declaration in connection with the transfer of securities.

Local Government (Miscellaneous Provisions) Act 1976

- (iii) Section 30 - the officer to write off overpayment of salary, allowances or pensions which occur as a result of the death of an employee or pensioner.

Local Government Finance Act 1988

- (iv) Section 114-115 - the officer responsible for reporting on unlawful expenditure decisions or where expenditure exceeds the resources available.

3. The Director of Law

3.1 The Director of Law shall:

- (a) act as the authority's Monitoring Officer under the Local Government and Housing Act 1989.
- (b) take any action to implement any decision taken by or on behalf of the authority, including the signature or service of statutory and other notices and any document.
- (c) act as solicitor to the council and institute, defend, settle or participate in any legal proceedings in any case where such action is necessary, in the view of the Director of Law, to give effect to decisions of the authority or in any case where the Director of Law considers that such action is necessary to protect the authority's interests.
- (d) settle or compromise legal proceedings (including threatened proceedings, arbitrations, adjudications, public inquiries and potential Employment Tribunal matters) brought by or against the Council, including entering pleas of guilty in criminal proceedings on such terms as s/he considers appropriate.
- (e) instruct counsel, solicitors or other experts for legal proceedings, public inquiries, or other matters involving the authority.
- (f) enter objections to any proposal affecting the authority, the authority's area or the inhabitants of the authority's area.
- (g) lodge appeals against any adverse finding against the Council in any tribunal or court.
- (h) sign any document necessary to give effect to any resolution of the Council, the Cabinet, a Cabinet Member or any Committee or Sub-Committee or Corporate Leadership Team member acting within delegated power.
- (i) make appointments to outside bodies in accordance with the nominations made by the Party Whips.
- (j) be the proper officer in respect of matters relating to the Council's Constitution where not otherwise stated.

4. Executive Director of Adult Social Care and Health

4.1 The Executive Director of Adult Social Care and Health shall:

- (a) exercise the functions of the Council and act as the statutory officer for adult social services as set out in under section 6(A1) of the Local Authority Social Services Act 1970 as amended by section 18(1) of the Children Act 2004.
- (b) exercise the functions of the Council with regard to, powers and duties of an Adult Services Authority under all relevant legislation including, but not limited to social services, safeguarding adults, Mental Health services including the deprivation of liberty and Health functions in particular building and leading the arrangements for inter-agency co-operation.
- (c) arrange for the effective operation of the Council's responsibilities for the assessment, purchase and provision of social care services for adults including people with disabilities, older people, people with mental health needs, people with substance misuse problems, adults with learning disabilities (including people with autistic spectrum disorder and a dual diagnosis incorporating mental health needs and learning disability) and people with HIV/AIDS.

4.2 The services and the areas of responsibility of the Executive Director of Adult Social Care and Health shall include:

- Adult Social Care Operations.
- Joint Adult Commissioning;
- Provider Services and Mental Health Partnership
- Procurement and Business Intelligence
- Finance

5. Executive Director of Children's Services

5.1 The Executive Director of Children's Services shall:

- (a) act as the statutory officer under section 18(1) of the Children's Act 2004.
- (b) be responsible for the Council's functions as set out in the Children Act 2004, in particular building and leading the arrangements for inter-agency co-operation.
- (c) be responsible for children in need, child protection, adoption, fostering, youth services, education and special educational needs.
- (d) exercise powers of intervention for those schools which are subject to a formal warning, which have serious weaknesses, or require special measures.
- (e) administer the arrangements for admission and exclusion appeals.

- (f) promote the educational achievement of looked after children.
- 5.2 The services and the areas of responsibility of the Executive Director of Children's Services shall include:
- (a) Family Services
 - (b) Schools
 - (c) Schools' Funding and Capital Programme
 - (d) Commissioning
 - (e) Finance and Resources
- 6. The Environmental Services Directors (Former Transport and Technical Services and Environment, Leisure and Residents Services Departments)**
- 6.1 The Environmental Services Directors are:
- Director for Cleaner Greener & Cultural Services
 - Director for Safer Neighbourhoods
 - Director for Planning & Growth
 - Director for Building & Property Management
 - Director for Transport & Highways
 - Director for Environmental Health
- 6.2 The Environmental Services Directors shall:
- (a) arrange for the effective operation of the Council's responsibilities for the regulation of waste management and cleansing of streets.
 - (b) take action and operate all legislative and administrative procedures in relation to the regulation of street trading.
 - (c) be responsible for the borough's parks and cemeteries.
 - (d) be responsible for all matters relating to the Council's functions relating to crime and disorder.
 - (e) exercise the functions of the Council under the Crime and Disorder Act 1998, save for the secondment of officers to the Youth Offending Team as required by section 39(5).
 - (f) be responsible for emergency planning and business continuity and undertake executive powers where necessary in the event of a civil emergency.
 - (g) be responsible for the Council's functions relating to Registrars services.

- (h) take action and operate all legislative and administrative procedures in relation to highways, transportation, road traffic, town and country planning and building control. This includes exercising the functions of the Council as highways, transportation and road traffic authority and the taking of all enforcement action in relation to transportation and highways.
- (i) operate the Council's on street and parking enforcement services.
- (j) exercise Planning and conservation powers. In the case of town and country planning, the delegation includes powers to determine applications for planning permission, advertisement consent, Conservation Area Consent, Listed Building Consent, application for the Council's own development and Hazardous Substances consent except where otherwise directed by the relevant legislation.
- (k) exercise all licensing functions and other matters an officer is empowered to discharge under the Licensing Act 2003, the Gambling Act 2005 or any Regulations issued in relation to those Acts and any regulations amending, consolidating or replacing them.
- (l) be responsible for the Council's Building control and regulation, control over demolition functions
- (m) exercise the functions of the Council relating to environmental health. This includes powers relating to: noise and other nuisances, air quality, contaminated land and private water supplies, and housing and private land where enforcement is the responsibility of the Council.
- (n) deliver the Council's vision and strategic objectives and have overall responsibility for all matters relating to the delivery of regeneration in the borough.
- (o) be responsible for Council initiatives relating to the economic development and skills.

6.3 The services and the areas of responsibility of the Environmental Services Directors shall include:

- Safer Neighbourhoods
- Cleaner, Greener and Cultural Services
- Customer and Business Development
- Finance and Resources
- Regeneration
- Economic Development and skills
- Environmental Health (including but not limited to food safety and standards, health & safety, health protection and infectious disease, animal health and public health)
- Transport and Highways

- Building and Property Management
- Planning
- Licensing
- Trading Standards

7. The Housing Services Directors

7.1 The Housing Services Directors are:-

- Director for Housing Strategy & Options
- Director for Housing Finance & Resources
- Director for Housing Services
- Director for Asset Management & Property Services

7.2 The Housing Services Directors shall:-

- (a) Deliver the Council's vision and strategic objectives and have overall responsibility for all matters relating to the delivery of housing in the borough.
- (b) Arrange for the effective operation of the Council's responsibilities for housing, including the recommending of strategies for all aspects of housing related activity, relationships with other public sector organisations, social landlords and with the private sector.
- (c) Approve applications for housing and allocate properties in accordance with the Council's established allocations policy.
- (d) Be responsible for commissioning services relating to the management and maintenance of the Council's housing stock.
- (e) Deal with all questions of routine property management.
- (f) Make arrangements to provide housing advice and support to prevent homelessness.
- (g) Approve the allocation of funds to individual projects to be supported through regeneration programmes.
- (h) Be responsible for new affordable housing.

7.3 The services and the areas of responsibility of the Directors shall include:

- (a) Housing Services (includes resident involvement; tenancy management; estate caretaking).
- (b) Housing Options, (includes policy development in relation to housing allocations).
- (c) Asset Management and Property Services (includes repairs and maintenance; health and safety; physical regeneration).

- (d) Finance and Resources (includes financial strategy for the housing revenue account and support systems such as IT).

8. The Corporate Services Directors:

8.1 The Corporate Services Directors are:

- Director for Human Resources
- Director for Delivery & Value
- Commercial Director
- Chief Information Officer
- Director of Law
- Strategic Director for Financial Corporate Services

(The role of the Director of Law and Strategic Director for Financial Corporate Services as outline above)

8.2 The services and the areas of responsibility of the Directors shall include:

- Finance administration, IT, Procurement, Legal, Human Resources, Organisational Development and Transformation, Commercial Revenue, Residents Satisfaction, Communications, Policy and Strategy, Performance matters, Community Investment, Governance and Scrutiny, H&F In Touch and the Leader's Office.

9. Director of Public Health

9.1 The Director of Public Health shall be responsible for the Council's functions relating to Public Health Services as follows:

- (a) To be authorised to agree expenditure on relevant public health budgets subject to each Council's constitution. Such authority can be delegated in writing to others.
- (b) To lead on personnel decisions, including recruitment, appraisal and disciplinary decisions, subject to the City of Westminster's internal procedures only.
- (c) To report to the Chief Executive and relevant Cabinet Councillors and relevant Scrutiny Committee. To provide policy advice, if requested, to any political party represented on any of the participating councils.
- (d) To exercise the statutory functions of the Director of Public Health. These responsibilities may be delegated in writing to named public health consultants in each borough.
- (e) To report to each Council's Chief Executive on the performance of the function and to support the accountability of the Chief Executive for grant expenditure.

- (f) To ensure that each participating authority has up-to-date plans, meeting statutory requirements and the demands of good practice.
- (g) To be the officer responsible for leadership, expertise and formal advice on all aspects of the Public Health Service.
- (h) To provide advice to the public in any period where local health protection advice is likely to be necessary or appropriate, in conjunction with each Council's communications team.
- (i) To promote action across the life course, working together with local authority colleagues such as the Executive Director of Children's Services, the Executive Director of Adult Social Care, any of the Environmental Services Directors and with NHS colleagues.
- (j) To work through local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health.
- (k) To work with local criminal justice partners and Police and Crime Commissioners to promote safer communities.
- (l) To work with the wider civil society to engage local partners in fostering improved health and wellbeing.
- (m) To be an active member of the Health and Wellbeing Board, advising on and contributing to the development of joint strategic needs assessments and joint health and wellbeing strategies and commission appropriate services accordingly.
- (n) To take responsibility for the management of the authority's public health services with professional responsibility and accountability for their effectiveness, availability and value for money.
- (o) To play a full part in the authority's action to meet the needs of vulnerable children, for example by linking effectively with the Local Safeguarding Children Board.
- (p) To contribute to and influence the work of NHS Commissioners, ensuring a whole system approach across the public sector.

10. Undetermined Functions

- 10.1 For the avoidance of doubt, the responsibility for the exercise of any function which is not covered by this scheme, including the appointment of a Proper Officer for the purpose of any statutory function, will be determined by the Chief Executive.

11. Detailed Scheme of Delegation

- 11.1 Each executive director/director and/or head of service in making decisions under the above scheme is required to do so in accordance with the detailed Internal Scheme of Delegation for his/her own directorate.
- 11.2 These internal Schemes of Delegation will be reviewed annually by the Director of Law.
- 11.3 The Director of Law, in consultation with the Leader, Chief Whip and Opposition Whip, has authority to make changes to the Internal Scheme of Delegation for any executive directorate as may be necessary from time to time in order to reflect any decision made by a person or body with the authority to delegate or sub-delegate powers to exercise executive or non-executive functions. Any such changes shall be reported to the next available Council meeting for information.

Part 2- Statutory Officers

1. Statutory Officers

1.1 This section sets out those Officers who have been designated by the authority to discharge specified statutory functions:

Legislation	Function	Post
Section 4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
Section 5 Local Government and Housing Act 1989	Monitoring Officer	Director of Law
Section 151 Local Government Act 1972	Chief Finance Officer	Strategic Director for Financial Corporate Services
Section 8 Representation of the People Act 1983	Electoral Registration Officer	Chief Executive or in his/her absence the Director of Law
Section 35 Representation of the People Act 1983	Returning Officer	Chief Executive, or in his/her absence the Director of Law
Section 6(A1) Local Authority Social Services Act 1970	Director of Adult Social Services	Executive Director of Adult Social Care and Health
Section 18 Children Act 2004	Director of Children's Services	Executive Director of Children's Services
Section 72(1)(a) Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Trading Standards and Licensing Manager, Trading Standards Officer (DTS)
Section 73A of the National Health Service Act 2006	Director of Public Health	Director of Public Health
Section 31 Local Democracy, Economic Development and Construction Act 2009	Scrutiny Officer	Head of Governance and Scrutiny

2. Proper Officers

2.1 The Council employs the following Proper or appropriate Officers:

Legislation	Function	Proper Officer
Local Government Act 1972		
Section 83(1) to (4)	The officer to whom a person elected to the office of Mayor, Deputy Mayor, or Councillor of the Council shall deliver a declaration of acceptance of office in a form prescribed by rules made under Section 42 of the Act and the officer who shall take that declaration	Chief Executive or in his/her absence the Director of Law
Section 84(1)	Receipt of notice of resignation of elected Member	Chief Executive or in his/her absence, the Director of Law
Section 88(2)	The officer who may convene a meeting for the election of Mayor of the Borough following a casual vacancy in that office	Chief Executive or in his/her absence, the Director of Law
Section 89(1)	The officer who shall receive notification of casual Councillor vacancies	Chief Executive
Section 100A – 100H (except 100(D))	Admission of public (including press) to meetings	Chief Executive
Section 100(B – D,F)	Compile list of background papers for reports and make copies available for public inspection	Chief Executive
Section 115(2)	Receipt of money due from officers	Strategic Director for Financial Corporate Services
Section 146(1)(a)&(b)	The issuing of certificates	Strategic Director for

	to enable the transfer of securities and payment of dividends or interest to the Council	Financial Corporate Services
Section 191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Director for Transport & Highways Director for Environmental Health
Section 225	Deposit of documents	Director of Law
Section 228(3)	Accounts for inspection by any Member of the Council	Strategic Director for Financial Corporate Services
Section 229(5)	Certification of photographic copies of documents	Director of Law
Section 234	Authentication of documents	Director of Law
Section 238	Certification of printed copy of byelaws	Director of Law
Section 248	Officer who will keep the Roll of Freemen	Chief Executive
Schedule 12		
Part 1, Paragraph 4(2)(b)	Signing of summons to attend a Council meeting	Chief Executive or in his/her absence, the Director for Law
Part 1, Paragraph 4(3)	Officer to whom a Councillor shall give notice in writing requesting that summonses to attend meetings of the Council be sent to an address specified in the notice other than his/her place of residence	Director of Law
Schedule 14		

Paragraph 25	Certification of resolution concerning the Public Health Acts 1875 to 1925	Director of Public Health
Paragraph 25 (7)	Officer who shall certify a resolution of the Council under this paragraph (whereby notice may be given that legislation or statutory instruments shall either apply or cease to apply throughout the area of the Borough)	Director of Law
Local Government Act 1974		
Section 30(5)	To give notice that copies of an Ombudsman's report are available	Chief Executive
Local Government (Miscellaneous Provisions) Act 1976		
Section 41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Director of Law
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Director for Cleaner, Greener and Cultural Services
Representation of the People Act 1983		
Section 8	The Registration Officer of any constituency or any part of a constituency coterminous with or contained in the Borough	Chief Executive or in his/her absence the Director of Law
Section 35(1)	The Returning Officer at an Election of Councillors of the Borough	Chief Executive or in his/her absence the Director of Law
Sections 82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public	Chief Executive

	inspection	
Local Elections (Principal Area) Rules 1986		
Rule 46	Retention and public inspection of documents after an election	Chief Executive
Local Elections (Principal Areas) (England) Rules 2006		
Schedule 2, Rule 53	Retention and public inspection of documents after an election	Chief Executive
Local Government and Housing Act 1989		
Section 2(4)	Recipient of the list of politically restricted posts	Director of Law
Section 4 Local Government and Housing Act 1989	Chief Executive	Chief Executive
Sections 5 and 5A Local Government and Housing Act 1989	Monitoring Officer	Director of Law
Local Government (Committees and Political Groups) Regulations 1990		
Regulation 8	For the purposes of the composition of Committees and nominations to political groups	Monitoring Officer
Localism Act 2011		
Section 33	For the purposes of the composition of committees and nominations to political groups	Director of Law
Regulations 3,4,5 and 6	Functions relating to keeping a record of Members' interests	Director of Law
Local Authorities (Standing Orders)(England) Regulations 2001		
Schedule 1 Part 2	Notification of appointment or dismissal of officers	Chief Executive

The Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000		
The Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012		
Regulations 3 to 10 and 12 to 21	Provisions relating to meetings and access to information	Director of Law
Building Act 1984		
Section 93	Authentication of documents	Head of Building Control
Food Safety Act 1990		
Section 49(3)(a)	Authentication of documents	Director for Environmental Health
Public Health Act 1936		
Section 85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Director for Environmental Health
Public Health Act 1961		
Section 37	Control of any verminous article	Director for Environmental Health

Public Health (Control of Disease) Act 1984		
Sections 48, 59,61, 45	<p>Section 48: removal of body to a mortuary or for immediate burial</p> <p>Section 59: Authentication of documents</p> <p>Section 61: power of entry</p> <p>Section 45 Part 2 A: Public Health Protection</p>	Director for Environmental Health, Executive Director of Adult Social Care and Health; Director of Public Health
The Health Protection(Notification) Regulations 2010	Regulations 2, 3, 6 which relate to the receipt and disclosure of notification of suspected notifiable disease, infection, or contamination	Director for Environmental Health
The Health Protection (Part 2A Orders) Regulations 2010	In their entirety including application to a JP for Exclusion Order and subsequent removal to a secure hospital for treatment restrictions in relation to a thing, body or human remains or premises	Director for Environmental Health
The Health Protection (Local Authority Powers) Regulations 2010	<p>Exclusion of a child from school</p> <p>List of contacts from the Head Teacher</p> <p>Disinfection and decontamination of premises or articles on request</p> <p>Request cooperation for health protection purposes</p>	Director for Environmental Health

National Assistance Act 1948		
Section 47	Removal to suitable premises of people in need of care and attention	Executive Director of Adult Social Care and Health
National Assistance (Amendment) Act 1951		
Section 1	Certification of the need for immediate action	Executive Director of Adult Social Care and Health
Local Authority Social Services Act 1970		
Section 6(A1)	Director of Adult Social Services	Executive Director of Adult Social Care and Health
Children Act 2004		
Section 18	Director of Children's Services	Executive Director of Children's Services
Weights and Measures Act 1985		
Section 72(1)(a)	Chief Inspector of Weights and Measures	Trading Standards and Licensing Manager Trading Standards Officer (DTS)
Freedom of Information Act 2000		
Section 36	Primary qualified person for the purposes of the Act (prejudice to effective conduct of public affairs)	Monitoring Officer

Road Traffic (Vehicle Emissions)(Fixed Penalty)(England) Regulations 2002

NO.	FUNCTION	PROPER OFFICER
	Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002	<p>Director for Environmental Health, Bi-borough Environmental Quality Manager, Bi-borough Head of Environmental Health (Residential), Environmental Protection 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</p> <p>Any post incorporating the words:- “Environmental Health Officer”, “Licensing Officer”, “Public Protection & Safety Officer”, “Corporate Health & Safety Officer”, “Environmental Assistant”, “Environmental Quality Officer”, “Policy Officer”, “Senior Technical Officer”</p> <p>Bi-borough Director for Transportation and Highways, Bi-borough Head of Parking Services, Civil Enforcement Officer, Bi-borough Parking Services managers, team leaders and officers</p>

Community Protection Notice Guidance/Anti-social behaviour, Crime and Policing Act 2014

FUNCTION	PROPER OFFICER
<p>Anti-social Behaviour, Crime and Policing Act 2014</p> <p>Part 4 Community Protection</p> <p>s.53 Issue Community Protection Notice (CPN) – to deal with particular, ongoing problems or nuisances which negatively affect the community’s quality of life by targeting those responsible</p> <p>s.43 Issue written warning prior to service of above</p> <p>s.48 Prosecute following failure to comply with CPN</p> <p>s.47 Carry out works (on land open to air or not open to air with permission) following failure to comply with CPN and power of entry to carry out works</p> <p>s.50 Forfeiture of item used in commission of offence</p> <p>s.51 Seizure of item used in commission of offence</p> <p>s.52 Issue Fixed Penalty Notice (max £100)</p>	<p>Director for Environmental Health, Bi-borough Head of Environmental Health (Residential), Bi-borough Environmental Protection Manager, Pest Control Manager, Bi-borough Trading Standards Manager, Bi-borough Licensing Manager. Commercial Services Manager and Bi-borough Head of Environmental Health (Commercial), Bi-borough Private Housing and Health Manager, Bi-borough Head of Environmental Health (Licensing and Trading Standards)</p> <p>Any post incorporating the words:- “Bi-borough Environmental Health Officer, Licensing Officer, Public Protection & Safety Officer, Empty Property Officer, Corporate Health & Safety Officer, Bi-borough Trading Standards Officer or Bi-borough Senior Trading Standards Officer</p>
FUNCTION	PROPER OFFICER

Anti-social Behaviour, Crime and Policing Act 2014

Chapter 2 – Public Space Protection Order

Sec 59 – power to make order


Sec 67 – offence of failing to comply with the order

sec 69 – FPN

Director for Environmental Health, Bi-borough Head of Environmental Health (Residential), Bi-borough Environmental Protection Manager, Pest Control Manager, Bi-borough Trading Standards Manager, Bi-borough Licensing Manager. Commercial Services Manager and Bi-borough Head of Environmental Health

(Commercial), Bi-borough Private Housing and Health Manager, Bi-borough Head of Environmental Health (Licensing and Trading Standards)

Any post incorporating the words:- “Bi-borough Environmental Health Officer, Licensing Officer, Public Protection & Safety Officer, Empty Property Officer, Corporate Health & Safety Officer, Bi-borough Trading Standards Officer or Bi-borough Senior Trading Standards Officer

<p>London Borough of Hammersmith & Fulham</p> <p>COUNCIL</p> <p>21 OCTOBER 2015</p>	
REVISED STATEMENT OF GAMBLING POLICY	
Report of the Cabinet Member for Environment, Transport and Residents Services – Councillor Wesley Harcourt	
Open Report	
Classification: For Decision	
Key Decision: No	
Wards Affected: All	
Accountable Director: Nicholas Austin - Director for Environmental Health	
Report Author: Valerie Simpson	Contact Details: Tel: 020 8753 3905 E-mail: valerie.simpson@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 The Gambling Act 2005 requires every Council to have a ‘Statement of Gambling Policy’ which will include information stipulated within the Gambling Commission’s statutory Guidance to Licensing Authorities in England and Wales.

- 1.2 The Council’s ‘Statement of Gambling Policy’ must undergo a thorough review and public consultation every three years. The borough’s policy has undergone a review this year, and the revised version is required to be adopted by the Full Council in order to comply with the Gambling Act 2005. The draft, revised Statement of Gambling Policy has undergone a 12 week public consultation exercise which ended on the 31 August 2015.

2. RECOMMENDATIONS

- 2.1. That the revised Statement of Gambling Policy, attached as Appendix 1 to this report, be approved for adoption by the Full Council.

3. REASONS FOR DECISION

- 3.1. To ensure that the Council's Statement of Gambling Policy complies with section 349 of the Gambling Act 2005 and, after undergoing a full review, is approved by Full Council and published in January 2016.
- 3.2. The first Statement of Gambling Policy took effect in January 2007. The Council's current Statement of Gambling Policy took effect in January 2013. Section 349 of the Gambling Act 2005 requires Licensing Authorities to review, and publish revised, Statements of Gambling Policy every 3 years.
- 3.3 The Statement of Policy must be adopted by Full Council and published at least 28 days before it comes into effect in January 2016

4. INTRODUCTION AND BACKGROUND

- 4.1 The Council's Statement of Gambling Policy provides advice and guidance to the Council when exercising their functions under the Gambling Act 2005. It also provides guidance to both applicants and objectors.
- 4.2 A Statement of Gambling Policy may last for a maximum of three years and can be reviewed and revised by the Authority at any time during that period.
- 4.3 The Council's current Statement of Gambling Policy took effect in January 2013 and expires in January 2016. A draft revised Statement of Gambling Policy has been prepared and has undergone a 12 week public consultation.
- 4.4 The 2013 Statement of Gambling Policy has been revised to reflect subsequent changes in legislation. A copy of the draft, amended Statement of Gambling Policy is attached as Appendix 1 to this report. The main changes reflect the latest version of the Gambling Commission's Guidance document, updated links to various websites, and updated contact details. These changes are summarised in table 1 below.

Section of the Statement of Gambling Policy	Changes made
Paragraph 1.2	Amended to reflect the latest version of the Gambling Commission's Guidance
Paragraph 2.1	Information from the census of 2011 included
Paragraph 5.3	Amended to include the details of the 'Responsible Authority' in relation to 'the protection of children from harm'
Paragraphs 9.8 – 9.10	Amended to reflect the latest version of the Gambling Commission's Guidance in relation to Planning issues
Paragraphs 9.13 – 9.17	New paragraphs relating to 'Local Area Profiles' and the Gambling Commission's 'Social Responsibility' Codes 10.1.1 and 10.1.2
Appendix F	New map of the Borough relating to 'Local Area Profiles'

Table 1: Summary of changes made to the Statement of Gambling Policy

- 4.5 Twelve responses were received as a result of the public consultation exercise, the results are published online as a background document to this report.

5. PROPOSAL AND ISSUES

- 5.1 An issue that has arisen in towns and cities nationally is the 'clustering' of betting shops in specific areas. The introduction of 'Local Area Profiles' will require applicants to address local issues within their applications, and require them to explain how they will reduce any adverse impact on the local environment should an application be granted. This should assist Licensing Authorities when making decisions relating to the new grant of, or variation to existing, licence applications.
- 5.2 Vulnerable children in gambling premises have also been considered. Although children under the age of 18 are excluded from betting shops, casinos and Adult Gaming Centres, particular attention to the risk of children in these premises has been given in the revised Policy Statement.
- 5.3 We propose to continue the Council's 'No Casino' resolution.

6. CONSULTATION

- 6.1 The draft, revised Statement of Gambling Policy commenced a 12 week public consultation exercise on the 8 June 2015. Details were sent to every Residents' group in the Borough in early June 2015. Details were also sent to representative groups of the Gambling industry and to the Chamber of Commerce. The draft Policy was placed on the Council's website at:

[www.lbhf.gov.uk/Directory/Business/Licences and street trading/Licensing a z/59466_Licensing_policy.asp](http://www.lbhf.gov.uk/Directory/Business/Licences_and_street_trading/Licensing_a_z/59466_Licensing_policy.asp)

Details of the public consultation were also included in the Council's e-newsletter.

- 6.2 Details of the revisions and the web link to the draft Policy were sent to teams within the Environmental Health Department, the Planning Department, the Highways Department, Children's' Services, the Council's Events Team, the Director of Public Health's Department, the Metropolitan Police, the Parks Police, the Fire Authority, local hospitals, all Hammersmith and Fulham Councillors, the three Town Centre Managers and neighbouring Boroughs.
- 6.3 Twelve responses were received from the Peterborough Road and Area Residents' Association, the Metropolitan Police, the Council's Noise and Nuisance Team, Trading Standards Team, Children's' Services, the Bi-borough Head of Environmental Health (Licensing and Trading Standards), The Director of Public Health, The London Healthier High Street Group, the Planning Department, The Association of British Bookmakers, Corals, and

Paddy Power. These responses are detailed in a background document published online with this report.

7. EQUALITY IMPLICATIONS

- 7.1. The Council, when taking decisions in relation to any of its functions, must comply with its public sector equality duty as set out in s149 of the Equality Act 2010 (the Act). A screening for the equalities impact assessment has been carried out on the effect of the policy.
- 7.2. The policy has low relevance in relation to its impact on the areas under the statutory duties contained in the equalities impact assessment, but contributes towards the corporate priorities of the council, open and transparent decision making.

8. LEGAL IMPLICATIONS

- 8.1 The Legal implications are set out in the body of the report.
- 8.2 Implications to be verified by: Tasnim Shawkat, Director for Law, 020 8753 2700 [Reference: WH/30097481]

9. FINANCIAL AND RESOURCES IMPLICATIONS

- 9.1 There are no direct financial implications associated with this report. However any financial impact arising as a result of this policy will be managed as part of the budget monitoring process.
- 9.1.1 Implications to be verified by: Mark Jones, Director for Finance and Resources – TTS/ELRS, 020 8753 6700

10. IMPLICATIONS FOR BUSINESS

- 10.1 Implications for business in the borough from the introduction of this revised policy are considered to be minimal. Changes in Planning law in May 2015 mean that Betting Shops are removed from Class D2 to a 'sui generis' use. This means that Betting Shops are now not included in the planning 'use' classes and new premises will need specific planning permission in order to operate. The Planning Department now has stricter controls on where a prospective operator may operate new betting premises.
- 10.2 The gambling policy has been revised to reflect the recent changes in the Gambling Commission's new draft Guidance. The Licensing Authority has developed local area profiles, identifying, quantifying and mapping the vulnerabilities and other relevant features of the borough. These profiles should be used and considered by new applicants and existing licence holders, as they provide a basis upon which future Gambling Act applications will be assessed.

10.3 This new approach represents a major opportunity for local businesses to promote, and clearly state within their application how they will promote, the licensing objectives and ensure high standards of operation which respect the sensitivities of their locality.

11 RISK MANAGEMENT

11.1 The Failure to meet new and existing statutory requirements is specifically addressed in the Environmental Health Service Group's risk register. Controls in place to mitigate this risk include training, internal auditing, periodic updates of the scheme of delegation and the business planning process.

12. PROCUREMENT AND IT STRATEGY IMPLICATIONS

12.1 Not applicable in this case.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT
Responses to Consultation Exercise - [Published Online](#)

LIST OF APPENDICES

Appendix 1 – Draft revised Statement of Gambling Policy (post consultation version)

STATEMENT OF GAMBLING POLICY

JANUARY 2016 – JANUARY 2019

DRAFT

Under the Gambling Act 2005 (the Act), the Licensing Authority (We), must publish a statement of the principles which we are going to apply in relation to gambling.

This revised Statement of Gambling Policy will take effect from the **XX January 2016**.

We have prepared this Statement of Gambling Policy after considering the guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act 2005. We have consulted on this policy and have considered any responses to the draft statement before adopting and publishing this final document.

We will review and publish this statement at least every three years, and consult again about any amended parts. If you would like more information or have any comments about this policy, please contact us directly.

If you would like to see the full list of comments made on the draft statement, please contact us.

All references to specific paragraphs in the Gambling Commission Guidance relate to the version published in March 2015. A copy of this version is available on the Council's website. Further editions of the Guidance may be published throughout the duration of this Statement of Gambling Policy.

Licensing Section
Transport and Technical Services
PO Box 66532
London
W8 9GJ

E-mail: licensing@lbhf.gov.uk
Website: www.lbhf.gov.uk
Phone: 020 8753 1081

Contents

Section	Page
1. Introduction	4 - 5
2. The borough	5 - 6
3. General principles	6 - 9
4. Premises licenses	9 - 10
5. Conditions	10 - 13
6. Responsible authorities	14
7. Relevant representations and interested parties	14 - 15
8. Reviews	15
9. Enforcement	16 - 17
10. Exchanging information	17
11. Provisional statements	17
12. Temporary-use notices	17
13. Occasional-use notices	18
14. Consultation	18
15. Adult gaming centres, family entertainment centres, licensed to sell alcohol, bingo premises, betting premises	18 - 19
16. Family entertainment centre not licensed to sell alcohol	19
17. Casinos	19
18. Tracks	20
19. Travelling fairs	20
20. Gaming machine permits for premises that sell alcohol	20 - 21
21. Prize gaming permits	21
22. Club gaming and club machine permits	22
23. Small Society Lotteries	22 - 23
24. Other Information	23 - 24
25. Glossary	25 – 28
Annex 1 Mandatory and default licensing conditions	29 – 32
Annex 2 Local pool of licence conditions	33 – 34
Annex 3 Local Area Profile Map	35

1 Introduction

1.1 The Act introduced a unified regulator for gambling in Great Britain – the Gambling Commission – and a new licensing system for commercial gambling to be managed by the Commission or by local authorities, depending on the matter that needs to be licensed. The only exceptions are spread betting (regulated by the Financial Services Authority), remote gambling and the National Lottery (regulated by the Gambling Commission). We, the Licensing Authority, and the Gambling Commission, will share responsibility for all matters previously regulated by the Magistrates' Court.

1.2 The Gambling Commission will be responsible for granting operating and personal licences for commercial operators and personnel in the industry. The Licensing Authority will issue premises licences for:

- betting offices and racetracks;
- casinos
- bingo clubs;
- adult gaming centres; and
- family entertainment centres.

We will also issue permits for:

- gaming machines in alcohol-licensed premises, such as pubs;
- gaming machines for members' clubs;
- gaming in members' clubs;
- family entertainment centres not licensed to sell alcohol (category-D machines only, that is, those that have the lowest level of stakes and prizes);
- occasional - and temporary use - notices; and
- provisional statements.

1.3 Under the Act, we must consider the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- making sure that gambling is carried out in a fair and open way; and
- protecting children and other vulnerable people from being harmed or exploited by gambling.

Under the Gambling Act 2005 'child' means an individual who is less than 16 years old and 'young person' means an individual who is not a child but who is less than 18 years old.

1.4 Under section 153 of the Act, when making decisions about premises licences and temporary-use notices, we should allow the premises to be used for gambling if we think it is:

- in line with any relevant code of practice and guidance issued by the Gambling Commission; and
- reasonably consistent with the licensing objectives and in line with the principles set out in this policy.

1.5 Under the Act, we must:

- be responsible for licensing premises where gambling activities are to take place by issuing premises licences;
- issue provisional statements;
- regulate members' clubs and miners' welfare institutes that want to offer certain gaming activities by issuing club gaming permits or club machine permits (or both);
- issue club machine permits to commercial clubs;
- grant permits for certain lower-stake gaming machines at family entertainment centres that are not licensed to sell alcohol;
- receive notices from premises that are licensed to sell alcohol (under the Licensing Act 2003) that they want to use one or two gaming machines;
- issue gaming machine permits for premises that are licensed to sell or supply alcohol for people to drink on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- register small-society lotteries below set limits;
- issue prize gaming permits;
- receive and approve temporary-use notices;
- receive occasional-use notices;
- provide information to the Gambling Commission about the licences we have issued (see the section 10 below); and
- maintain registers of the permits and licences that we issue.

2 The Borough

2.1 Hammersmith & Fulham is one of 13 inner-London boroughs. It is situated in the west of central London, on the transport routes between the city and Heathrow airport.

2.2 It is a long, narrow borough, running north to south with a river border at its south and south-west side. It is bordered by six London boroughs – Brent to the north, Kensington and Chelsea to the east, Wandsworth and Richmond-upon-Thames to the south, and Ealing and Hounslow to the west. Not including the City of London, it is the third smallest London borough in terms of area, covering 1,640 hectares. It has three town centres – Shepherd's Bush, Hammersmith and Fulham.

2.3 Hammersmith & Fulham is made up of 16 electoral wards. These range in size from 55 hectares to 344 hectares.

2.4 When producing this statement we have considered:

- local crime prevention;
- the licensing policy;
- our planning, transport, tourism and cultural strategies; and
- our equal opportunities policy.
- our public health duties

2.5 We consulted the following people before finalising and publishing this statement.

- The police

- Local Safeguarding Children's Board (LSCB)
- Trade associations
- Residents' associations
- Businesses
- Fire authority
- Ward Councillors
- Neighbouring authorities
- Chamber of Commerce
- Substance misuse and offender care team
- The Director of Public Health
- Crime and disorder reduction partnership
- Trade unions
- Other relevant people who could be affected by this policy

2.6 This statement of principles will not stop any person, who is eligible, from making an application, commenting on an application, or applying for a review of a licence, as we will consider each one individually and according to the Gambling Act 2005 (except for casinos, see section 17 below).

3 General principles

3.1 The Act and any associated regulations will apply to premises licences as well as specific conditions set out in regulations. We can exclude some conditions and attach others, where we consider it to be appropriate.

3.2 We are aware that the Gambling Commission's guidance for local authorities says that moral objections to gambling are not a valid reason to reject applications for premises licences, and also that a licensing authority must not consider unmet demand when deciding an application. However, to meet the licensing objectives, we will have to consider whether a particular premises is appropriate for the intended activity.

3.3 Under the Act, 'premises' includes 'any place'. A single premises cannot have different premises licences operating at different times. However, it is possible for a single building to have more than one premises licence, as long as they are for different parts of the building and the different parts of the building can reasonably be considered as different premises. Whether different parts of a building can properly be considered as separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider areas of a building that are artificially or temporarily separate to be different premises.

3.4 If more than one application is received for premises licences in a single building, we will make a decision on whether the proposed premises are genuinely separate to the extent that they merit their own licence and are not an artificially created part of what is readily identifiable as a single and separate unit. A decision of this nature will be taken by the licensing sub-committee. When determining whether two or more proposed premises are separate, we will take a number of factors into account. Depending on the specific circumstances of the case these may include:

- Do the premises have different postal addresses?
- Is a separate registration for business rates in place at the premises?
- Are the neighbouring premises owned by the same person or not?
- Can each set of premises be accessed by different entrances from the street or a public

passageway?

- Can the premises be accessed only from another gambling premises?
- How are the premises separated? Are any partitions fixed, of full height and transparent in any part?

Where the licensing authority determines that more than one premises licences can be granted within a single building, then specific measures may be required to be included as conditions on the licences. Such measures may include:

- the supervision of entrances
- segregation of gambling from non-gambling areas, which may include the type and position of partitions and/or the supervision of the premises and gaming machines

3.5 We pay particular attention to the Gambling Commission's guidance for local authorities, which states the following:

7.30 Licensing authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware of the following:

- the third licensing objective seeks to protect children from being harmed or exploited by gambling and premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling
- entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit
- customers should be able to participate in the activity named on the premises licence.

3.6 You cannot get a full premises licence until the premises in which you are going to offer the gambling is built. The Gambling Commission has advised that 'the premises' means the premises in which gambling may now take place. So a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. The Gambling Commission emphasises that making sure the building is complete means that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

3.7 The Licensing Authority will expect compliance with the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) in relation to the submission of plans with applications.

The Regulations state that plans shall contain the following information:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

3.8 In line with the Gambling Commission's guidance for local authorities, we will pay particular attention to protecting children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder. This would include incidents, or suspected incidents, of child sexual exploitation. We welcome the ABB Code for Responsible Gambling and Player Protection, and recommend Gamcare certification to gambling operators in this borough.

3.9 If any policy is developed which affects where gambling premises can be located, we will update this statement. However, any such policy will not prevent anyone from making an application and we will consider each application individually, except for an application for a casino (see section 17 below). You will have to show how any possible concerns can be overcome.

3.10 We will try to avoid repeating any work already carried out under other systems where possible, including planning. We will not consider whether a licence application is likely to be awarded planning permission or building regulations approval. However, we will carefully consider any concerns about conditions which are not able to be met by licensees due to planning restrictions.

3.11 The Gambling Commission's Guidance to Licensing Authorities states:

'7.56 In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal...'

'7.63 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.'

This Licensing Authority places due regard on these extracts from the Guidance (March 2015 version). The Licensing Authority is aware that in May 2015 the Government introduced additional planning controls in relation to betting offices, removing them from Class D2 use to a 'sui generis' use. This means that Betting Shops have been taken out of the planning 'use' classes and will need to receive planning approval. This has enabled Planning Authorities to

exercise stricter controls over these uses, and this Authority would expect applicants for new Gambling Premises Licences to have been granted permission to use prospective premises for the proposed operation subject of the licence application.

4 Premises Licences

- 4.1 Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a premises licence.
- 4.2 For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is the Council's opinion that all gambling premises, whether subject to an application or currently licensed, must operate primarily in the use of the licence type applied for or issued.
- 4.3 A premises licence issued by the Licensing Authority will be subject to mandatory and/or default conditions and conditions imposed by the Council. The Council may consider that conditions, other than the mandatory or default conditions, are necessary to ensure that the premises operate in a manner that is reasonably consistent with the licensing objectives, the Commission's codes of practice and/or local authority guidance, and this Statement of Gambling Policy.
- 4.4 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Act authorises the provision of gambling facilities for the following types of premises licences:
- casino premises
 - bingo premises
 - betting premises, including tracks and premises used by betting intermediaries
 - adult gaming centre premises (for category C and D machines)
 - family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

(For definitions of categories of gaming machines, see the glossary at section 25 of this policy)

- 4.5 In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission has provided information relating to the primary gambling activity in both the Local Authority Guidance and Section 16 of The Gambling Commission's Licence Conditions and Codes of Practice which was published in April 2015. This supplement sets out the requirements on the operator to ensure that their premises operate within the terms of the Act and the relevant conditions. It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.
- 4.6 The Council will make decisions having regard to the Commission's view on primary gambling activity and will expect applicants to operate premises in line with the Commission's Guidance and conditions on their operators licence. The Council will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to demonstrate that the

premises are intended to be used for the primary gambling activity proposed. For example, a betting premises licence application that only has 4 gaming machines but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

5 Conditions

5.1 Any conditions attached to licences will be lawful and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

5.2 Certain matters which are set out in the Act may not be the subject of conditions. These are :

- conditions which make it impossible to comply with an operating licence,
- conditions as to gaming machines that contradict the provisions in the Act,
- conditions making activities, premises or parts of them, operate as a membership club,
- conditions on fees, winnings, stakes or prizes.

5.3 We will make decisions on individual conditions, on a case-by-case basis, although there will be a number of measures we will consider using if necessary, such as using supervisors, appropriate signs for adult-only areas and so on. We will also expect you to offer suggestions as to how you will meet the licensing objectives effectively.

5.4 We will also consider specific measures which may be needed for buildings which have more than one premises licence. These may include supervising entrances, separating gambling from non-gambling areas used by children and supervising gaming machines in non-adult gambling premises to achieve the licensing objectives.

5.5 Noise, nuisance and disturbance are often linked to late night licensed premises and can often be linked, or be a precursor to, disorder. Although we recognise that nuisance is not mentioned as a Licensing Objective, the fact that it can be closely related to disorder can be a cause for concern when dealing with late night gambling premises applications.

5.6 In appropriate circumstances, and where representations have been received, and appropriate, relevant evidence is provided, this Authority will consider the imposition of conditions such as:

Door and Windows

- All external doors and windows shall be kept closed [at all times] [after [TIME]].
- External doors shall be fitted with a self-closing device.
- External doors fitted with a self-closing device shall not be propped open at any time.

Signs and Announcements

- Signs shall be prominently displayed at the exits from the premises reminding patrons there are residents living nearby and instructing them to respect the neighbours and to leave the premises promptly and quietly.
- When a microphone is available e.g. in bingo gambling premises, an announcement will be made at the end of gambling hours reminding customers that the premises are in a residential area and asking them to leave the premises promptly and quietly.

Speakers

- There shall be no stereo / television or other audio equipment speakers mounted in the ceiling of the premises to prevent vibration transmission of sound energy to adjoining properties.
- All stereo / television or other audio equipment free-standing / portable speakers shall be mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.

- 5.7 Such conditions will only be considered where there is evidence to suggest that the licensing objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime is not being promoted for a specific premises and the imposition of such conditions are necessary to promote this licensing objective.
- 5.8 Local Area Profile – a map of this Local Authority’s area has been attached as Annex 3. The map contains the location of all schools, hostels and homes for vulnerable people, hotspots of anti-social behaviour (ASB), and centres for people with gambling addictions. This Authority will pay particular attention to applications for the new grant of, or variations to existing, premises licences where those premises lie within areas with a concentration of ASB, hostels/homes for vulnerable people and centres for people with a gambling addiction. The Authority will also pay particular attention to areas where children, young people and families congregate, for example in the vicinity of schools. This map will be regularly updated and will be publicly available on the Hammersmith and Fulham Council website.
- 5.9 Where paragraph 5.8 applies this Authority will expect applicants to fully explain in their applications how their proposal will not exacerbate any problems to individuals living in the vicinity, or exacerbate any ASB problems within the vicinity generally. Applicants will be expected to tailor their application and have policies, procedures and control measures to mitigate any risks. They should have the appropriate numbers of trained staff, and propose licence conditions, to cater for the local area in which they propose to run their business. This Authority will consider the implementation of a ‘Bet Watch’ scheme within the borough. If and when such a scheme is introduced the Authority would expect operators of relevant premises to actively participate in the scheme in order to demonstrate that their commitment to protecting vulnerable people from gambling harm.
- 5.10 Applicants should be particularly aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for the new grant of a premises licence, or a variation to an existing licence, in such areas they should explain

fully in their risk assessments how they will mitigate any risks of operating gambling premises in close proximity to concentrations of housing for families and vulnerable people, and to centres where services are provided to people who may be vulnerable, or at greater risk of harm, arising from gambling.

5.11 Some publicly available sources of information to assist in operators completing a Local Area Profile include:

- (a) the Crime Mapping website;
- (b) Neighbourhood Statistics websites;
- (c) websites or publications by local responsible authorities;
- (d) websites or publications by local voluntary schemes and initiatives; and
- (e) on-line mapping tools.
- (f) Information leaflets and helpline numbers, from organisations such as GamCare, for customers who may have a gambling addiction.

5.12 This Authority will expect applicants for the new grant of, or variation to an existing, licence to include full details of their risk assessment in compliance with Social Responsibility (SR) code 10.1.1 and Ordinary code provision 10.1.2 (both effective as from 6 April 2016). Additional licence conditions will only be considered where there is evidence that gambling premises in a particular area will exacerbate the risk of harm to vulnerable, and young, people, and where there is evidence that they are necessary in order to promote the licensing objectives. There is no presumption that because a gambling premises is proposed to be located in a specific location that there will be a need for additional licence conditions, or that an individual application will be rejected.

5.13 Appropriate licence conditions may be as follows:

- All gaming machines are in an area of the premises which is separated from the rest of the premises by a physical barrier which prevents people from entering other than through a specific entrance,
- Only adults are allowed into the area where these machines are located,
- Access to the area where the machines are located, is supervised,
- The area where these machines are located must be arranged so that it can be monitored by the staff or the licence holder,
- Recognised proof-of-age schemes must be in place,
- Notices should be clearly displayed showing that people under 18 are not allowed at the entrance to, and inside any of, these areas. ,
- The entrance and gaming machines must be in appropriate places,
- Closed-circuit television must be provided,
- Door supervisors must be provided,
- There must be specific opening hours,
- There must be self-barring schemes. This means that problem gamblers can ask for their casual membership to be suspended and ask to be denied entry so they can deal with their addiction,
- Information leaflets and helpline numbers for organisations such as Gamcare must be provided.

5.14 The licensing authority will ensure that where category C or above machines are on offer in premises to which children are admitted the following conditions should apply:

- remainder of the premises is divided by a physical barrier which is effective to prevent any views of machines in category C or above and any access to them other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

5.15 The licensing authority expects all premises licence applications to specify opening hours. Particular attention will be paid to the opening hours for Adult Gaming Centres and Family Entertainment Centres which do not have opening hours specified as part of their mandatory conditions.

5.16 These considerations will also apply to premises where more than one premises licence is needed.

Door Supervisors

5.17 We may consider whether door supervisors are needed to meet the licensing objectives of protecting children and vulnerable people from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. In particular, we would expect the appropriate numbers of door supervisors to be employed at premises where alcohol is sold and operate beyond 11pm. We may feel it necessary to add specific conditions in relation to door supervisors, particularly where the door supervisors do not have to be registered with the SIA. These conditions may include:

- the need to be easily identifiable, with the person's name badge clearly on display;
and
- the need to have received specific training related to the task being performed.

5.18 This recognises the work door supervisors carry out, which includes searching individuals, dealing with potentially aggressive people, where there are concerns about child sexual exploitation and so on.

5.19 For premises other than casinos and bingo premises, operators and licensing authorities may decide that entrances and machines should be supervised in particular cases, but they will need to decide whether these supervisors need to be licensed by the SIA or not. It will not be automatically assumed that they need to be.

5.20 There is no evidence that, generally, betting offices need door supervisors to protect the public. The authority will only order a betting shop to appoint a door supervisor if there is clear evidence that the premises cannot be properly supervised from the counter.

6 Responsible authorities

- 6.1 The responsible authorities as defined by the Act are listed in the glossary under section 25 of this policy.
- 6.2 Contact details of all the responsible authorities under the Act can be obtained from our website at www.lbhf.gov.uk
- 6.3 We must set out the principles we will apply when naming an organisation which will be able to advise us on protecting children from harm. The principles are that the organisation must be:
- responsible for an area covering the whole of the licensing authority's area; and
 - be answerable to elected people, rather than any group with an interest in gambling.
- 6.4 We appoint the Local Safeguarding Children's Board (LSCB) for this purpose.

7 Relevant representations and interested parties

- 7.1 Interested parties can comment on licence applications, or apply for a review of an existing licence. Interested parties are defined in section 158 of the Act as follows: 'For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:
- lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - has business interests that might be affected by the authorised activities; or
 - represents persons who satisfy paragraph (a) or (b).'
- 7.2 The Gambling Commission has recommended that we make it clear that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission guidance for local authorities 8.17). However, we will not generally view these organisations as interested parties unless they have a member who can be classed as an interested person under the terms of the Act (that is, lives close enough to the premises or has business interests that might be affected by the activities being applied for).
- 7.3 Interested parties can be people who are democratically elected such as Councillors and MPs. We will not need specific evidence of them being asked to represent an interested person as long as the Councillor or MP represents the ward that is likely to be affected. Other than these, however, we will generally need written evidence, e.g a letter, that a person or organisation 'represents' someone who either lives close enough to the premises to be likely to be affected by the authorised activities or has business interests that might be affected by the authorised activities.
- 7.4 If people want to approach Councillors to ask them to represent their views, they should be careful that the Councillors are not part of the licensing committee dealing with the licence application. Councillors may be restricted in representing constituents under the members' code

of conduct in cases where they have a particular interest. Please contact us if there are any doubts.

- 7.5 We will decide each case individually. We will not apply a strict rule when making decisions. We will consider the examples of considerations provided in the Gambling Commission's guidance for local authorities at paragraphs 8.14 and 8.15 of that guidance.
- 7.6 Representations will not be accepted if they do not relate to one or more of the three licensing objectives (as set out in section 1.3 of this policy). 'Frivolous' or 'vexatious' representations will not be accepted as valid.
- 7.7 Environmental issues such as noise or light pollution cannot be considered under the Act as they do not relate to the licensing objectives. Issues of this type can be considered under the Environmental Protection Act 1990 and should be referred to the Council's Noise and Nuisance team on: 0208 753 1081 or: environmentalprotection@lbhf.gov.uk

8 Reviews

- 8.1 An interested party or a responsible authority (see the glossary at 22 for a list of relevant authorities) may apply to the Council to review a premises licence. Such reviews can be made in relation to, amongst other things, if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been taken account of, if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder, e.g. child sexual exploitation. An application to review a premises licence may be made requesting that conditions relating to age verification policies are applied to the licence where an underage test purchase has been made.
- 8.2 As a review of a premises licence can lead to its revocation the Council will consider what informal actions has been undertaken by the applicant, or the licence holder prior to the review application being made. The Council accepts that an application for review may be appropriate without informal measures first being requested by an applicant, but will actively encourage that appropriate alternative forms of action have been considered prior to review applications being made.
- 8.3 Our decision will be based on whether the request for the review:
- raises an issue relevant to any relevant code of practice, any relevant guidance issued by the Gambling Commission, the licensing objectives or this statement;
 - is frivolous or vexatious;
 - could possibly lead to a decision to alter, revoke (withdraw) or suspend the licence; or
 - raises grounds that are substantially the same as, or different from, grounds within an earlier request for a review or from representations made in relation to the application for the premises licence.

8.4 We can also review a licence for any reason we consider to be appropriate under the law.

9 Enforcement

9.1 We are committed to the Regulators' Code in terms of reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between us and those we regulate. Our commitment extends to aiming to design our service and policies in a manner that best suits the needs of business, by complying with the principles based framework for regulatory delivery within the Regulators' Code. We will ensure that any enforcement action we take is:

- Proportionate - regulators should only get involved when necessary solutions are appropriate to the risk posed, and costs have been identified and reduced;
- Accountable - regulators must be able to justify decisions, and be open to public questioning;
- Consistent - rules and standards must be put into practice fairly;
- Transparent - regulators should be open, and keep regulations simple and user friendly; and
- Targeted - regulations should be focused on the problem, and reducing negative impacts.

We will act in accordance with our Enforcement Policy. Bearing in mind the principle of transparency, our Enforcement Policy is available on our website.

9.2 We will also follow a risk-based inspection program. In accordance with the Gambling Commission's guidance and the 'Regulators Code' we will provide the criteria we will use for this, on request or provide the information on our website. In accordance with the Regulators Code only those premises identified as being 'high risk' premises will be routinely inspected. Officers will only visit premises where there is a reason to do so (e.g. as part of a complaint investigation).

9.3 Once premises have been licensed it is essential that they are monitored to make sure that they are run in accordance with their operating schedules and with any licence conditions. It will also be important to monitor the borough for unlicensed premises.

9.4 The main enforcement role for us in terms of the Act will be to make sure that premises are used in accordance with the licences and other permissions which we authorise. The Gambling Commission will be the enforcement body for the operating and personal licences. The Gambling Commission will also deal with concerns about the manufacture, supply or repair of gaming machines.

9.5 We will investigate complaints about licensed premises in relation to the licensing objectives or offences under the Act. If it is not appropriate for you to raise the complaint directly with the licence holder or business concerned to try and find a solution, please contact us for advice or information. There may be circumstances where the premises may be operating in a way that could result in enforcement action, e.g. a complaint in relation to criminal activities or that it is being used by children. In these circumstances we would recommend that you provide us with this information directly rather than speaking with the licence holder or business concerned. We can then refer the

information to the appropriate authority for further investigation or for information.

- 9.6 This Licensing Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure compliance issues are recognised and resolved at the earliest stage, the Licensing Authority will contact the Primary Authority for the business. Where there is no Primary Authority Partnership in place, operators are requested to give the Authority a single named point of contact, who should be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.

10 Exchanging information

- 10.1 We will exchange information in accordance with the Act and the Data Protection Act 1998.
- 10.2 We will also consider any guidance issued by the Better Regulation Delivery Office (BRDO) or the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 10.3 When the law allows, the Licensing Authority will agree secure mechanisms to share information with other regulators about gambling premises, to help target resources and activities and minimise duplication.

11 Provisional statements

- 11.1 We will decide whether premises can be considered for a premises licence. The guidance issued by the Gambling Commission advises that the building should be complete so that the authority could, if necessary, carry out a full inspection.
- 11.2 We cannot consider any more representations from relevant authorities or interested parties after we have issued a provisional statement, unless they concern matters which could not have been dealt with at the provisional statement stage, or they reflect a change in circumstances. We may also refuse the premises licence (or grant it on terms different to those attached to the provisional statement) if the matter:
- could not have been raised by objectors at the provisional licence stage; or
 - reflects a change in the operator's circumstances.

12 Temporary-use notices

- 12.1 These allow premises to be used for gambling where there is no premises licence but where a gambling operator wants to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary-use notice would include hotels, conference centres and sporting venues.
- 12.2 A temporary-use notice may only be granted to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.

12.3 The Secretary of State will list the gambling activities that may be covered by a temporary-use notice, as well as activities that may not be and activities that may not be combined with any other.

13 Occasional-use notices

13.1 Where there is betting on a track on eight days or less in a calendar year, betting may be allowed under an occasional-use notice without the need for a full premises licence.

13.2 We have limited power in relation to these notices other than making sure that betting is not allowed for more than eight days in a calendar year.

14 Consultation

14.1 We will expect you to advertise the application in line with the regulations made under the Act. An applicant for the grant or variation of a licence, or for a provisional statement is required to advertise the application by means of:

- a notice displayed at the premises for 28 consecutive days starting on the day the application is made to the licensing authority, and
- publication of the notice of application in a local newspaper within 10 working days of submitting the application to the licensing authority.

The notices must be in the prescribed form.

The consultation period for applications runs for 28 days starting the day the application is made to the licensing authority.

14.2 We will carry out a consultation process in line with the regulations made under the Act. In exceptional circumstances we may consider it appropriate to carry out a more thorough public consultation. We will publicise details of applications received.

15 Adult gaming centres (AGCs), family entertainment centres (FECs) licensed to sell alcohol, bingo premises, betting premises.

15.1 When deciding applications for a premises licence for these premises, we will consider the need to protect children and vulnerable people from harm or being exploited by gambling. We will expect you to satisfy us that there will be enough measures in place to meet this licensing objective. Appropriate measures could include training for staff on how to deal with suspected truanting school children on the premises or how to recognise signs of potential child sexual exploitation.

15.2 We will expect you to offer your own measures to meet the licensing objectives. Appropriate measures and licence conditions may include the ones listed in section 5 and Annex to of this policy.

15.3 We will consider the guidance issued by the Gambling Commission and will take into account

the size, suitability, layout of the premises and, if relevant, the number of counters available for face-to-face transaction.

16 Family Entertainment Centres (FECs) not licensed to sell alcohol

16.1 If an operator does not hold a premises licence but wants to provide gaming machines he may apply to us, the licensing authority, for this permit. The person applying must show that the premises will be completely or mainly used for gaming machines (section 238 of the Act).

16.2 Unlicensed FECs will be able to offer only category-D machines with a gaming machine permit. There can be any number of category-D machines with such a permit (depending on other considerations such as fire regulations and health and safety, which will not be issues for the licensing authority under the Act). We cannot issue permits for vessels or vehicles.

16.3 As part of any Unlicensed Family Entertainment permit application, the Council will require applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes (para 24.7 of the Act)

16.4 The Council will expect the applicant to show that there are policies and procedures in place to protect children and vulnerable people from harm. Harm in this context is not limited to harm from gambling but includes wider child protection and potential child sexual exploitation considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:

- measures/training for staff concerning suspected truant school children on the premises;
- measures/training covering how staff would deal with unsupervised, very young children being on the premises;
- measures/training covering how staff would deal with children causing perceived problems on or around the premises.
- Measures/training covering how staff would identify the signs and symptoms of persons engaged in the illegal use, or under the influence, of controlled drugs and/or alcohol.

17 Casinos

17.1 We have a 'no casino' resolution in this borough.

17.2 The 'no casino' resolution came into effect on the same date as the original Statement of Gambling policy. We will review this resolution at least every three years, and can withdraw it at any time.

17.3 This means that we will not consider any applications for a premises licence for a casino. We will

return any applications we receive with a notice that a 'no casino' resolution is in place.

18 Tracks

18.1 We are aware that tracks may need more than one premises licence and we will especially consider the effect on the third licensing objective (that is, protecting children and vulnerable people from being harmed or exploited by gambling).

18.2 We would expect you to show that suitable measures are in place to make sure that children do not have access to adult-only gaming facilities. Appropriate measures and licence conditions may include the ones listed in section 5 and Annex 2 of this policy.

18.3 We will expect you to have plans that explain very clearly what you want authorisation for under the track betting premises licence and which, if any, other areas need a separate application for a different type of premises licence.

19 Travelling fairs

19.1 We will firstly consider whether you fall within the legal definition of a travelling fair.

19.2 It will fall to this Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

19.3 Fairs cannot be held on a piece of land for more than 27 days per calendar year, no matter whether it is the same or a different travelling fair using the land. We will work with our neighbouring authorities to make sure that land which crosses administrative boundaries is monitored to ensure legal limits are not broken.

20 Gaming machine permits for premises that sell alcohol

20.1 Premises licensed to sell alcohol for people to drink on the premises are entitled to have two gaming machines, of categories C and/or D. The licensee must provide notification, and we can remove this entitlement if:

- the machines are not provided in line with the licensing objectives;
- gambling has taken place on the premises that breaks a condition of section 282 of the Act (that is, written notice has not been provided to the licensing authority, a fee has not been paid and any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been met);
- the premises are mainly used for gambling; or
- an offence under the Act has been committed on the premises.

20.2 If a licensee wants to have more than two machines, they need to apply for a permit and we must consider that application based on the licensing objectives, any guidance issued by the Gambling Commission issued under section 25 of the Act, and any other relevant conditions.

20.3 One of the licensing objectives is to protect children and vulnerable people from harm or being exploited by gambling. We will expect you to show us that there will be enough measures to make sure that people under 18 do not have access to the adult-only gaming machines. Appropriate measures and licence conditions may include the ones listed in section 5 above and Annex 2.

20.4 Some alcohol-licensed premises may apply for a premises licence for areas of the premises which are not licensed for selling alcohol. Any such application would most likely need to be made and dealt with as a premises licence for an adult gaming centre.

20.5 We can decide to grant the application with a smaller number of machines or different category of machines than those applied for. Conditions (other than these) cannot be attached.

20.6 The holder of a permit must follow any code of practice issued by the Gambling Commission about where and how the machine must be used.

21 Prize gaming permits

21.1 This Authority has not adopted a statement of principles on permits under Schedule 14 paragraph 8 (3) of the Act.

21.2 Gaming is defined as prize gaming if the nature and size of the prize does not depend on the number of people playing or the amount paid for or raised by the gaming. The operator decides the price before anyone starts to play on the machines.

21.3 A prize gaming permit is a permit we issue to authorise gaming facilities with prizes on specific premises.

21.4 An application for a permit can only be made by a person who uses or plans to use the relevant premises. If the applicant is an individual, they must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is for the same premises. The application must be made to the authority in whose area the premises are completely or partly situated.

21.5 When making our decision on an application for this permit, we do not need to consider licensing objectives but must consider any Gambling Commission guidance.

21.6 There are conditions in the Act which the permit holder must follow. These are:

- the limits on participation fees, as set out in regulations;
- all chances to take part in the gaming must be offered on the premises on which the gaming is taking place and on one day, the game must be played and completed on the day the chances are offered and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not be more than the amount set out in regulations (if a money prize), or the set value (if a non-monetary prize); and
- taking part in the gaming must not entitle the player to take part in any other gambling.

22 Club gaming and club machine permits

22.1 Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machine permit.

22.2 Gambling Commission guidance states: 'Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations'.

22.3 We may only refuse an application if:

- you do not fulfil the requirements for a members' or commercial club or miners' welfare institute and so are not entitled to receive the type of permit which you have applied for;
- your premises are used wholly or mainly by children or young people;
- you have committed an offence under the Act or have broken the conditions of a permit while providing gaming facilities;
- a permit held by you has been cancelled in the previous 10 years; or
- an objection has been lodged by the Commissioner of Police.

22.4 There are conditions attached to club gaming permits that no child uses a category-B or category-C machine on the premises and that the holder follows any relevant code of practice about where and how gaming machines are used.

23. Small Society Lotteries

23.1 Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:

- licensed lotteries (requiring an operating licence from the Gambling Commission); and
- exempt lotteries (including small society lotteries registered by the Licensing Authority)

23.2 The Licensing Authority recommends those seeking to run lotteries take their own legal advice. Guidance notes on small society lotteries, limits placed on them and information setting out financial limits can be found on our web-site or by contacting the Licensing Team. Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located.

23.3 Lotteries will be regulated through; a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, codes of practice and any guidance issued by the Gambling Commission. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Gambling Commission's guidance.

The Licensing Authority will accept society lottery returns either manually but preferably electronically by email.

24 Other Information

24.1 **Annual Licence fee** – The Gambling Act 2005 requires every holder of a gambling licence to pay an annual fee to the Licensing Authority. Failure to pay the annual fee may result in the revocation of the premises licence.

24.2 **Public Health considerations** - Whilst there may be evidence that problem gamblers and their families are at risk of significant health and social problems such as mental illness, drug and alcohol misuse, relationship breakdown, criminal activity and financial difficulties, public health is not a licensing objective and therefore cannot be taken into account, when deciding on applications. The Licensing Authority will however continue to liaise with public health colleagues about new and variation applications within the borough, so that we can both continue to monitor any increase in access to gambling opportunities for those at risk of problem gambling, and work jointly to ensure that appropriate measures are put in place to minimise that risk and support those seeking help.

24.3 **Equalities** - The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Hammersmith and Fulham Council has an Equal Opportunities Policy and this revised Statement of Gambling Policy will be monitored for any adverse impact on the promotion of opportunities for all.

This Statement of Gambling Policy recognises the Race Relations Act 1976. The Licensing Authority will have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of different racial groups.

24.4 **Email Alerts** - If you are interested in being notified about new applications you can register on our website for licensing application email alerts and receive regular updates about applications in your area.

24.5 **The Local Development Framework** - The Local Development Framework sets out the Council's planning policies for developing land, improving transport and protecting the environment. The Council is required to determine planning applications in accordance with the Local Development Framework, the London Plan and any other material considerations.

24.6 **Review of the Statement of Gambling Policy** - Under the Gambling Act 2005, the Licensing Authority must carry out a review of its Statement of Gambling Policy every three years. In accordance with the Act, the Licensing Authority intends to carry out a further full review of its policy no later than 2018 and, prior to publishing the revised version, it intends to consult fully with those groups and individuals consulted on this version. In addition, within the three year period the Licensing Authority will review its Statement of Gambling Policy whenever it feels that relevant

issues have arisen - for example, if any further significant amendments are made to the Gambling Act 2005, Guidance or Codes of Practice. Any website links within this document that do not work will be updated or removed. Issues that arise concerning implementation of the policy will be recorded in an issue log and taken into account during any review.

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25 Glossary

25.1 **Adult gaming centre** – a premises that may have up to four category-B machines (restricted to B3 and B4), any number of category-C machines and any number of category-D machines.

25.2 **Betting premises** – a premises that may have up to four gaming machines of category-B (restricted to B2, B3 and B4), C or D.

25.3 **Bingo premises** – a premises that may have up to four category-B machines (restricted to B3 and B4), any number of category-C machines and any number of category-D machines.

25.4 **Categories of gambling** – regulations will define the classes according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver. These are the current maximum stakes and prizes:

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
A	Unlimited	Unlimited	Regional Casino
B1	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act Casino and Regional Casinos
B2	£100	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, Adult gaming centre and all of the above
B3A	£2	£500	Members' club or Miners' welfare institute only
B4	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
C	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
			all of the above.
D money prize	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above
D non-money prize (other than crane grab machine)	30p	£8	All of the above.
D non-money prize (crane grab machine)	£1	£50	All of the above.
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	All of the above.

25.5 **Club machines permit** – a premises will need this permit if it is a members' club, a commercial club or a miners' welfare institute, with up to three machines of category-B (restricted to B4) C or D (that is, three machines in total).

25.6 **Family entertainment centre** (with commission operating licence) – a premises that may have any number of category-C machines and any number of category-D machines. Category-C machines must be in a separate area to make sure that they are only played by adults.

25.7 **Family entertainment centre** (with gaming machine permit) – a premises that may have any number of category-D machines. There is no power for the licensing authority to set a limit on the number of machines covered by the permit.

25.8 **Gaming machines** – all machines on which people can gamble.

25.9 **Occasional-use notices** – where there is betting on a track on eight days or less in a calendar year, betting may be allowed under an 'occasional-use notice' without the need for a full premises licence.

- 25.10 **Primary Authority** – Where a chain of businesses and a specific Local Authority agree, that Authority becomes the ‘Primary Authority’ for those businesses. The authority will ensure consistent regulation, improving the professionalism of front-line regulators, and giving businesses a say in their regulation. Where another Local Authority has concerns about compliance issues, it must refer to the Primary Authority for directions.
- 25.11 **Provisional Statement** - Where an applicant can make an application to the Licensing Authority in respect of premises that he:
- Expects to be constructed
 - Expects to be altered
 - Expects to acquire a right to occupy.
- 25.12 **Regulators’ code** – protects the public, the environment and groups such as consumers and workers through the 'business-friendly' enforcement of regulations. It is a procedure that can be adopted by enforcement officers to help businesses and others meet their legal responsibilities without unnecessary expense while taking firm action, including prosecution where appropriate, against those who break the law or act irresponsibly.
- 25.11 **Remote gambling** – gambling that takes place on the internet.
- 25.13 **Responsible authorities** – these are public organisations that must be told about applications and that are entitled to make representations to the licensing authority in relation to applications for, and in relation to, a premises licence. They are:
- a licensing authority in whose area the premises is completely or partly situated;
 - the Gambling Commission;
 - the chief officer of police or chief constable for the area in which the premises is completely or partly situated;
 - the fire and rescue authority for the same area;
 - the local planning authority;
 - the noise and nuisance team;
 - the Local Safeguarding Children’s Board (LSCB); and
 - HM Revenue & Customs.
- 25.14 **Reviews** - Applications for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review application is valid and/or whether it is appropriate to carry out the review, given the circumstances.
- 25.15 **Spread betting** – allows an investor to bet on whether they believe that the price quoted is likely to strengthen (go up in value) or weaken (go down in value). The profit or loss for a spread bet depends on the difference in the buy and sell price.
- 25.16 **Small Society Lottery** - A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

25.17 **Temporary-use notices** – these allow premises to be used for gambling where there is no premises licence but where a gambling operator wants to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary-use notice would include hotels, conference centres and sporting venues.

25.18 **Travelling fair** – completely or mainly providing amusements on a site that has been used for fairs for no more than 27 days in each calendar year. Any number of category-D machines can be made available but the facilities for gambling must not be the main amusements at the fair.

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Annex 1 Mandatory Conditions

Gambling Act 2005 Mandatory and Default Conditions by premises type

All Premises		
All	Summary of the terms and conditions of the premises licence shall be displayed in a prominent place with the premises.	Mandatory
All	The layout of the premises shall be maintained in accordance with the plan.	Mandatory
All	The premises shall not be used for the sale of tickets in a private lottery or customer lottery or the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.	Mandatory

Betting Premises		
Betting Premises	A notice stating that no person under the age of 18 is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Betting Premises	Access to the premises shall be from a street or from other premises with a betting premises licence. Apart from this there must be no direct access between the premises and other premises which are used for the retail sale of merchandise or services.	Mandatory
Betting Premises	The premises shall not be used for any purpose other than for providing facilities for betting apart from anything permitted under the Gambling Act 2005 and having an ATM, permitted visual/sound apparatus and permitted publications.	Mandatory
Betting Premises	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.	Mandatory
Betting Premises	No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes: a) Communicating information about, or coverage of, sporting events, including- (i) information relating to betting on such an event; and (ii) any other matter of information, including an advertisement, which is incidental to such an event; b) Communicating information relating to betting on any event (including the result of an event) in connection with which betting transactions may be or have been effected on the premises.	Mandatory
Betting Premises	No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.	Mandatory
Betting Premises	No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided via the sound/visual apparatus referred to above.	Mandatory
Betting Premises	No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. A notice explaining this shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Betting Premises	A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.	Mandatory
Betting Premises	HOURS: No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.	Default

Betting Tracks only		
Tracks(all)	No customer shall be able to access the premises directly from another premises which has a casino premises licence or an adult gaming centre premises licence.	Mandatory
Tracks (all)	A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the premises.	Mandatory
Tracks(all)	The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.	Mandatory
Tracks(all)	The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets (a) will be operating under a valid operating licence; and (b) are enabled to accept such bets in accordance with- (i) the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of the 2005 Act, or (ii) an authorisation under section 94 (horse-race pool betting operating licence) of that Act	Mandatory
Tracks(all)	The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act.	Mandatory
Tracks(all)	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Mandatory
Horseracing Tracks (converted from an existing track)	The licence holder shall ensure that any part of the tracks which, prior to 1 st September 2007, were made available for betting operators (or their assistants) will continue to be so.	Mandatory
Horseracing Tracks (converted from an existing track)	The charge for admission to an existing betting area for providing facilities for betting shall not exceed five times the cost of the highest charge paid by members of the public (for betting operators) or the highest charge paid by member of the public (for the betting operator's assistant). All betting operators and betting operators' assistants will be charged the same for admission to the same part of the track. No other charge may be made and the charges must only cover reasonable costs.	Mandatory
Horseracing tracks (all)	The premises licence holder shall provide a place on the premises where betting operators and betting operators' assistants may provide facilities for betting. This does not apply to converted licences until 1 st September 2012.	Mandatory
Dog Tracks	A totalisator on the premises shall only be operated at a time when the public are admitted for the purpose of attending dog races and no other sporting events are taking place on the premises, and for the purpose of effecting betting transactions on the dog races taking place on the premises.	Mandatory
Dog Tracks	At any time when the totalisator is being used, no betting operator or betting operator's assistance shall be excluded from the premises for the reason that s/he proposes to negotiate bets on the premises. There must also be space made available where the betting operators and their assistants can conveniently accept and negotiate bets in connection with the dog races running on the premises that day.	Mandatory
Tracks (all)	HOURS: No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next, except where there is a sporting event taking place on the premises. Where there is a sporting event taking place on the premises then gambling may take place at any time that day.	Default

Bingo		
Bingo	A notice stating that no person under the age of 18 is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Bingo	No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect: <ul style="list-style-type: none"> • A casino premises licence • An adult gaming centre premises licence • A betting premises licence other than a track premises licence 	Mandatory
Bingo	Where children and/or young persons are permitted by the licence holder to enter the premises, and category B or C gaming machines are made available for use on the premises, then the gaming machines must be: <ul style="list-style-type: none"> • separated from the rest of the premises by a physical barrier to prevent access other than via an entrance designed to be the entrance • supervised at all times to ensure children or young persons do not enter the area • arranged so that the area can be observed by persons responsible for supervision or closed circuit television which is monitored • The gaming machines area must also have a notice at the entrance stating that no person under the age of 18 years is permitted to enter the area.	Mandatory
Bingo	Where there is a charge for admission there must be a notice of the charge displayed in a prominent place at the principal entrance to the premises.	Mandatory
Bingo	A notice setting out any other charges in respect of the gaming (except prize gaming) shall be displayed at the main point where payment for the charge is to be made. Such a notice must include the cost (in money) of each game card or set of game cards, payable by an individual in respect of the game of bingo, and the amount that will be charged by way of a participation fee. There should also be in the notice a statement that all/part of the participation fee may be waived at the discretion of the person charging it. This notice can be displayed in electronic form.	Mandatory
Bingo	The rules of each type of game that is available (other than gaming machines) shall be made available to customers within the premises by either displaying a sign, making leaflets or other written material available, or running an audio-visual guide prior to any game commencing.	Mandatory
Bingo	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Mandatory
Bingo	HOURS: No facilities for gambling shall be provided on the premises between midnight and 9am, apart from gaming machines.	Default

Arcades		
Adult Gaming Centres	A notice stating that no person under the age of 18 is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Adult Gaming Centres	No customer shall be able to access the premises directly from any other premises in respect of which a premises licence of the following types of permit have effect: <ul style="list-style-type: none"> • unlicensed family entertainment centre gaming machine permit • club gaming or club machine permit • alcohol licensed premises gaming machine permit 	Mandatory
Adult Gaming Centres	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.	Mandatory
Adult Gaming Centres	No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. A notice to this effect shall be displayed at every entrance to the premises in a prominent place.	Mandatory
Family Entertainment Centres	No customer shall be able to access the premises directly from a premises where there is: <ul style="list-style-type: none"> • a casino premises licence • an adult gaming centre premises licences • a betting premises licence(other than a track premises licence) 	Mandatory
Family Entertainment Centres	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.	Mandatory
Family Entertainment Centres	Where category C gaming machines are made available for use on the premises, then the gaming machines must be: <ul style="list-style-type: none"> • separated from the rest of the premises by a physical barrier to prevent access other than via an entrance designed to be the entrance • supervised at all times to ensure children or young persons do not enter the area • arranged so that the area can be observed by persons responsible for supervision, or closed circuit television which is monitored <p>The gaming machines area must also have a notice at the entrance stating that no person under the age of 18 is permitted to enter the area.</p>	Mandatory
Family Entertainment Centres	No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. A notice to this effect shall be displayed at every entrance to the premises in a prominent place.	Mandatory

Annex 2 Local Pool of Licence Conditions

The following conditions can be applied to a number of different gambling premises. They can be used as a guide for applicants, residents, Councillors, agencies and responsible authorities such as the Police when making, commenting on or considering applications. This list is not exhaustive and should be used as a guide to help promote the three licensing objectives. Such conditions will only be imposed where there is evidence that the imposition of conditions is necessary to ensure that the licensing objectives are upheld,

CCTV
CCTV covering areas inside and outside of the premises should be installed and maintained to police recommendations with properly maintained log arrangements. All images will be stored for a minimum of 31 days.
A staff member from the premises that is conversant with the operation of the CCTV system will be on the premises at all times that the premises are open to the public. This staff member will be able to show police recent data footage with the minimum of delay when requested. This data or footage reproduction should be almost instantaneous.
Training
Full training shall be given to each member of staff employed at the premises. This training should include sections on compliance, fraud, robbery and crime prevention.
Written records of all staff training shall be kept at the premises and should be made available to the Police and/or authorised Council officers on request
Responsible Management
An incident log book will be maintained by the premises that details incidents that occur in the premises. This shall include refused sales, disorder, and ejections at a minimum. Management shall regularly check the book to ensure that staff are using it. The log book shall be kept on the premises and should be made available for inspection by the Police or Council Officers at any time the premises is open.
Protecting children, proof of age schemes
A Proof of Age scheme shall operate at the premises and all staff shall be trained in its implementation. Only photographic ID such as a British driving licence, a current passport or a PASS ID card shall be treated as acceptable forms of identification
All staff shall be trained in the Proof of Age policy and how to identify acceptable means of identification.
Posters shall be displayed in prominent positions around the entrance to the premises advising customers of the Proof of Age policy in force at the premises
A refusals book will be maintained by the premises that details all refusals to provide gambling activities. This book shall contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. The refusal book

shall be kept on the premises and should be made available for inspection by the Police and/or authorised Council officers at any time the premises is open.

Door Supervisors

Any door supervisors working at the premises must be licensed by the Security Industry Authority

A minimum of (insert number) door supervisors shall be on duty on the premises during the hours of (insert times) on (insert days of the week)

A minimum of (insert number) door supervisors shall be provided on (insert days of week) to patrol external areas of the premises between the hours of (insert times)

Random searches shall be undertaken of customers entering the premises between the hours of (insert times) and prominent signage provided to this effect

Crime Prevention

A metal detection device shall randomly be used by door supervisors to search patrons for weapons

A search arch shall be used at the entrance to the premises to detect customers who may be carrying weapons

An electronic door lock (maglock) shall be fitted to the front door of the premises.

Any drugs or weapons confiscated from customers shall be stored in a locked and secure container and the Police shall be notified as soon as reasonably practicable.

All gaming machines shall have a control behind the counter to allow machines to be turned on or off. (Insert crime prevention device – see examples below) shall be installed at the premises to the satisfaction of the Police licensing officer

- Shutters
- Re – enforced steel back/front doors
- Window bars
- External lighting
- Security mirrors
- Prevention signage

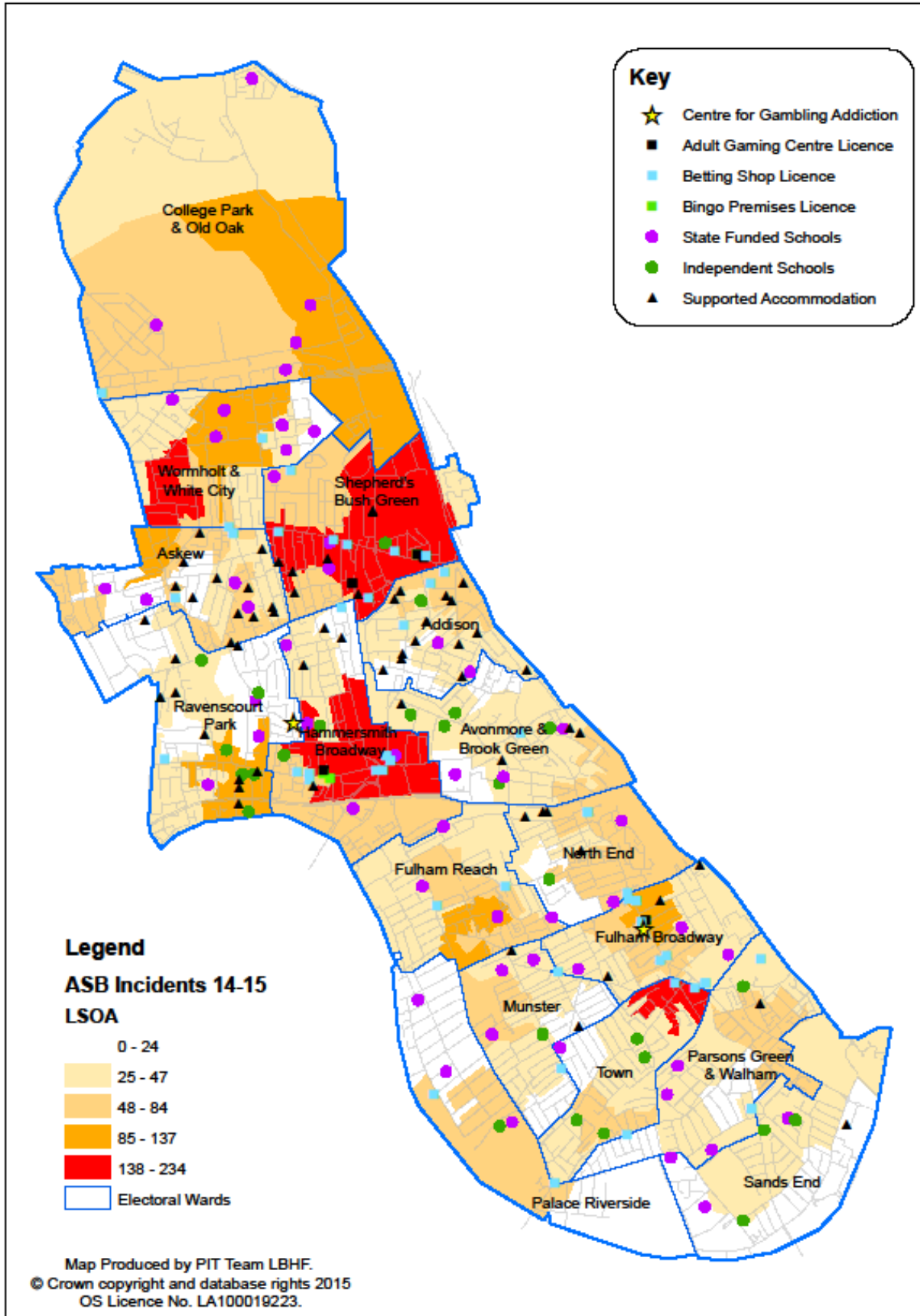
No facilities for gambling shall be provided on the premises between the hours of (Insert time) on one day and (Insert time) on the next day

Any entrance or exit doors to the premises shall remain closed at all times (i.e. not propped open)

A panic button shall be installed behind the counter or service area in the premises. This button should alert the Police to any incident taking place at the premises.

Lone working is not permitted in the premises at any time

Annex 3 – Local Area Profile Map



SPECIAL MOTION NO.1 – 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.

Agenda Item 7.2

SPECIAL MOTION NO.2 – CALLING ON PARLIAMENT TO OPPOSE GEORGE OSBORNE AND GREG HANDS’ £800 MILLION CUT TO THE METROPOLITAN POLICE SERVICE

Standing in the names of:

- (i) Councillor Sue Fennimore
- (ii) Councillor Hannah Barlow

This Council recognises the vital role played by Hammersmith and Fulham’s police service and thanks our police officers for the work they do protecting our citizens.

The Council notes that significant threats remain of violent crime and terrorism and that police officers consistently play the essential role in keeping order and halting terrorist atrocities. This Council therefore calls on Parliament to vote against the devastating cuts in police funding ordered by George Osborne MP (Con), the Chancellor of the Exchequer and Greg Hands MP (Con), the Chief Secretary to the Treasury and Member of Parliament for Chelsea and Fulham.

The Council further notes that Mr Osborne and Mr Hands are proposing to implement a staggering £800 million cut to the Metropolitan Police Service which could result in London losing up to a further 7000 front line police officers. The Council recognises that this is likely to mean significant cuts to Hammersmith and Fulham’s police service and that such a cut in police capacity will seriously risk endangering local residents.

The Council recognises how the Conservative government and Conservative London Mayor’s cuts to local policing starkly contrasts with the policy of H&F Council’s new Labour administration which has put the largest number of Council funded police officers onto the streets of Hammersmith and Fulham in the Borough’s history.

SPECIAL MOTION NO.3 – CALLING FOR ACTION ON AIR QUALITY

Standing in the names of:

- (i) Councillor Larry Culhane
- (ii) Councillor Adam Connell

The Council notes that London's air is the filthiest in the UK with the 50 top worst black-spots in the country and that according to a study commissioned by the Greater London Authority and Transport for London air pollution in London resulted in nearly 9,500 deaths last year.

The Council is concerned that every day Londoners breathe in unhealthy levels of the toxic gas nitrogen dioxide (NO₂) and that such air pollution is linked to lung and heart conditions, breast cancer and diabetes which is estimated to cost the UK up to £20 billion a year to treat.

The Council welcomes the fact that the UK signed up to the European Union's limit of 40 micrograms of NO₂ per cubic metre on average per year but is deeply concerned that people living, working or simply passing by Hammersmith Flyover are breathing in air that has 114 micrograms of NO₂ in it and that other spots around the Westway were also well over EU safe limits.

The Council notes the Mayor of London Boris Johnson's view when he stated "The air quality in London, you can go outside and breathe in great gulfs of virtually alpine air".

This Council calls on the Mayor of London and Government to take a serious and determined approach to improving air quality in London.

The Council resolves to combat air pollution in the borough and supports the work of the independent H&F Air Quality Commission. The Council agrees to bring forward measures to improve air quality and to lobby others in regional and national government and the EU to take measures to improve air quality and reduce the silent killer of air pollution.

Agenda Item 7.4

SPECIAL MOTION NO.4 – WELCOMING AND SUPPORTING REFUGEES

Standing in the names of:

- (i) Councillor Ali Hashem
- (ii) Councillor Caroline Needham

This Council notes that conflicts in the Middle East have resulted in the largest refugee crisis in generations and that thousands of women, men and children have died while seeking sanctuary from atrocious violence – many trying to cross the Mediterranean sea.

This Council is proud that Great Britain has a long history of supporting refugees but notes that there have been many instances in history where countries turned refugees away and failed to act before it was too late.

This Council agrees to do its bit in offering help and support to refugees and agrees that getting a compassionate, reasonable tone to the debate about the scale of this crisis and the nature of Britain's response is the duty of all in public life.

SPECIAL MOTION NO.5 – INTRODUCING CASHLESS PARKING TO MODERNISE AND IMPROVE SERVICES FOR MOTORISTS

Standing in the names of:


- (i) Councillor Natalia Perez Shepherd
- (ii) Councillor Wesley Harcourt

This Council notes:

- The current administration inherited a situation where Hammersmith and Fulham is one of only four London boroughs that do not offer payment by phone for parking.
- Following the change in administration in 2014, Hammersmith and Fulham launched a pilot of payment by phone in Zone E. After six months, nearly 70% of payments were made by phone in the pilot area, and more than 80% of residents in the pilot area support the extension of phone payments across the whole borough.
- Plans are now in place to extend the option to pay by phone to the entire borough in 2016.

The Council regrets the Conservative administration's failure to offer modern payment options to motorists and supports the new Labour administration's determination to offer modern and accessible services to the borough's residents.

Agenda Item 8.1

London Borough of Hammersmith & Fulham		 hammersmith & fulham
COUNCIL		
21 OCTOBER 2015		
TREASURY REPORT 2014/15 OUTTURN		
Report of the Cabinet Member for Finance - Councillor Max Schmid		
Open report		
Classification: For Decision		
Key Decision: Yes		
Wards Affected: All		
Accountable Director: Hitesh Jolapara –Director of Finance		
Report Author: Halfield Jackman, Treasury Manager	Contact Details: Tel: 020 7641 4354 halfield.jackman@westminster.gov.uk	

1. EXECUTIVE SUMMARY

- 1.1. This report presents the Council's Outturn Treasury Report for 2014/15 in accordance with the Council's treasury management practices. It is a regulatory requirement for this outturn report to be presented to the Committee by 30 September each year.
- 1.2. There are two aspects of Treasury performance – debt management and cash investments. Debt management relates to the Council's borrowing investment of surplus cash balances. This report covers:
- the treasury position as at 31 March 2015 which includes the investment and the borrowing strategy and outturn for 2014/15;
 - the UK economy and interest rates; and
 - Compliance with treasury limits and prudential indicators.
- 1.3. The borrowing and cash investment for the relevant periods are set out in the table below.

£ million	31/3/2012	31/3/2013	31/3/2014	31/3/2015
Total borrowing	262.17	262.07	250.51	247.60
Total cash balances	109.30	206.17	320.20	359.78

2. RECOMMENDATIONS

The Council is asked to note this report.

3. TREASURY POSITION AS AT 31 MARCH 2015

Investments

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

(£m)	2012/13	2013/14	2014/15
Liquid Deposits	44.52	-	-
Money Market Funds	40.00	39.20	34.15
Notice Accounts	-	25.00	14.00
Custodian Held Assets	-	189.50	212.13
Term Deposits	121.65	66.50	99.50
Total	206.17	320.20	359.78

A breakdown of the Investment type is detailed below.

- The Council had £34.15 million invested in three money market funds run by Goldman Sachs, Blackrock and Prime Rate. The funds returned an average of 0.44 per cent (all rated AAA by at least two rating agencies) and allow for access on same or next day basis.
 - £14 million in Handelsbanken 35 Day Notice account paid 0.60% throughout the year.
 - The custodian based assets comprised of UK Government Treasury bills which offered better yields than the Debt Management Office (DMO). Commercial Paper issued by Network Rail Infrastructure (UK Government Guaranteed), Transport for London and European Investment Bank to introduce greater diversification.
 - Eleven fixed term deals with three banks, with durations of five months. The investments were deposited with Lloyds Bank, Barclays Bank and The Royal Bank of Scotland.
- 3.2. The weighted average interest rate of return on the investments over the year was 0.50 per cent, with a total interest received of £1.85 million (compared with a weighted average of 0.48 per cent and a total interest £1.31 million for 2013/14).
- 3.3. The primary objective was to place investments based on security and liquidity of the investments rather than to seek yield. Once security and liquidity criteria were satisfied, investments would then be placed taking yield into account.
- 3.4. Total investments increased by £40 million in 2014/15. This increase was largely attributable to a rise in overall usable reserves (£9.5m) and the surplus on the capital programme - primarily surplus capital receipts (£27.8m).

- 3.5. The current Investment Strategy permits investments with institutions in which the Government owns a holding in excess of 25%. In June 2015, the government announced their intention to seek to sell their 80% stake in the Royal Bank of Scotland (RBS). As a result, with the exception of maintaining a working balance in a liquidity account with RBS, no further deposits will be made with that institution. As RBS are the authority's banker, it is necessary to retain a working balance in the account. Therefore it should be noted that in the event that the government withdraws their support for RBS, the Investment Strategy will be amended and put before Full Council for approval to continue to maintain this balance.

Borrowing

- 3.6. Total borrowings decreased by £2.91 million to £247.60 million due to maturing debt. The repayments were in line with the cash flow projection and paid by cash balances. No new borrowing was undertaken during the year.
- 3.7. As at 31 March 2015, the Council is had an under-borrowed position¹. This means that the capital borrowing need was not fully funded by existing external loan debt and the balance is funded by cash reserves (Internal borrowing).
- 3.8. General Fund debt - as measured by the Capital Financing Requirement (CFR) – reduced by £29 million in year to £45.2 million at year end. An explanation of the movement is shown in table below.

Movement in the GF Capital Financing Requirement (CFR)

	2014/15 £m
Opening Capital Financing Requirement (CFR)	74.2
Revenue Repayment of Debt (MRP)	(1.2)
Annual (Surplus) in Capital Programme	(27.8)
Closing CFR	45.2

The above calculation CFR excludes items such as finance leases and PFIs, the MRP cost of which is funded through revenue budgets.

- 3.9. HRA is responsible for servicing 82.9 per cent of the Council's external debt and the General Fund holds the remaining 17.1 per cent. The table below the details of the Council's external borrowing (as at 31 March 2015), split between the General Fund and HRA.

¹ The Capital Financing Requirement (CFR) represents the underlying cumulative need to borrow for the past, present and future (up to 2 years in advance) amounts of debt needed to fund capital expenditure (net of receipts). Debt can be met not only from external loans but also by the temporary use of internally generated cash from revenue balances i.e. internal borrowing.

	General Fund £m	Average Interest rate	HRA £m	Average Interest rate	Total external borrowing £m	Combined Average Interest Rate
Total / average	42.3	5.38%	205.3	5.38%	247.6	5.38%

4. THE ECONOMY AND INTEREST RATES

- 4.1 UK growth was robust in the first quarter of the year largely as a result of strong household spending, and confidence reached the highest levels seen since 2005 according to the Gesellschaft fur Konsumforschung (GfK) consumer confidence survey taken in May.
- 4.2 GDP posted a 3% annual increase over 2014, and forward looking indicators such as the Purchasing Managers Index were all in positive territory for the year for both Manufacturing and Services. Unemployment continued its fall over the year, dropping from 6.6% in April to 5.5% in February 2015. A large contributor of this growth was consumer spending, which was supported by very strong Consumer Confidence Surveys; the GfK figure for March 15 continued to rise; showing the strongest for 13 years.
- 4.3 Oil had an interesting year, initially increasing on Q1 2014/15 as geopolitical risks in the Middle East caused worries over supply. However this was reversed over the following quarter as concerns over growth in China as well as a strengthening dollar exerted downward pressure. Over the rest of 2014 the decline steepened as North American attempts at fracking and extracting from Oil Sands reduced their overall demand from global markets. The decision taken by Saudi Arabia to maintain market share and allow the price to drop was a major contributor. Despite a small recovery in Q1 2015, Oil ended up at approximately half the value it started the year at.
- 4.4 This had a direct bearing on inflation, with CPI reaching a 12 year low in November 2014 of 1%. The decline continued, reaching zero in February and remaining at that level in March.
- 4.5 The market began the year with the expectation that interest rates would be unlikely to be raised until 2015 and, despite strongly positive messages from Governor Carney suggesting rises sooner than the market expects, and that the point at which interest rates begin to normalise was getting closer, the dipping of CPI proved more of a driving force behind the markets, and the consensus at the year-end was for the expectation of the first rate rise to occur in Q3 2016. Longer term rates fell over the course of 2014, and had a small bounce back in Q1 2015.

5. COMPLIANCE WITH TREASURY LIMITS AND PRUDENTIAL INDICATORS

- 5.1. During the financial year to March 2015, the Council operated within the treasury limits as set out in the Treasury Management Strategy (TMS). The

outturn for the Treasury Management Prudential Indicators is shown in Appendix A.

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

<u>No.</u>	<u>Description of Background Papers</u>	<u>Name/Ext of holder of file/copy</u>	<u>Department/ Location</u>
1.	Treasury Management Strategy	Halfield Jackman Tri Borough Treasury Manager Tel 0207 641 4354	Tri Borough Treasury and Pensions 16 th Floor, Westminster City Hall

LIST OF APPENDICES:

Appendix A – Treasury Management Prudential indicators

**LBHF – TREASURY MANAGEMENT PRUDENTIAL INDICATORS
2014-15**

Authorised Limit and Operational Boundary 31st March 2015

Indicator	Approved Limit	Actual Debt	No. of days Limit Exceeded
Authorised Limit ²	£345m	£247.6m	None
Operational Boundary ³	£290m	£247.6m	None

Limits on Interest Rate Exposure

Interest Rate Exposure	Upper Limit	Lower Limit	Actual at 31 Mar 2015
Fixed Rate Debt	£345m	£0m	£247.6m
Variable Rate Debt	£69m	£0m	£0m


Maturity Structure of Borrowing

Maturity Structure of Borrowing	Upper Limit	Lower Limit	Actual at 31 Mar 2015
Under 1 year	15%	0%	6%
1 year to 2 years	15%	0%	3%
2 years to 5 years	60%	0%	9%
5 years to 10 years	75%	0%	13%
Over 10 years	100%	0%	69%

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

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

Agenda Item 8.2

London Borough of Hammersmith & Fulham		 hammersmith & fulham
COUNCIL 21 OCTOBER 2015		
ANNUAL REPORT OF THE CHAIR OF THE AUDIT, PENSIONS AND STANDARDS COMMITTEE		
Report of the Chair of the Audit, Pensions and Standards Committee Councillor Iain Cassidy		
Open Report		
Classification: For Information		
Key Decision: No		
Wards Affected: None		
Accountable Director: Hitesh Jolapara, Finance Director		
Report Author: Geoffrey Drake, Senior Audit Manager	Contact Details: Tel: 0208 753 2529 E-mail: Geoff.drake@lbhf.gov.uk	

1. EXECUTIVE SUMMARY

- 1.1. This report relates to the work of the Audit, Pensions and Standards Committee's work during the period 1 April 2014 to 31 March 2015 excluding all matters relating to pensions and standards. The Audit, Pensions and Standards Committee (the Committee) has a wide ranging 'audit committee' brief that underpins the Council's governance processes by providing independent challenge and assurance of the adequacy of governance, risk management, and internal control. This includes audit, anti-fraud and the financial reporting framework; the Committee is also the Council's Approval of Accounts Committee.
- 1.2. This report details the key successes and work of the Committee in relation to its role as an audit committee in 2013/14. The Committee has overseen transformation in all areas of its responsibilities and has actively contributed to leading and shaping those changes.

2. RECOMMENDATION

- 2.1. To note the contents of this report

3. REASONS FOR DECISION

3.1. Not applicable

4. INTRODUCTION AND BACKGROUND

4.1. The table below details last year's Committee members.

Members of the Audit Committee

Member	Role
Councillor Iain Cassidy	Chairman
Councillor Michael Adam	Vice Chairman
Councillor Nicholas Botterill	Member
Councillor Adam Connell	Member
Councillor PJ Murphy	Member
Councillor Ben Coleman	Member
Councillor Guy Vincent	Member
Councillor Mark Loveday	Member
Councillor Donald Johnson	Member

4.2. This report details the key successes and work of the Committee in relation to its role as an audit committee in 2014/15. The Committee has overseen transformation in all areas of its responsibilities and has actively contributed to leading and shaping those changes. Key achievements include:

- Oversight and scrutiny of Shared Service arrangements for risk management and the risk management service hosted by the Royal Borough of Kensington and Chelsea. Departments own business, programme and project risks feed into regular reports to the committee and has helped provide transparency on risk management performance. Departments also are required to attend committee to provide context to the risk environment. During the period the committee arranged the call-in of departmental risk registers for scrutiny and review and has considered the Council's response to monitoring of the Council's exposure to Cyber Risks.
- Continued performance improvements in responding to internal audit reports and recommendations across the Council, and delivery of the Internal Audit plans. This has included now asking officers from services that receive limited and nil assurance audit reports to attend meetings to present and answer member questions on the reports;
- Oversight of key issues including a significant fraud in relation to business rates;
- Scrutiny of the Council's Annual Governance Statement;

- Review of compliance with the Public Sector Internal Audit Standards;
- Approval of the 2013/14 year annual accounts.

Governance

- 4.3. The Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions which includes arrangements for the management of risk. The governance framework comprises the systems, processes, culture, and values by which the authority is directed and controlled and it engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.
- 4.4. The Council has reviewed its code of corporate governance and found them to be consistent with the principles of the CIPFA/SOLACE *Framework Delivering Good Governance in Local Government*.
- 4.5. The Committee has a responsibility to assess the adequacy and effectiveness of the corporate governance arrangements that have been put in place. This is achieved in a number of ways. The Committee reviews the Annual Governance Statement (AGS) that accompanies the annual accounts, to ensure it properly identifies the Council's governance arrangements, and that it accurately identifies significant control weaknesses. The process for producing the statement is outlined at Appendix 2. The statement in the 2014/15 draft accounts demonstrates evidence of responding to issues by monitoring the clearance of significant control weaknesses.
- 4.6. The Committee also considers the work of Internal Audit and risk management in identifying and evaluating risks and ensuring arrangements are put in place to manage them. The Audit, Pensions and Standards Committee's view of governance is reflected in the Annual Governance Statement. The supporting review of governance states that the Council is compliant with the CIPFA/SOLACE governance guidance issued in 2007.
- 4.7. The authority's financial management arrangements conform to the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2010).

Internal Control

- 4.8. A pivotal role of the Committee is its work in overseeing the Council's internal control and assurances processes culminating in the Annual Governance Statement (AGS). Part 6 of section 2 of the Accounts and Audit (A&A) Regulations 2015 require the Council to review the effectiveness of its governance arrangements including the system of internal control and to publish an AGS each year to accompany the financial statements. The information for the

AGS is generated through the Council's Assurance framework which is outlined in Appendix 2, encompassing:

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

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

Risk Management

4.10. Risk Management is a business discipline that public and private sector organisations use to maximise the potential for successful delivery of business opportunities and at the same time control costs and mitigate against potential threats that may impact on the achievement of corporate objectives. It also forms a key part of the Council's corporate governance arrangements, strategic management, project, financial and performance management process and aids the scrutiny process by providing transparency of decision making of officers plus policy and agenda setting of members.

4.11. Operationally the engagement, ownership, management and delivery of risk management, including Shared Service arrangements for risk management, as part of daily business practice has been maintained throughout the year. The process has been particularly effective in raising members' and officers' awareness of both the risk and opportunities associated with major projects and programmes. There has been some inconsistency in business risk assessment during major service reorganisation programmes, for example in the Managed Services Programme, mainly due to the differing approaches adopted by the councils approach to management risk in programmes

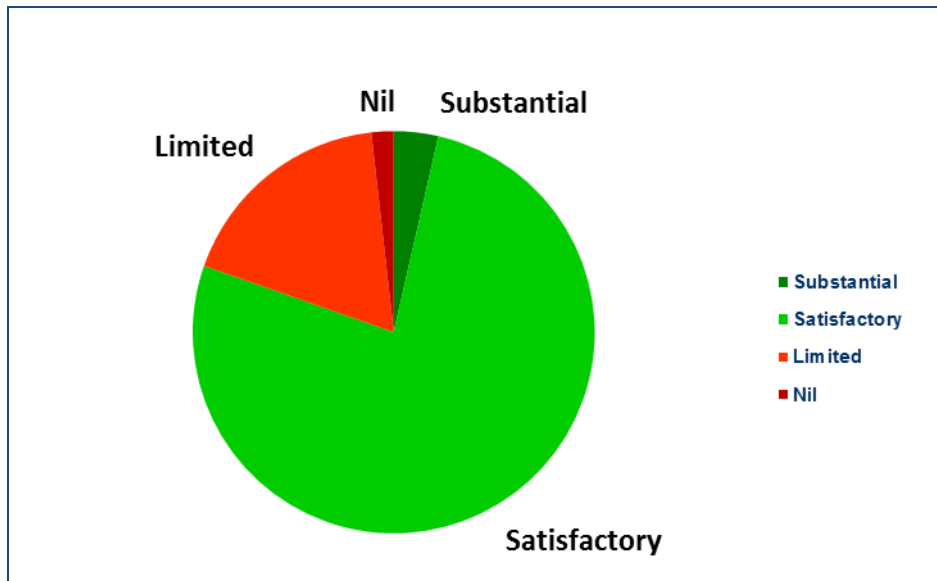
4.12. There remain challenges where management of risk can be improved. This includes the assessment of risks in programme and project management, supply chain resilience and management of a contracts register for procured and commissioned services, where a number of direct awards have been identified and have been referred to Internal audit. The H&F Business Board have focussed on addressing these key areas of risks through the ongoing review and maintenance of the Shared Services Enterprise Wide Risk Register.

4.13. This has been delivered through testing economic times and the comprehensive scrutiny of risk undertaken quarterly by the Committee has been robust and effective. Benefits from management of the process where risk is acknowledged and quantified include improved organisational resilience and improved performance in service delivery to the community.

Internal Audit

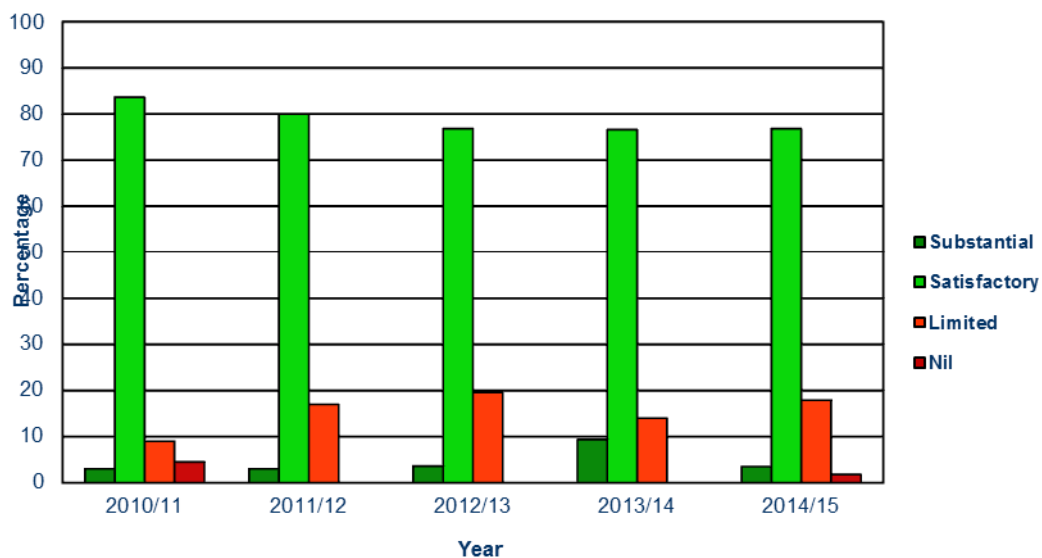
- 4.14. The Council's internal audit service is chiefly outsourced under a framework agreement with LB Croydon to Mazars, a Public Sector Internal Audit Company, who began delivering the service in January 2014 following transfer of business from Deloitte. The performance of the audit service in delivering the audit plans were regularly reports to the committee, at year end 95% of the plans were delivered.
- 4.15. The Internal Audit plans for the 2014/15 year were based on the departmental and the corporate risk registers supported by Internal Audit knowledge input. The draft plans were then reviewed and updated with departments through planning meetings with their Department Management Teams and were approved by the Business Board and the Audit, Pensions and Standards Committee.
- 4.16. The annual Head of Internal Assurance Report concluded that 'From the Internal Audit work undertaken in 2014/15, it is our opinion that we can provide reasonable assurance that the system of internal control that has been in place at the London Borough of Hammersmith & Fulham for the year ended 31 March 2015 accords with proper practice, except for any details of significant internal control issues documented.' During the financial year 2014/15, the following significant issues were identified from Internal Audit work:
- Weaknesses were found in the application controls of the Council's Parking System, ICPS. A new system is in the process of being implemented and the service advised that these weaknesses will be addressed;
 - Four schools received Limited Assurance opinions (Langford Primary, Melcombe Primary, The Good Shepherd RC Primary and Jack Tizard School), which is a deterioration on the previous year where two schools received a Limited Assurance opinion;
 - Weaknesses were found in the administration of the Council's Cemeteries and Bereavement Service. These mainly related to Health and Safety Risk Management and income collection controls;
 - All Three audit reports issued in relation to the Managed Services Programme were given limited assurance. These covered, System Testing, High Level IT Controls, and Change Configuration and Release Management;
 - In quarter 4 of 2014/15 key controls testing was undertaken on Payroll and Recruitment. A number of controls tested were not operating effectively based on the information provided.
- 4.17. The pie chart below shows the levels of audit assurance achieved for the 72 system audits undertaken in the 2014/15 year. 80% of the systems audited achieved an assurance level of Satisfactory or higher, of which two audits received Substantial Assurance. 17% received a Limited Assurance and one Nil Assurance report was issued in 2014/15. Four of the ten Limited Assurance reports were for schools and three related to the Managed Services Project

Assurance Levels for the year to 31 March 2015



4.18. The bar chart below shows the levels of assurance provided for all systems audited since the 2010/11 financial year. The distribution of assurance opinions shows a relatively stable position in the spread of assurance levels reported. Given the significant changes that continue to occur across the Council, which would usually be expected to increase levels of control weakness, this is considered a positive outcome. As stated above, four of the ten Limited Assurance reports were for schools and three related to the Managed Services Project leaving only 3 arising from mainstream council departments.

Assurance Levels of Reports from 2010/11 to 2014/15



- 4.19. Recommendations to take corrective action were agreed with management and we will continue to undertake follow up work in 2015/16 to confirm that they have been implemented. The table below shows the number of recommendations past their implementation date reported as implemented. The volume of recommendations that have been implemented over the period help demonstrate the value of Internal Audit as an agent for change and improvement. The 2014/15 year naturally has fewer implemented recommendations because many have only recently been raised and are not yet timetabled for implementation. Recommendations that have not been implemented that have passed their implementation deadline will continue to be reported to Departmental Management Teams and the Audit, Pensions and Standards Committee.

Financial year	Recommendations Implemented as at 11 February 2015
2014/15	63
2013/14	227
2012/13	244

- 4.20. A new approach has been introduced by the committee to invite officers responsible for services that receive limited and nil assurance audit reports to attend the committee to present the report and answer members' questions. This has given members a better understanding of the risks and issues involved in each case and the actions being proposed to mitigate and manage them.

Anti-Fraud

- 4.21. During the 2014/15 year CAFS (Corporate Anti-Fraud Service) identified 147 positive outcomes against a target of 145 (7.5% increase), including twelve prosecutions, nineteen recovered social housing properties, thirteen stopped Right to Buys and eight false housing applications. Proceeds of Crime (POCA) recoveries totaled £229,909
- 4.22. As a consequence of its counter fraud work the unit identified total fraud to the value of approximately £3.72 million. Where possible a financial value to the Council has been placed on the counter fraud work that CAFS undertakes and does not include values recovered from debts arising from fraud work in previous years. Nor does it account for any additional value such as the deterrent effect achieved from successful casework and the publicity gained from the results, plus the fraud awareness activity and the proactive work undertaken to prevent fraud occurring in the first place
- 4.23. CAFS is part of the Shared Services Corporate Anti-Fraud Service that came into effect from 1 April 2015. Previously CAFS was a Bi-borough Service working in partnership with the Royal Borough of Kensington and Chelsea's Corporate Investigation Group from 1 July 2013.

- 4.24. CAFS continues to provide Hammersmith & Fulham with a full, professional counter fraud and investigation service for fraud attempted or committed against the Council.

Annual Accounts and Financial Reporting

- 4.25. Following training provided to the Committee on local government accounts, the Committee reviewed the 2013/14 year annual accounts in its meeting in September 2014 in undertaking its role as the Approval of Accounts Committee. The training helped ensure that the Committee interpreted the accounts effectively and raised informed questions prior to approving the accounts.
- 4.26. The committee also received and reviewed the External Audit reports issued during the year. These included the Annual audit Letter, the report on the annual accounts, and the grants report.

Significant Issues

- 4.27. The Committee dealt with a number of significant issues during the 2014/15 year.
- 4.28. The Managed Services Programme received three limited assurance audit reports during the year and officers from the programme have attended the committee to answer members' questions. The service went live on 1 April 2015 and continues to work towards a Business As Usual state, the committee continue to keep this under review.
- 4.29. The committee received a report on H&F measures to mitigate the threat of cyber terrorism. The report was discussed with officers covering both the threats that exist and the arrangements the council has in place to address them.
- 4.30. The committee also followed up on the earlier NNDR fraud discussing with officers the actions being taken to prosecute individuals.

Future developments

- 4.31. Some of the more significant issues likely to have a focus for the Committee are considered to include:
- The organisational change programme within the Council including that related to the tri-borough arrangements. This will include ensuring that control is maintained for existing services and projects, plus ensuring that new processes have control designed into them;
 - The ongoing programme to deliver Managed Services which will deliver significant changes to the delivery of financial and Human Resources processes;
 - The continued impact of the current economic climate on the Council's finances through reduced levels of income with councils facing further reductions in the amount of money they receive from Government. This is coupled with other factors such as likely increases in demand for services and

the performance levels and financial stability of organisations the Council works with;

- The result of the May 2015 General Election;
- Transformation programmes and projects continue to be undertaken to deliver savings, particularly within the Adult Social Care Department. This degree of change brings challenges in implementing a series of interconnected transformation projects successfully without impacting on service delivery. We would expect continued Internal Audit involvement in transformation projects and new initiatives, both to provide assurance and provide early support for new systems being 'right first time';
- Continued cross borough working with Westminster Council and the Royal Borough of Kensington and Chelsea during this period of change may give rise to additional risks related to governance, delegation of powers, performance management and financial management of shared services;
- Hammersmith & Fulham have entered into a managed services contract with BT that has effected a radical redesign of the Council's human resources and finance services. This went live in April 2015 and has led to significant changes to systems, process and ways of working across the Council. While the service went live on 1 April 2015, the full service continues to be implemented, working towards its long term steady state. We will continue to undertake a series of audits in this area in 2015/16;
- The IT transition Programme including the managed winding down of ITC operations undertaken by the Hammersmith and Bridge Partnership as the contract expires in October 2016 with the commencement of the transition programme in August 2015.
- School meals. Whilst a new contract for 2016-2021 has been advertised, and short-listed bidders already selected, invitations to tender for the contract will not be issued until January 2016. This is a significant procurement exercise that will require careful planning and engagement with the market.
- Major repairs to Hammersmith Bridge works to be undertaken by TFL and the impact on the local transport network.
- Planned preventative maintenance on council housing. The current contract covers a wide range of programmed works such as windows replacement, architectural services, electrical works etc and expires October 2016. The council is currently reviewing future provision. If a new contract is tendered, bidders will be expected to describe how they can involve local firms in their supply chain, as well bring other benefits such as apprenticeships and training schemes.
- Ongoing consultation and review of the options with the Housing Stock.

LOCAL GOVERNMENT ACT 2000

LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

None.

LIST OF APPENDICES:

- Appendix 1 – APSC Terms of Reference
- Appendix 2 - Council Framework for the Annual Governance Statement

Appendix 1

AUDIT, PENSIONS AND STANDARDS COMMITTEE
TERMS OF REFERENCE (2014/2015)

AUDIT, PENSIONS AND STANDARDS COMMITTEE	
CONSTITUTION AND TERMS OF REFERENCE	
Members: Nine voting councillors	Quorum: Five Members of the Committee
Political proportionality: 5 Administration members 4 Opposition members.	Co-opted Members: The Committee may co-opt non-voting independent members as appropriate

1. Membership

- 1.1 The Chair will be drawn from one of the Administration Councillors; the Vice-Chair will be an Opposition Councillor.
- 1.2 The Committee may co-opt non-voting independent members as appropriate.
- 1.3 The agenda of meetings of the Committee will be divided into separate sections for Audit, Pensions and Standards matters.
- 1.4 The Pension Fund's external investment managers will be required to attend meetings of the Committee when dealing with Pensions matters and to submit reports and make presentations as required.
- 1.5 The Trades Unions and representatives from the admitted and scheduled bodies in the Pensions Fund shall be invited to attend and participate in meetings considering Pensions matters, but shall not have a formal vote.
- 1.6 The Committee may ask the Head of Internal Audit, a representative of External Audit, the Risk Management Consultant, Assistant Director (Business Support) and any other official of the organisation to attend any of its meetings to assist it with its discussions on any particular matter.

2. Voting

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

3. Procedures

- 3.1 Except as provided herein, Council Procedure Rules (as applicable to all Committees) shall apply in all other respects to the conduct of the Committee.

3.2 Meetings of the Committee shall be held in public, subject to the provisions for considering exempt items in accordance with sections 100A-D of the Local Government Act 1972 (as amended).

4. Meetings

4.1 The Audit, Pensions and Standards Committee will meet at least four times a year.

4.2 Meetings will generally take place in the spring, summer, autumn, and winter. The Chair of the Committee may convene additional meetings as necessary.

4.3 The Chief Executive may ask the Committee to convene further meetings to discuss particular issues on which the Committee's advice is sought.

5. Reporting

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

6. Responsibilities

(a) Audit

6.1. The Audit, Pensions and Standards Committee will advise the Executive on:

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

- 6.2 The Committee's responsibilities in relation to the annual accounts will include:
- to approve the Council's Statement of Accounts, in accordance with the deadlines set out in the Accounts and Audit Regulations 2003;
 - acting as the Approval of Accounts Committee, to be held in June;
 - to consider any report as necessary from the External Auditor under Statement of Auditing Standard 610;
 - to re-approve the Council's Statement of Accounts following any amendments arising from the external audit, in accordance with the deadlines set out in the Accounts & Audit Regulations 2003.
- 6.3. The Committee's responsibilities in relation to risk management will encompass the oversight of all risk analysis and risk assessment, risk response, and risk monitoring. This includes:
- the establishment of risk management across the organisation, including partnerships;
 - awareness of the Council's risk appetite and tolerance;
 - reviewing the risk portfolio (including IT risks);
 - being appraised of the most significant risks;
 - determining whether management's response to risk and changes in risk are appropriate.
- 6.5. The Council has nominated the Committee to be responsible for the effective scrutiny of the Treasury Management Strategy and policies.

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

- 6.6. To determine the overall investment strategy and strategic asset allocation of the Pension Fund.
- 6.7. To appoint the investment manager(s), custodian, actuary and any independent external advisors felt to be necessary for the good stewardship of the Pension Fund.
- 6.8. To monitor the qualitative performance of the investment managers, custodians, actuary and external advisors to ensure that they remain suitable.
- 6.9. To review on a regular basis the investment managers' performance against established benchmarks, and satisfy themselves as to the managers' expertise and the quality of their internal systems and controls.
- 6.10. To prepare, publish and maintain the Statement of Investment Principles, and monitor compliance with the statement and review its contents.

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

(c) Standards

- 6.18. To promote and maintain high standards of conduct by the Executive, non-executive Councillors, co-opted Members and church and parent governor representatives;
- 6.19. To assist Councillors, co-opted Members, and church and parent governor representatives to observe the Members' Code of Conduct;
- 6.20. To advise the Council on the adoption or revision of the Members' Code of Conduct;
- 6.21. To monitor the operation of the Members' Code of Conduct;
- 6.22. To advise and recommend training for Councillors, and co-opted Members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- 6.23. To fulfil the requirements under Section 28 of the Localism Act 2011 to put in place "arrangements" under which allegations that a Member or co-opted Member of the Council, or of a Committee or Committee of the Council has failed to comply with Code of Conduct are considered, investigated and determined.
- 6.24. To consider any applications for dispensations from Councillors and co-opted members to allow them to participate in decisions

Council Framework for the Annual Governance Statement

