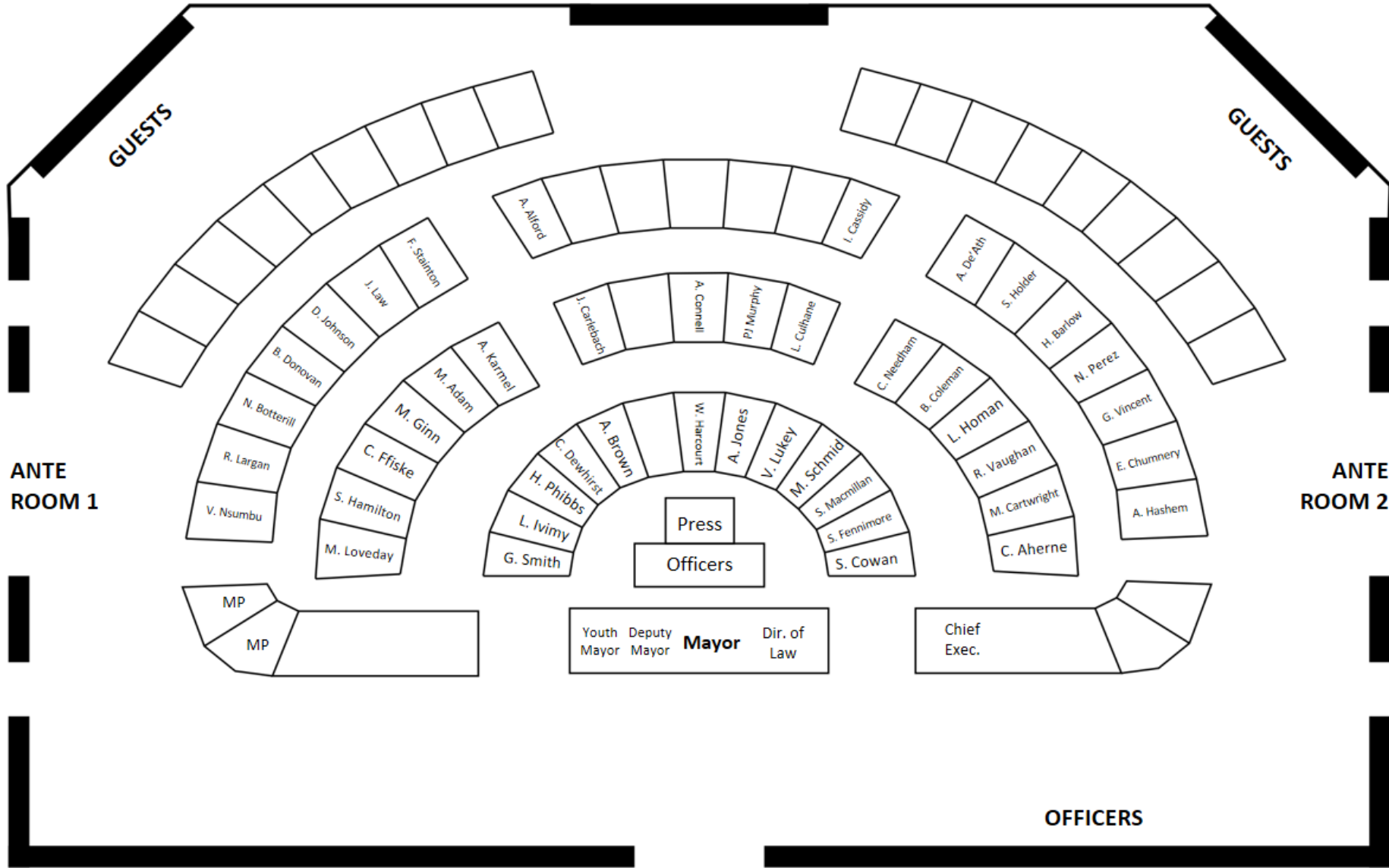


COUNCIL AGENDA

ORDINARY COUNCIL MEETING

Wednesday 19 October 2016

COUNCIL CHAMBER SEATING 2016/17



ANTE ROOM 1

ANTE ROOM 2

Youth Mayor Deputy Mayor **Mayor** Dir. of Law

Chief Exec.

OFFICERS

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 (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 19 October 2016
at Hammersmith Town Hall, W6

The Council will meet at the rising of the
extraordinary meeting of
Full Council that starts at 7.00pm

11 October 2016
Town Hall
Hammersmith W6

Nigel Pallace
Chief Executive

Full Council Agenda

19 October 2016

<u>Item</u>		<u>Pages</u>
1.	MINUTES To approve and sign as an accurate record the Minutes of the Council Meeting held on 20 July 2016.	1 - 14
2.	APOLOGIES FOR ABSENCE	
3.	MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS	
4.	DECLARATIONS OF INTERESTS If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent. At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken. Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest. Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.	
5.	PUBLIC QUESTIONS (20 MINUTES) The Leader/relevant Cabinet Member to reply to questions submitted by members of the public:	
6.	ITEMS FOR DISCUSSION/COMMITTEE REPORTS	

6.1	YOUTH COUNCIL MANIFESTO UPDATE	
	The Youth Mayor and members of the Youth Council will provide a verbal update on progress towards their manifesto goals.	
6.2	REVIEW OF THE CONSTITUTION	15 - 69
	This report recommends changes to the Council's procedure rules and the scheme of delegation to officers.	
6.3	ESTABLISHMENT OF A COMMERCIAL REVENUE COMMITTEE	70 - 76
	This report recommends the establishment of a Commercial Revenue Board to help the Council take advantage of business opportunities.	
7.	SPECIAL MOTIONS	
	To consider and determine any Special Motions:	
7.1	SPECIAL MOTION 1 - REJECT ANY GOVERNMENT PROPOSAL TO FORCE COMPANIES TO LIST ALL OF THE FOREIGN WORKERS THEY EMPLOY	77
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7.3	SPECIAL MOTION 3 - CALLING ON THE GOVERNMENT TO ACT AND BRING ALL APPLICABLE REFUGEE CHILDREN TRAPPED IN THE CALAIS JUNGLE TO SAFETY IN THE UK	79
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7.6	SPECIAL MOTION 6 - ABOLITION OF H&F COUNCIL HOUSING	82
7.7	SPECIAL MOTION 7 - SQUATTING	83
8.	INFORMATION REPORTS - TO NOTE	
8.1	TREASURY OUTTURN REPORT 2015-16	84 - 92
8.2	ANNUAL REPORT OF THE CHAIR OF THE AUDIT, PENSIONS AND STANDARDS COMMITTEE 2015/16	93 - 108
8.3	PENSION BOARD ANNUAL REVIEW OF ACTIVITIES	109 - 119



COUNCIL MINUTES

COUNCIL MEETING

WEDNESDAY 20 JULY 2016



PRESENT

The Mayor Councillor Mercy Umeh
Deputy Mayor Councillor Daryl Brown

Councillors:

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

1. MINUTES

7.03pm - RESOLVED

That the minutes of the Council meeting held on 18 May 2016 were confirmed as an accurate record and signed by the Mayor.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Andrew Jones, Adronie Alford, Jane Law, Natalia Perez, Lucy Ivimy, and Viya Nsumbu.

3. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS

The Mayor announced that she had chosen Hammersmith and Fulham Foodbank and Hammersmith and Fulham Mind as her charities for 2016-17. The Foodbank was founded to combat food poverty in the borough and had provided over 100,000 meals to residents in need. Hammersmith and Fulham Mind worked with the Council and health partners to enhance and support the mental health of

residents and the Mayor hoped to help them combat stigma and raise awareness to ensure everyone's mental health is valued.

The Mayor announced an amendment to the constitution report removing Councillor Hannah Barlow from the membership of the Licensing Committee.

The Mayor announced the passing of Mrs Sue Perrin, a member of the Governance and Scrutiny team. Mrs Perrin had worked closely with members across Council, particularly in the areas of health scrutiny and licensing. During her time at the Council she did her job to the highest degree of excellence. She will be sadly missed.

The Mayor then led the Council in a minute of silence for Mrs Sue Perrin, the victims of the recent terrorist attack in Nice, and other recent tragic events around the world.

4. DECLARATIONS OF INTERESTS

There were no declarations of interest.

5. PUBLIC QUESTIONS

There were no public questions.

7.07pm – Under Standing Order 15(e) iii, Councillor Mark Loveday moved a motion that Special Motion 6 take precedence on the agenda. This was agreed.

7.6 Special Motion 6 - Blythe Road Bus Consultations and Petitions

7.08pm – Councillor Belinda Donovan moved, seconded by Caroline Ffiske, the special motion in their names:

“This Council notes:

1. The Special Motion unanimously passed on 25 January 2006 that “This Council is committed to reducing traffic and improving air quality in the Brook Green Home Zone and Clear Way and supports the residents and councillors of Addison ward in their campaign to stop the C1 bus running through residential streets in the ward.”
2. That residents in Addison and Avonmore & Brook Green wards have in recent months circulated petitions both for and against a bus service running through Blythe Road.
3. The shambolic process over the last six months around the review of these services.

4. That residents (whether they are for or against the exploration of a new bus service) have waited long enough for clarity from the administration on this issue.
5. The belated acknowledgment by the administration on 31 May 2016 that “there is no plan” for any “Brook Green bus”.
6. The transport needs of all residents in this area.

And resolves to:

1. Re-affirm the Special Motion passed on 25 January 2006.
2. Apologise for the considerable confusion and upset caused by the way this issue has been dealt with.
3. Publicise and promote to residents services such as the free TfL Dial-A-Ride service.
4. Undertake proper consultation in future with residents and all ward councillors around transport issues – ensuring this is done ‘with’ residents and not ‘to’ them.”

Speeches on the special motion were made by Councillors Belinda Donovan, Caroline Ffiske, and Joe Carlebach (for the Opposition).

Under Standing Order 15(e) (vi), Councillor Hannah Barlow moved, seconded by Councillor Wesley Harcourt, an amendment to the motion as follows:

“Delete all after ‘This Council notes’ and insert:

That it has received two petitions about the potential of a new bus service on Blythe Road: one for and one against.

The Council recognises that bus services are the responsibility of Transport for London (TfL) and that TfL have no plans for a new bus route in that neighbourhood.

The Council also notes that the administration gives priority to listening to working with all local people. It has therefore met with the residents who had organised both petitions. It is grateful for the considered approach taken by residents and recognises that all hope for a solution that can provide elderly and ‘vulnerable’ people with access to transport.

The Council confirms that there will be no new bus route along Blythe Road and that it will not be asking TfL for a new bus route in that neighbourhood.

The Council thanks all the residents who brought this important matter to our attention.”

Speeches on the amendment to the special motion were made by Councillors Hannah Barlow, Wesley Harcourt, and Stephen Cowan (for the Administration) and Councillor Mark Loveday (for the Opposition), before it was put to the vote.

FOR	23
AGAINST	14
NOT VOTING	1

The amendment was declared **CARRIED**.

Councillor Belinda Donovan then made a speech on the substantive motion, winding up the debate. The substantive motion was then put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

The motion was declared **CARRIED**.

7:40pm – RESOLVED

This Council notes:

That it has received two petitions about the potential of a new bus service on Blythe Road: one for and one against.

The Council recognises that bus services are the responsibility of Transport for London (TfL) and that TfL have no plans for a new bus route in that neighbourhood.

The Council also notes that the administration gives priority to listening to working with all local people. It has therefore met with the residents who had organised both petitions. It is grateful for the considered approach taken by residents and recognises that all hope for a solution that can provide elderly and ‘vulnerable’ people with access to transport.

The Council confirms that there will be no new bus route along Blythe Road and that it will not be asking TfL for a new bus route in that neighbourhood.

The Council thanks all the residents who brought this important matter to our attention.

6. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

6.1 Hammersmith and Fulham Local Plan - Proposed Submission

7.41pm - The report and recommendations were formally moved for adoption by the Cabinet Member for Environment, Transport & Residents Services, Councillor Wesley Harcourt.

The report and recommendations were then put to the vote:

FOR	23
AGAINST	0
NOT VOTING	14

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

7.43pm – RESOLVED

1. That Full Council approve the proposed submission Local Plan (Appendix 1 of the report) and changes to the Proposals Map (Appendix 2 of the report), with a view that the documents and other associated submission documents required by the Town and Country Planning (Local Planning) (England) Regulations 2012 ('the Regulations') are made available for a minimum 6 weeks for public consultation commencing on 5 September 2016 or as soon as possible thereafter.
2. That the Director of Planning and Development in consultation with the Cabinet Member for Environment, Transport & Residents Services, is authorised to approve any technical and other minor amendments to the submission documents:
 - a) before public consultation; and
 - b) after, or in response to, public consultation, and before submission to the Secretary of State for independent examination.
3. Following public consultation and the incorporation of any technical and other minor amendments to the submission documents, that authority is delegated to officers to submit the proposed submission Local Plan to the Secretary for Examination and to take such further steps as are appropriate and in accordance with the council's statutory duties.

6.2 Review of the Constitution

7.43pm - The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

The report and recommendations were then put to the vote:

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

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

7.43pm – RESOLVED

1. That the disclosure of confidential information protocol attached as Appendix 1 of the report, be approved.

2. That the changes to the Officers Scheme of delegation to reflect new legislative changes in Appendix 2 of the report, be approved.
3. That the scheduled Council meetings be held on the following new dates:
 - Cabinet – 27 March 2017
 - Community Safety, Environment and Residents Services Policy and Accountability Committee – 24 April 2017
 - Planning and Development Control Committee – 25 April 2017
 - Health, Adult Social Care and Social Inclusion Committee – 26 April 2017
 - Health and Wellbeing Board – 8 February 2017
4. That Councillor Hannah Barlow be removed from the membership of the Licensing Committee.

7. SPECIAL MOTIONS

7.43pm – Under Standing Order 15(e) iii, Councillor Colin Aherne moved a motion that Special Motion 2 take precedence on the agenda. This was agreed.

7.2 Special Motion 2 - A welcome to H&F residents from all national origins and a condemnation of racism, xenophobia and hate crimes wherever and whenever they occur

7.44pm – The Leader of the Council, Councillor Stephen Cowan, moved, seconded by Councillor Sue Fennimore, the special motion in their names:

“We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. We condemn racism, xenophobia and hate crimes unequivocally.

We deplore the racist and anti-immigrant tone that has defined some of the narrative that came from some in the Leave campaign during the recent EU referendum.

The attack on the Polish Centre was outrageous and an affront to the values that have defined British culture for a very long time. It demonstrated a small-minded ignorance of the history of the Polish Social and Cultural Association (POSK), which was founded shortly after the Second World War during which Polish forces fought for Britain to defeat Nazism. We remain grateful for their heroism.

More recently, Polish citizens have become one of the communities that define and greatly add to our modern society and British way of life which we applaud.

We share concern of reports of other racist, xenophobic, anti-Semitic, anti-Muslim and bigoted attacks and state with one voice that they are not tolerated and have no place in our modern society. We will not allow hate to become acceptable.

At this particular time we send a warm message of welcome to the thousands of EU citizens that have made our borough their home. We are deeply grateful for: the businesses they've started; the hard work they do; and for how our culture has

been enriched because they have chosen to live with us in our beautiful corner of West London.

We will work to ensure local bodies and programmes have the support and resources needed to fight and prevent racism and xenophobia.

We reassure all people living in our borough that they are valued members of our community.”

Speeches on the special motion were made by Councillors Stephen Cowan, Sue Fennimore, PJ Murphy, Caroline Needham, and Ali Hashem (for the Administration) and Councillors Robert Largan, Charlie Dewhirst, Joe Carlebach, and Frances Stainton (for the Opposition). Councillor Stephen Cowan made a speech winding up the debate. The motion was then put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

The motion was declared **CARRIED**.

8:23pm – RESOLVED

We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. We condemn racism, xenophobia and hate crimes unequivocally.

We deplore the racist and anti-immigrant tone that has defined some of the narrative that came from some in the Leave campaign during the recent EU referendum.

The attack on the Polish Centre was outrageous and an affront to the values that have defined British culture for a very long time. It demonstrated a small-minded ignorance of the history of the Polish Social and Cultural Association (POSK), which was founded shortly after the Second World War during which Polish forces fought for Britain to defeat Nazism. We remain grateful for their heroism.

More recently, Polish citizens have become one of the communities that define and greatly add to our modern society and British way of life which we applaud.

We share concern of reports of other racist, xenophobic, anti-Semitic, anti-Muslim and bigoted attacks and state with one voice that they are not tolerated and have no place in our modern society. We will not allow hate to become acceptable.

At this particular time we send a warm message of welcome to the thousands of EU citizens that have made our borough their home. We are deeply grateful for: the businesses they've started; the hard work they do; and for how our culture has been enriched because they have chosen to live with us in our beautiful corner of West London.

We will work to ensure local bodies and programmes have the support and resources needed to fight and prevent racism and xenophobia.

We reassure all people living in our borough that they are valued members of our community.

7.1 **Special Motion 1 - Solidarity with Citizens of Other Countries**

8.24pm – Councillor Robert Largan moved, seconded by Councillor Charlie Dewhirst, the special motion in their names:

“This Council notes the following:

There has been a worrying number of racist and xenophobic incidents following the result of the referendum, including alleged racially motivated graffiti sprayed on the Polish Social & Cultural Association building on King Street in Hammersmith. Nearly half of residents in Hammersmith & Fulham were born outside of the United Kingdom.

This borough has been home to a Polish community going back to the 1940s when Polish service personnel were stationed in West London as they fought for Britain against Nazi tyranny.

This Council unequivocally condemns all forms of racism, xenophobia, bigotry, intolerance and prejudice.

This Council commends the Polish Social & Cultural Association for their decades of excellent work to promote the historic and cultural ties between the UK, Poland and its neighbours in Eastern Europe.

This Council believes that the residents who are citizens of other countries are a vital part of life in Hammersmith & Fulham and play a hugely positive role in our community.

This Council resolves to send out an unequivocal message of support, friendship and solidarity to all residents in the borough and looks forward to the continued positive contribution made by citizens from across the world.”

The motion was then put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

The motion was declared **CARRIED**.

8:24pm – RESOLVED

This Council notes the following:

There has been a worrying number of racist and xenophobic incidents following the result of the referendum, including alleged racially motivated graffiti sprayed on the Polish Social & Cultural Association building on King Street in Hammersmith.

Nearly half of residents in Hammersmith & Fulham were born outside of the United Kingdom.

This borough has been home to a Polish community going back to the 1940s when Polish service personnel were stationed in West London as they fought for Britain against Nazi tyranny.

This Council unequivocally condemns all forms of racism, xenophobia, bigotry, intolerance and prejudice.

This Council commends the Polish Social & Cultural Association for their decades of excellent work to promote the historic and cultural ties between the UK, Poland and its neighbours in Eastern Europe.

This Council believes that the residents who are citizens of other countries are a vital part of life in Hammersmith & Fulham and play a hugely positive role in our community.

This Council resolves to send out an unequivocal message of support, friendship and solidarity to all residents in the borough and looks forward to the continued positive contribution made by citizens from across the world.

7.3 **Special Motion 3 - The European Referendum Outcome**

8.25pm – Councillor Max Schmid moved, seconded by Councillor Ben Coleman, the special motion in their names:

“This Council notes that 70% of residents in Hammersmith and Fulham who voted in the 23 June referendum voted to remain in the European Union.

The council resolves to observe the wish of the significant majority of its residents to remain in the European Union and advocate for the UK to retain the closest possible relationship with the other 27 EU Member States.

The council unreservedly condemns any suggestion that UK residents who are citizens of the 27 other Member States of the European Union should lose the right to live and work in the UK, and it resolves to write to the Home Secretary asking for legislation that guarantees this right.”

A speech on the special motion was made by Councillor Max Schmid (for the Administration).

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

“Delete second paragraph and insert:

This Council further notes that 17,410,742 votes for Britain to leave the European Union is the largest mandate ever given in British democratic history.

This Council believes in democracy and fully accepts the result of the referendum.

The Council unreservedly condemns any suggestion that current UK residents who are citizens of the 27 other Member States of the European Union should lose the right to live and work in the UK. The Council resolves to urge the Government to ensure protections for these residents as well as protections for British citizens living within EU member states are paramount in the UK's negotiations to leave the EU."

Speeches on the amendment to the special motion were made by Councillors Greg Smith, Donald Johnson, Michael Adam, and Mark Loveday (for the Opposition) and Councillors Ben Coleman, PJ Murphy, and Stephen Cowan (for the Administration). The amendment was then put to the vote and a roll-call was requested.

AGAINST	FOR	NOT VOTING
AHERNE	ADAM	UMEH
BARLOW	BROWN (A)	
BROWN (D)	CARLEBACH	
CARTWRIGHT	DEWHIRST	
CASSIDY	DONOVAN	
CHUMNERY	FFISKE	
COLEMAN	GINN	
CONNELL	HAMILTON	
COWAN	JOHNSON	
CULHANE	KARMEL	
DE'ATH	LARGAN	
FENNIMORE	LOVEDAY	
HARCOURT	PHIBBS	
HASHEM	SMITH	
HOLDER	STANTON	
HOMAN		
LUKEY		
MACMILLAN		
MURPHY		
NEEDHAM		
SCHMID		
VAUGHAN		
VINCENT		
FOR	15	
AGAINST	23	
NOT VOTING	1	

The amendment was declared **LOST**.

Speeches on the substantive motion were made by Councillor Elaine Chumnerly (for the Administration) and Councillor Robert Largan (for the Opposition). Councillor Max Schmid made a speech winding up the debate. The substantive motion was then put to the vote and a roll-call was requested.

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

FOR	23
AGAINST	0
NOT VOTING	16

The substantive motion was declared **CARRIED**.

9:21pm – RESOLVED

This Council notes that 70% of residents in Hammersmith and Fulham who voted in the 23 June referendum voted to remain in the European Union.

The council resolves to observe the wish of the significant majority of its residents to remain in the European Union and advocate for the UK to retain the closest possible relationship with the other 27 EU Member States.

The council unreservedly condemns any suggestion that UK residents who are citizens of the 27 other Member States of the European Union should lose the right to live and work in the UK, and it resolves to write to the Home Secretary asking for legislation that guarantees this right.

7.4 Special Motion 4 - The Army Community Covenant and Armed Forces Day

9.22pm – Councillor Alan De'Ath moved, seconded by Ali Hashem, the special motion in their names:

“This Council re-affirms the Army Community Covenant and its support of the national celebration of Armed Forces Day

In order to take measures to build on past events and strength its significance within the Borough, this Council asks that the following requests are considered where possible:

- That each Mayor gives priority to attending events marking the annual Armed Forces Day.
- That the council will not organise civic events that may compete with events organised for Armed Forces Day.
- That advance publicity for events in the borough on Armed Forces Day will be given through the website and by other regular press statements.
- That the council take steps to look into bringing together the various organisations involved in the armed forces to hold an annual Armed Forces Day celebration to honour their service and build greater links between them and the community.
- Changing the borough’s licensing policy so that collections by Forces Charities have exclusive licensing on Armed Forces Day each year.”

Speeches on the special motion were made by Councillors Alan De’Ath and Ali Hashem (for the Administration) and Councillor Alex Karmel (for the Opposition) before being put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

The motion was declared **CARRIED**.

9:36pm – RESOLVED

This Council re-affirms the Army Community Covenant and its support of the national celebration of Armed Forces Day

In order to take measures to build on past events and strength its significance within the Borough, this Council asks that the following requests are considered where possible:

- That each Mayor gives priority to attending events marking the annual Armed Forces Day.
- That the council will not organise civic events that may compete with events organised for Armed Forces Day.
- That advance publicity for events in the borough on Armed Forces Day will be given through the website and by other regular press statements.

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

- That the council take steps to look into bringing together the various organisations involved in the armed forces to hold an annual Armed Forces Day celebration to honour their service and build greater links between them and the community.
- Changing the borough's licensing policy so that collections by Forces Charities have exclusive licensing on Armed Forces Day each year.

7.5 Special Motion 5 - Private Rented Sector Housing

The special motion was withdrawn.

8. INFORMATION REPORTS - TO NOTE

8.1 Annual Report of the Policy and Accountability Committees 2015-16


9.37pm - The report of the Policy and Accountability Committee Chairs on the activity of the Policy and Accountability Committees for the 2015/16 municipal year was noted.

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

Meeting started: 7.00 pm
Meeting ended: 9.38 pm

Mayor

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

London Borough of Hammersmith & Fulham COUNCIL 19 OCTOBER 2016		 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. In 2001, the Council implemented a new governance model, required by the Local Government Act 2000, and adopted a new Constitution. Since then, the Council's Constitution has undergone several revisions to reflect changing legislation and the changing political and governance needs of the authority. However, the Constitution has never undergone a wholesale review in the fifteen years since it was adopted.
- 1.2. It is proposed therefore that a fundamental review be undertaken. The purpose of this is to ensure that the Council can continue to meet its obligations under the Local Government Act 2000 by keeping its Constitution up-to-date and ensure that it is both fit for purpose, succinct and user-friendly.
- 1.3. It should be noted that the fundamental review proposed is not aimed at the way the Council conducts its business but to review the structure of the document so that it is easier for Members, officers and the public to refer to the document. Once the new proposed structure is created it will be easier to change or update the Constitution in the future.

2. RECOMMENDATIONS

- 2.1. That the Council procedure rules attached as **Appendix 1** be agreed.

- 2.2. That the revised officer scheme of delegation attached as **Appendix 2** be agreed.

3. REASONS FOR DECISION

- 3.1. Each Local Authority is required to publish the arrangements it has made to discharge its functions in a 'constitution' prepared in accordance with Section 37 of the Local Government Act 2000.

4. 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. Annually the Constitution is reviewed to ensure it continues to promote timely, effective, transparent and lawful decision making reflecting the arrangements Members have put in place for the running of the Council. 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

- 5.1. This report informs Members of the proposed areas of review.

Financial Regulations

- 5.2. The current Financial Regulations, which form part of the Council's existing Constitution, should be updated in line with changes to the Council's structure and working practices. The intention is for the financial regulations to be considered by the January 2017 Council meeting.

Council, Executive and Scrutiny Procedure Rules

- 5.3. The Council, Executive and Scrutiny procedure rules have been updated to provide more clarity to the way council meetings are run. The changes are outlined in **Appendix 1**. This provides clarity around when a member may speak again, withdrawal of motions, right of reply, order of debate, voting at Budget Council meetings and some other procedural issues.

Scheme of Delegation

- 5.4. The Officer scheme of delegation is currently 210 pages. It is intended that there will be a wholesale review of the Council's Officer Scheme of Delegation, both in terms of layout (making it follow the regulatory structure more closely) and content (clarifying roles and responsibilities of officers). Instead of 210 pages,

there will be a high level Scheme contained within the constitution and more detailed internal departmental schemes maintained by each Executive Director which they would be required to review every six months. This will reduce the size of the constitution by 60 percent.

Codes and Protocols

- 5.5. There is a long list of local Member protocols which have been developed over time. These will be reviewed to ensure they are simple and easy-to-follow yet still support the business of the Council. As codes also make up a significant portion of the content of the Constitution, the review will explore the option to withdraw some of the non-statutory codes from the document and store them instead on the Council's website and Intranet. After each Municipal election, as part of the Member Induction programme, each new member will receive copies of all the non-statutory codes. In addition, the electronic copy of the constitution will have links to these documents. Members will be consulted before any changes are proposed to codes and protocols.

Joint Arrangements and Partnerships

- 5.6. The intention is to update the guidance on the duties, roles and responsibilities of Members and officers who are appointed to outside bodies. In the light of recent queries that have been raised it is proposed that there is more detailed guidance for Members and officers on outside bodies.

Structure

- 5.7. Although the current structure of the Constitution follows the original model which is not particularly user-friendly. For example, information about Cabinet requires reference to three different chapters. It is therefore proposed that the chapters in the revised Constitution be divided by function, and all relevant information about each function or committee is brought together in a single place.

Contract Standing Orders

- 5.8. No revisions are proposed to the Council's Contract Standing Orders at this time.

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. Although there is no statutory requirement to undertake the review, it is essential that the Constitution is up-to-date and relevant to the business and operation of the Council. Furthermore, the review provides an opportunity to make the document user-friendly and ensure that both Members and officers are familiar with its content to support the aim of overall compliance.

7. EQUALITY IMPLICATIONS

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

Implications completed by: Kayode Adewumi, 020 8753 2499

8. LEGAL IMPLICATIONS

- 8.1. 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. It is the view of the Monitoring Officer that the review proposed will in itself raise awareness amongst officers of the provisions in the Constitution.

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

9. FINANCIAL IMPLICATIONS

- 9.1. There are no direct financial implications.

Implications completed by: Kayode Adewumi, 020 8753 2499

10. BUSINESS IMPLICATIONS

- 10.1. There are no business implications.

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

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

None.

Council Procedure Rules

The full Council is the formal decision-making body of the Authority and its operation is governed by rules of debate and order, which are set out below.

1. ANNUAL MEETINGS

- 1.1 The Council shall in every year hold an annual meeting, at a date, time and place to be fixed by the Council, in accordance with paragraphs (b) and (c) of this Standing Order.
- 1.2 The annual meeting of the Council shall be held:-
 - (a) In a year of ordinary elections of Councillors to the Council, on the eighth day after the day of retirement of the Councillors or such other day within 21 days immediately following the day of retirement as the Council may fix;
 - (b) In any other year, on such day in the month of March, April or May as the Council may fix.
- 1.3 An annual meeting of the Council shall be held at 7.00pm, if no other time is fixed by the Council.
- 1.4 The matters to be considered at the annual meeting shall be:
 - (a) Electing a Mayor and appointing a Deputy Mayor.
 - (b) Receiving the report of the Chief Executive on appointments by Party Groups, and, in an election year, of the election of Councillors.
 - (c) Adopting or changing the Constitution.
 - (d) Approving or adopting the budget and policy framework of the authority.
 - (e) Electing the Leader of the Council for the ensuing four year period.
 - (f) Receiving a report from the Leader on the appointment of the Deputy Leader and other members of the Executive.
 - (g) Appointing the Chair and membership of Committees, Policy and Accountability Committees and other regulatory bodies, and approving their respective terms of reference.
 - (h) Appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council.
 - (i) Receiving a report from the Leader about the delegation of Executive functions, and agreeing schemes of delegation to officers in respect of non-executive functions.
 - (j) Reviewing an allowance scheme for members.
 - (k) Receiving annual reports from the Executive, the Opposition leadership and Whip, the Audit, Pensions and Standards Committee,

the Chairs of the Council's Policy and Accountability Committees, and the Youth Mayor or Deputy Youth Mayor on work undertaken in the previous year.

- (l) Agreeing the Council Calendar of meetings.
- (m) Reports from officers as required in the proper discharge of functions delegated by the Council.
- (n) Considering any petitions made to the Council under the Petitions Scheme at Annex A.
- (o) Special motions.

2. BUSINESS AT ORDINARY COUNCIL MEETINGS

2.1 The matters to be considered at an Ordinary Council meeting shall be:

- (a) Any plans, strategies or decisions required by statute to be considered and determined by the full Council.
- (b) Reports from the Leader, the Executive, Policy and Accountability Committees or other Committees of the Council, and the Youth Mayor or Deputy Youth Mayor as required.
- (c) Issues placed on the agenda by the Leader as being of interest or concern to those living or working in the Borough.
- (d) Reports from the Chief Executive, Chief Finance Officer (s.151 Officer) or Monitoring Officer, as required to meet statutory functions.
- (e) Reports from officers as required in the proper discharge of functions delegated by the Council.
- (f) Urgent matters in accordance with the provisions of Paragraph 4(5) of Part I of Schedule 12 of the Local Government Act 1972 (as amended by LGA 2000).
- (g) Special Motions (except at the Budget and Extraordinary meetings of the Council).
- (h) Considering any petitions made to the Council under the Petitions Scheme at Annex A.
- (i) Questions submitted by the public and the Youth Mayor or Deputy Youth Mayor on behalf of young people (except at the Annual and Extraordinary meetings of the Council).
- (j) Any other issues raised by young people that affect the lives of young people who live, study, or work in the borough.

2.2 Conflict Resolution Mechanism

The provisions of paragraph 2 (d) – (j) of the Budget and Policy Framework Procedure Rules of the Constitution shall apply where there is conflict between the Executive and the Council in agreeing the Budget and Policy framework.

3. OTHER COUNCIL MEETINGS

- (a) The Council shall hold a Budget meeting at a time, date and place fixed by the Council to:
- determine the annual estimates and the Council Tax for the ensuing financial year and
 - adopt to an allowance scheme for members.
- (b) The Council may hold, in addition to the Annual meeting and the Budget meeting, such other meetings at such hour, on such days and at such place as the Council may determine.
- (c) An Extraordinary meeting of the Council may be called at any time by the Mayor. (In determining the date of the Extraordinary Council Meeting, where this has been requisitioned by five Councillors, the Mayor shall have regard to the nature and urgency of the item of business which is the subject matter of the requisition). An Extraordinary meeting may consider any of the matters specified in Rule 2.1 above (Business at ordinary Council meetings) except questions submitted by the public.
- (d) If the Mayor refuses to call an Extraordinary meeting of the Council after receiving a requisition for that purpose signed¹ by five Councillors or if, without so refusing, the Mayor does not call an Extraordinary meeting within seven days of receiving a requisition, then any five Councillors, on that refusal or on the expiration of those seven days, may forthwith call an Extraordinary meeting of the Council.
- (e) In addition to the Mayor and any five Councillors, the Chief Executive or the Director of Law, as a matter of urgency, may call an Extraordinary meeting of the Council at any time.

4. NOTICE OF MEETING

- (a) At least **five clear days**² before a meeting of the Council:–
1. Notice of the date, time and place of the intended meeting shall be published at the Council's offices, and where the meeting is called by Councillors in accordance with Council Procedure Rule 3(d) above, the notice shall be signed¹ by those Councillors and shall specify the business proposed to be transacted.

¹ The term 'signed' in this context means either in manuscript, facsimile or by other electronic means.

² The term 'clear days' below refers to weekdays, and excludes weekends, Bank Holidays, the day the notice, agenda or summons is published, and the day on which the meeting is held.

2. A summons to attend the meeting, specifying the business proposed to be transacted and signed¹ by the proper officer of the Council, shall, subject to sub-paragraph (b) below, be left at or sent by post to the usual place of residence of every Councillor.
 3. A copy of the agenda shall be open to inspection by members of the public.
- (b) If a Councillor specifies in writing to the Director of Law that he/she desires summons to attend meetings of the Council to be sent to him/her at some address so specified other than his/her place of residence, any summons addressed to him/her and left at or sent by post to that address shall be deemed sufficient service of the summons.
 - (c) Summons will be sent in electronic form to Councillors consenting in writing to the summons being so sent, until such consent is withdrawn in writing. Such consent may be withdrawn at any time.
 - (d) Want of service of a summons on any Councillor(s) shall not affect the validity of a meeting of the Council.

5. MAYOR

- (a) The Mayor shall be elected annually by the Council from among the Councillors.
- (b) The Mayor, unless he/she resigns or becomes disqualified, shall continue in office until their successor becomes entitled to act as Mayor.
- (c) During his/her term of office the Mayor shall continue to be a member of the Council notwithstanding the provisions relating to the retirement of Councillors.
- (d) The election of the Mayor shall be the first business transacted at the Council's annual meeting.
- (e) If, apart from paragraph (c) above, the person Chairing the Annual Meeting (during the election referred to in paragraph (d) above) would have ceased to be a Councillor he/she shall not be entitled to vote in the election except to exercise their casting vote.
- (f) In the case of an equality of votes the Mayor shall have a casting vote in addition to any other vote he/she may have.
- (g) The Mayor may appoint a Councillor to be Deputy Mayor, and the person so appointed shall, unless he/she resigns or becomes

disqualified, hold office until a newly elected Mayor becomes entitled to act as Mayor (whether or not the Deputy Mayor continues until that time to be a Councillor).

- (h) The Deputy Mayor may, if for any reason the Mayor is unable to act or the office of Mayor is vacant, discharge those functions which the Mayor as such might discharge, except that he/she shall not take the chair at a meeting of the Council unless specially invited by the meeting to do so under Council procedure rule 8.2 below.

6. COUNCILLORS' TERMS OF OFFICE

- (a) Councillors' terms of office are four years and they retire on the fourth day after the Council election when the newly elected Councillors come into office.
- (b) Vacation of Office - a person elected to any office under the Local Government Act 1972 or a member of a Committee or other body may at any time resign their office or membership by written notice delivered to the Chief Executive and the resignation shall take effect upon the receipt of the notice.
- (c) Subject to sub-paragraphs (d) and (e) below, if a member of the Council or Executive fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council or Executive they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a member of the Council or Executive.
- (d) Attendance as a Councillor at any Executive or Council Committee which discharges or advises the Council on the discharge of its functions shall be deemed for the purposes of sub-paragraph (c) to be attendance at a Council meeting. (For purposes of clarification this includes all Executive, Committee, Sub-Committee, Policy and Accountability Committee or quasi-judicial (i.e. regulatory) bodies established by the Council).
- (e) Councillors are relieved from disqualification on account of absence if it is due to employment by Her Majesty's naval, military or airforce services or the service of Her Majesty in connection with war or any emergency as agreed by the Secretary of State.
- (f) Where a Councillor ceases to be qualified or is disqualified, the Council shall, except in any case in which a declaration has been made by the High Court under the Act, forthwith declare their office vacant.
- (g) A person elected or appointed under the Act to fill any casual vacancy shall retire on the date on which the person whom they are replacing would have retired.

- (h) Committees and their Chairs/Vice Chairs shall remain constituted or hold office until their successors are appointed, except in a Council election year, when they will cease to be constituted or hold office at the end of the day preceding the election.

7. COUNCILLORS

- (a) A person shall, so long as he/she is, and for twelve months after he/she ceases to be a Councillor, be disqualified from being appointed by the Council to any paid office.
- (b) Unless specifically authorised so to do by the Council or a Committee, a Councillor shall not issue any order in respect of any works which are to be or are being carried out by or on behalf of the Council or claim by virtue of his/her membership of the Council, any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.
- (c) A Councillor may request information from a Director but such a request may be declined if in the opinion of the Chief Executive (or the Director of Law in his/her absence), it entails intensive research, or an undue expenditure of time or abortive costs, or there is another good reason for non-compliance.
- (d) A Councillor acting professionally, by himself/herself, or by his/her partner, in conflict with the interest of the Council, shall on each occasion notify the Chief Executive and Monitoring Officer.

8. ROLE OF MAYOR, LEADER & CABINET MEMBERS

- 8.1 At a meeting of the Council, the Mayor, if present, shall preside.
- 8.2 If the Mayor is absent from a meeting of the Council then the person appointed by the Mayor as Deputy Mayor shall preside, providing that they remain a Councillor and are chosen to preside by the Councillors then present.
- 8.3 If the Mayor and Deputy Mayor are absent from a meeting of the Council, or the Deputy Mayor, being present, is not chosen to preside or no appointment of Deputy Mayor has been made, another Councillor chosen by the Councillors present shall preside.
- 8.4 The Leader and the other members of the Executive (referred to herein as Cabinet Members) shall have the right to speak first in debate on any matters falling within their respective Portfolios at meetings of the Council (after any other Councillor in whose name a motion or amendment may stand).

- 8.5 The Leader and Cabinet Members may be called to answer questions on such matters at meetings of the Council's Policy and Accountability Committees in accordance with the provisions relating to the meetings of these bodies.

9. COUNCIL QUORUM

- 9.1 The Council shall not carry out any business at their meetings unless at least one quarter of the total number of Councillors are present (i.e. 12 Councillors).
- 9.2. If no quorum is present 15 minutes after the start time of a Council meeting, or if during the course of a meeting it becomes inquorate, the meeting shall be adjourned. Any outstanding business at a Council meeting shall be held over to a time to be fixed by the Mayor or to the next ordinary Council meeting.

10. MINUTES

- 10.1 Minutes of Council or Committee or Panel meetings shall be kept in a minute book and shall be signed at the next ordinary meeting by the Mayor/Chair.
- 10.2 A Council or Committee or Panel meeting which has had its minutes properly signed shall be deemed to have been held, and all Councillors present at the meeting shall be deemed to have been duly qualified, until the contrary is proved.
- 10.3 There shall be no discussion of the minutes except on their accuracy. Any question of accuracy should be raised by motion. The Mayor/Chair shall sign the minutes once they have been voted on.

11. ATTENDANCE

- 11.1 The names of the Councillors present at a meeting of the Council shall be recorded.

12. PUBLIC QUESTIONS

- (a) There shall be a public question time not exceeding 20 minutes in total at each ordinary meeting of the Council, including the Budget Council meeting. No public questions may be asked at the Annual Council meeting or any Extraordinary meeting convened.
- (b) A member of the public, or Youth Mayor or Deputy Youth Mayor on behalf of a young person, who lives, works, or is being educated in the Borough, may ask the Leader or a Cabinet Member one question (and

one supplementary on his/her reply) on any matter relating to the discharge of the Council's functions. The question must be in writing³ and submitted to the Director of Law at least 7 clear days⁴ [no later than 12 noon] before the day of the Council Meeting.

- (c) Questions may be edited as necessary by the Director of Law both to bring them into proper form and to secure brevity. Questions which, in the opinion of the Mayor, are defamatory or unsuitable in form, frivolous or derogatory shall not be accepted.
- (d) The Mayor shall call the questions in the order that they have been received and the member of the public submitting the question shall then read it out. (If the questioner is not present when the question is called, a written reply shall be provided).
- (e) Replies to questions shall be oral. However, persons questioned may decline to reply, if, in their opinion, questions involve an excessive and unnecessary amount of time on the part of officers in collating or preparing the information required.
- (f) A Cabinet Member or the Leader may arrange for the reply to be given by another Councillor.
- (g) There shall be no speech or discussion allowed on any question or reply.
- (h) If a question does not receive a reply within the time allowed for the public session, the Leader or Cabinet Member shall provide a written reply to the questioner. All public questions and the reply given by the Leader or Cabinet Member shall be recorded in the Minutes of the Council.

13. REPORTS TO COUNCIL

13.1 The Leader, Executive, Policy and Accountability Committees or other Committees of the Council may place reports on the Council agenda.

13.2 Recommendations may be:-

- (a) approved or rejected on a majority vote;
- (b) varied by way of amendment; or
- (c) referred back for reconsideration.

provided that decisions in relation to Executive functions may only be referred back to the Executive for reconsideration.

³ The term 'in writing' in this context means in manuscript, facsimile or by email.

⁴ The term 'clear days' below refers to weekdays, excluding weekends, Bank Holidays, the day the question is received, and the day on which the meeting is to be held.

14. SPECIAL MOTIONS

- (a) Any two Councillors may submit a Special Motion for debate by the Council. Such motions shall be published in the agenda for the meeting.
- (b) Special Motions must be relevant to matters affecting the lives of people living and working in the Borough.
- (c) Special Motions may be ruled out of order by the Mayor, on advice from the Director of Law, if they are irrelevant to the affairs of the Borough, defamatory, or place the Council at legal risk. Where ruled out of order, such motions shall not be placed on the agenda, and the mover and seconder shall be notified. Where motions are submitted close to the deadline, and review has not been possible prior to publication of the agenda, the Mayor may make a ruling, on advice, at the Council meeting. Motions that are ruled out of order at Council meetings may not be amended to make them valid. Neither may a substitute motion be tabled.
- (d) A Councillor may not move a Special Motion to directly overturn a Council resolution arising from a previous Special Motion passed in the previous six months. A Special Motion or amendment may not be submitted to the same effect as one rejected in the preceding 6 months.
- (e) Special Motions must be submitted to the offices of the Director of Law signed⁵ by the mover and seconder, no later than midday **7 clear days**⁶ before the date of the Council meeting (i.e. by midday (12 Noon) on the Friday (normally) the week before the date of publication of the Council agenda).
- (f) Amendments to Special Motions may be submitted prior to, or moved at, the Council meeting. They will be included on the agenda if received **6 clear days**⁶ (no later than 12 noon) prior to the meeting.
- (g) Special Motions will be included on the agenda in the order that they are received.
- (h) Amendments to Special Motions must relate sufficiently to the original motion so as not to contravene requirements for public notice of matters on the Council agenda as required by the 1972 Local Government Act.
- (i) Special Motions may be withdrawn at, or prior to, a Council meeting.

⁵ The term 'signed' in this context means either in manuscript, facsimile or by email.

⁶ The term 'clear days' below refers to weekdays, and excludes weekends, Bank Holidays, the day the motion is received and the day on which the meeting is held.

Motions not moved or seconded shall be treated as withdrawn.

- (j) Special Motions shall be debated in accordance with the rules of debate and may be (i) supported; (ii) supported in amended form following one or more amendments moved and accepted; (iii) opposed.
- (k) No Councillor shall move or second more than two Special Motions at the same meeting.
- (l) No Special Motions shall be debated at Budget and Extraordinary Council meetings.

15. RULES OF DEBATE AT COUNCIL

- (a) Debate may be on motions, recommendations or other items placed on the Council agenda.
- (b) Speeches should be relevant to the subject under discussion and be addressed to the Mayor. No speech may exceed 5 minutes without the consent of the Mayor except –
 - (i) At the Budget meeting, the Leader shall be allowed unlimited time to set out his/her priorities or to propose the Budget.
 - (ii) The Leader of the Opposition shall also be allowed unlimited time to reply to a Leader's speech.
 - (iii) In the event of the absence of the Leader or the Leader of the Opposition at the Budget meeting, the Mayor shall invite the Deputy Leader or another Cabinet Member (for the Leader) or another Member of the same political group (for the Leader of the Opposition) to exercise the rights of speech of the Leader or the Leader of the Opposition.
 - (iv) Up to 3 other speakers from either side shall speak at the Budget meeting. No speech may exceed 5 minutes.
- (c) The Mayor shall call speakers in a manner designed to achieve effective debate and to air the views of all political parties. A Councillor who has initiated a debate by Special Motion shall have a right of reply at the end of the debate.
- (d) At meetings of the Council, a Councillor when speaking shall stand and address the Mayor. If two or more Councillors rise, the Mayor shall call on one to speak; the other or others shall then sit. When a Councillor is speaking, all other Councillors shall remain seated, unless rising to a point of order or in personal explanation. (See below)
 - 1. **On a point of order:** a Councillor shall be entitled to be heard forthwith. Any other Councillor then speaking shall give way. A

point of order shall relate only to an alleged breach of a Rule or statutory provision, and the Councillor shall specify the Rule or statutory provision, and the way in which he/she considers it has been contravened. The Councillor's remarks shall be confined to the point of order.

2. **On a point of personal explanation:** a Councillor shall be entitled to be heard forthwith. Any other Councillor then speaking shall give way. A point of personal explanation shall be confined to some material part of a former speech by him/her, which may appear to have been misunderstood in the present debate, or as to some statement or act wrongly attributed to him/her. But in making such explanation, the Councillor must confine his/her remarks strictly to that point and must not refer to other matters, nor endeavour to elaborate a former speech by new arguments, or reply to other Councillors.

- (e) The following Motions and Amendments may be moved without prior notice:-
1. Election of a Chair for the meeting (if the Mayor is absent), and/or to invite the Deputy Mayor, if present, to take the Chair.
 2. Motions relating to the accuracy of the minutes.
 3. That an item or items of business specified in the agenda shall have precedence.
 4. That leave be given to withdraw a motion.
 5. Extending the time limit of speeches.
 6. Amendment to a motion or recommendation.
 7. That the meeting proceed to the next business.
 8. That the question be now put.
 9. That the meeting or debate or Special Motion be now adjourned.
 10. Point of Order.
 11. Point of personal explanation.
 12. Suspension or variation of Council Rules (except those of statutory effect).
 13. A motion under Section 100(A) of the Local Government Act 1972 to exclude the public.
 14. That a Councillor named be not further heard.
 15. Inviting a Councillor to remain after declaring an interest under the terms of the Code of Conduct.
- (f) **On a motion to adjourn the meeting or debate:** Unless in the Mayor's opinion the matter before the meeting has been insufficiently discussed, the Mayor shall put the adjournment motion to the vote

without giving the mover of the original motion the right of reply on that occasion. If the motion is passed, consideration of the matter(s) under discussion shall stand adjourned to a further meeting.

- (g) **On a motion to adjourn a Special Motion:** The Mayor shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply. If the motion is passed, consideration of the matter(s) under discussion shall stand adjourned to a further meeting.
- (h) **On a motion to proceed to next business:** Unless in the Mayor's opinion the matter before the meeting has been insufficiently discussed, the Mayor shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to the next business.
- (i) **On a motion that the question be now put:** Unless in the Mayor's opinion the matter before the meeting has been insufficiently discussed, the Mayor shall first put to the vote the motion that the question be now put, and if it is passed, then give the mover of the original motion the right of reply before putting their motion to the vote.
- (j) A Councillor may move a relevant amendment to any motion or recommendation. Such amendments shall require a seconder and shall, if required, be put in writing to the Mayor before discussion.
- (k) An amendment shall be relevant to the motion or recommendation and shall leave out, add or insert words.
- (l) Only one amendment shall be discussed at a time. If an amendment is lost, other amendments may be moved on the original motion or recommendation. If an amendment is carried, the motion or recommendation as amended shall take the place of the original motion or recommendation and shall become the substantive motion or recommendation upon which any further amendments may be moved.
- (m) A motion may be withdrawn or altered with the consent of the meeting by the mover or seconder of the motion or their Party's Whip on their behalf whether prior to or during the meeting. No member may speak on a withdrawn motion.
- (n) After the guillotine has fallen and an extension has not been agreed, all circulated amendments to motions shall be taken as proposed and seconded. The Mayor shall put to vote, without discussion, each amendment to the undebated motions to complete the consideration of any remaining items of business on the agenda.

New 16. ORDER OF DEBATE AT COUNCIL (When a Member may speak during a debate)

- 16.1 All motions and amendments must be formally moved and formally seconded by Members, or deemed to be so under these Rules, before they may be debated and voted upon.
- 16.2 A mover of the motion or amendment may elect to speak immediately or reserve his/her speech until later in the debate (subject to the prior termination of the meeting or a resolution that the matter be now put).
- 16.3 A Member seconding a motion or amendment shall indicate his/her intention to second the motion immediately following the proposal of the motion, and may then elect to speak immediately following the proposer, or may elect to reserve his/her speech until later in the debate (subject to the prior termination of the meeting or a resolution that the matter be now put).
- 16.4 The Mayor will then call any Members who have indicated to speak.
- 16.5 If an amendment is moved, the debate shall proceed in the following manner:
- (a) The mover of the amendment, thereafter the seconder of the amendment shall speak unless he or she has reserved their speech
 - (b) Then shall follow such other speakers as the Mayor considers appropriate
 - (c) A vote shall be taken on the amendment
 - (d) The Mayor will then call any further Members who have indicated they wish to speak on the substantive motion.
 - (e) The mover of the substantive motion shall have a right to reply at the end of the debate immediately before it is put to the vote.
 - (f) A vote shall be taken on the substantive motion, as amended if appropriate.
 - (g) If more than one amendment is moved, they shall be debated separately and voted upon one at a time.

Note – A member may speak only once on a motion and also once on an amendment except where they have the final right to reply.

17. VOTING AT COUNCIL AND COMMITTEE MEETINGS

- (a) All questions considered by Council or a Committee shall be decided by a simple majority of the Councillors (or voting members comprising the Panel) present and voting thereon, subject (in the case of voting at Council meetings) to the provisions of any enactment. Where there is no dissent, the Mayor shall take the recommendation or motion as agreed.
- (b) If there is dissent, the Mayor shall take a vote by show of hands. The Mayor shall announce the result of the votes – For, Against and Not Voting.

- (c) In the case of an equality of votes, the Mayor/Chair shall have a second or casting vote and may exercise it at their discretion.
- (d) The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require a recorded vote to be taken on any decision relating to the budget or council tax and will follow the procedure set out at Rule 16 .d below.
- (e) In addition to Rule 16.c, if at a meeting any five Members present demand a recorded vote by standing, prior to the Mayor calling a vote, to indicate such demand, the names “for” or “against” the motion or amendment or abstaining from voting i.e. “not voting” will be taken down in writing and entered into the minutes. The procedure for a recorded vote shall be as follows:

 - (i) The Monitoring Officer or his/her representative shall ring the division bell for a minute. At the end of the one minute division bell, the Mayor shall put the motion to a vote and the Monitoring Officer or his/her representative shall call out the names of Members and record their votes or abstentions.
 - (ii) Each member shall answer “For”, “Against” or “Not Voting”.
 - (iii) The Mayor shall declare the result of the vote and the vote of each Member shall be recorded in the minutes.
- (f) This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and cannot therefore be waived. Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.
- (g) If more than two persons are nominated for any position to be filled by Council and there is not a majority vote in favour of one person, then the person with the least votes shall be removed from the list and a fresh vote taken. This shall continue until one person has a majority of votes.

18. REGULATORY, POLICY AND ACCOUNTABILITY AND OTHER COUNCIL COMMITTEES

- 18.1 The Membership and Terms of Reference of all Council Committees shall be decided by Annual Council and any subsequent vacancies or changes made via special motion at future Council meetings.
- 18.2 Membership and terms of reference of any Sub-Committees, Advisory Committees, Working Groups or other Panels shall be decided by their parent body.

- 18.3** Annual Council shall set the dates for Council and other Committee meetings, provided that the Chair/Vice-Chair, or Chief Executive or Director of Law may, in instances of urgency, call a meeting in consultation with the Chief Whip.
- 18.4** A Chair of a Committee may cancel a meeting on the grounds of insufficient business, in consultation with the Chief Whip.
- 18.5** Subject to the provisions of Section 100(A) of the Local Government Act 1972:
1. The Chair of a Committee may vary the date and time of a meeting only after consultation with the Chief Whip.
 2. The Opposition Whip shall be notified immediately of any changes.
- 18.6** In the absence of the Chair of a Committee, the Vice-Chair shall take the chair and shall have a second or casting vote. In the absence of both the Chair and Vice-Chair, the members present shall elect a Chair for the meeting from among the members then present, who shall have the second or casting vote. If the Chair or Vice-Chair subsequently attends the meeting, the person then in the chair shall vacate it.

19. QUORUM OF COMMITTEES & PANELS

- 19.1** The following quorums will apply:

Cabinet	3
Planning and Development Control Committee	4
Audit, Pensions and Standards Committee	5
Audit, Pensions and Standards (Complaints) Sub-Committee	3
Audit, Pensions and Standards (Appeals) Sub-Committee	3
Audit, Pensions and Standards (Dispensations) Sub-Committee	3
Pensions Fund Sub-Committee	3
Pensions Board	3
Licensing Committee	5
Licensing Sub-Committee	2
Appointments Panel	6 members in respect of the appointment of the Chief

	Executive, and 3 for all other appointments
Health and Wellbeing Board	3
Wormwood Scrubs Charitable Trust Committee	2
Policy and Accountability Committees	3

19.2 If a quorum is not present 15 minutes after the start time of a meeting, the business shall be adjourned to a date to be arranged.

19.3 If a quorum is lacking at any time after a meeting has started, the meeting shall be suspended for up to 15 minutes, after which time, if a quorum is still not achieved, the meeting will end. Any items of business remaining on the agenda for that meeting will then be lost.

20. RULES OF DEBATE AT COMMITTEES⁷

(a) Debate may be on reports, recommendations or other items placed on the agenda for the meeting.

(b) The Chair shall order the meeting in a manner designed to achieve effective debate and to air the views of all political parties.

(c) When a Councillor is speaking, all other Councillors shall remain silent, unless speaking to a point of order or in personal explanation (see below).

1. **On a point of order:** a Councillor shall be entitled to be heard forthwith. Any other Councillor then speaking shall be silent. A point of order shall relate only to an alleged breach of these Council procedure rules or a statutory provision, and the Councillor shall specify which rule or statutory provision, and the way in which he/she considers it has been contravened. The Councillor's remarks shall be confined to the point of order.
2. **On a point of personal explanation:** a Councillor shall be entitled to be heard forthwith. Any other Councillor then speaking shall be silent. A point of personal explanation shall be confined to some part of a speech which may have been misunderstood, or to some statement or act wrongly attributed to the councillor. In making such explanation, the Councillor must confine his/her remarks strictly to that point and must not refer to other matters, nor endeavour to elaborate a former speech by new arguments, or reply to other Councillors.

⁷ Excepting the Cabinet, to which the Executive Procedure Rules shall apply

- (d) The following may be moved without prior notice:-
1. Election of a Chair for the meeting (if absent) and/or to invite the Vice-Chair, if present, to take the chair.
 2. Motions relating to the accuracy of the minutes.
 3. That an item or items of business specified in the agenda shall have precedence
 4. That a report, recommendation or amendment be withdrawn.
 5. To move an amendment to a recommendation.
 6. That the meeting proceed to the next business.
 7. That the recommendation/amendment be now put.
 8. That the meeting or debate be now adjourned.
 9. Point of Order.
 10. Point of personal explanation.
 11. Suspension or variation of Council Procedure Rules (except those of statutory effect).
 12. A motion under Section 100(A) of the Local Government Act 1972 to exclude the public.
 13. That a Councillor named be no longer heard.
 14. Inviting a Councillor to remain after declaring an interest under the terms of the Code of Conduct.
 15. To suspend the meeting
- (e) **On a motion to adjourn the meeting or debate:** Unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall put the adjournment motion to the vote. If the motion is passed, consideration of the matter(s) under discussion shall stand adjourned to a further meeting.
- (f) **On a motion to proceed to next business:** Unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall put the motion to proceed to the next business to the vote.
- (g) A Councillor may move an amendment to any recommendation. Such amendments shall require a seconder and shall, if required, be put in writing to the Chair before discussion.
- (h) Only one amendment shall be discussed at a time. If an amendment is lost, other amendments may be moved on the original recommendation. If an amendment is carried, the recommendation as amended shall take the place of the original recommendation and shall become the substantive recommendation upon which any further amendments may be moved.

21. DECLARATIONS OF INTEREST⁸

- (a) If a Councillor (or a co-opted member) has a **disclosable pecuniary interest** in any particular agenda item at a meeting, he/she should declare the existence and nature of the interest (unless it is a sensitive interest) at the commencement of the consideration of that item or as soon as it becomes apparent.
- (b) Any Councillor with a **disclosable pecuniary interest** may make representations, give evidence or answer questions about the matter, but only at meetings where members of the public are allowed to be in attendance and to speak. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken, unless a dispensation has been obtained from the Audit, Pensions and Standards Committee.

At meetings where members of the public are not allowed to be in attendance, then the Councillor with a **disclosable pecuniary interest** must withdraw from the meeting while the matter is under consideration, unless the Audit, Pensions and Standards Committee have granted a dispensation.

- (c) Each Councillor (or co-opted member) shall, within **28 days** of his/her election or appointment to office (if that is later) give to the Director of Law or another approved officer a general notice, to be recorded in the Register of Members' Interests open to public inspection, of any **disclosable pecuniary interests**, as defined in the Code of Conduct in Part 5 of the Constitution.
- (d) If a Councillor (or co-opted member) has declared a **disclosable pecuniary interest** at a meeting which has not been recorded in the Register of Members' Interests he/she shall, within **28 days** of the declaration, give notice of the interest to the Director of Law.

22. ORDER AT COUNCIL AND COMMITTEE MEETINGS

- (a) Councillors shall abide by the provisions of the Code of Conduct and the ruling of the Mayor/Chair on all matters.
- (b) If at a meeting any Councillor is guilty of misconduct by persistently disregarding the ruling of the Mayor/Chair, behaving improperly or irregularly, using racist or sexist language or obstructing the business of the meeting, the Mayor/Chair or any Councillor may move "That the Councillor named be not further heard." If the motion is seconded, it shall be put and determined without discussion.
- (c) If the Councillor named continues misconduct, after a motion under (b) is carried, and does not heed a further warning from the Mayor/Chair, the

⁸ This Rule shall apply to all Council, Executive, Regulatory, Policy and Accountability Committee or any other Council Committee meetings.

Mayor/Chair shall be empowered to require the Councillor to leave the meeting.

- (d) The Mayor/Chair may at his/her discretion suspend the meeting for such period of time that he/she considers expedient.
- (e) In the event of general disturbance which in the opinion of the Mayor/Chair renders the due and orderly despatch of business impossible, the Mayor/Chair may, without the question being put, suspend the meeting for such period of time that he/she considers expedient and so announces.
- (f) The Mayor/Chair, in the event of a continuous disturbance which renders the orderly despatch of business impossible, may order the clearance of the public galleries and/or the removal of individuals from the meeting or room.
- (g) The Council will provide reasonable facilities for any member of the public to report on meetings that are open to the public:
 - (i) Members of the public may film, photograph or record for social media any meeting of the Council that is open to the public. Members of the public wishing to do so are asked to make themselves known to Council officers so that appropriate provisions can be made.
 - (ii) Private meetings or discussions of agenda items containing exempt or confidential information (as defined by paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended) may not be filmed or recorded.
 - (iii) Filming and photography may not be allowed when young or vulnerable people are speaking or in attendance.
 - (iv) Filming and photographing should be conducted using hand-held devices and carried out in a way which is conducive to the good order and conduct of the meeting.
 - (v) Attendees should be informed that a meeting is being photographed, filmed or recorded.
 - (vi) The Mayor or Chair of the meeting may order that filming or photography must stop if it is being disruptive to the conduct of the meeting.
 - (vii) Larger film crews with roving cameras are obliged to agree authorisation at least one working day before the meeting commences.
 - (ix) Recordings of meetings can be shared online; however if they are edited to misrepresent proceedings, the Council may request that the recordings be removed.
- (g) A bell may be rung two minutes before the commencement of any Council meeting to alert Councillors and other attendees.
- (i) Smoking shall not be permitted during any Council, Executive, Regulatory, or Policy and Accountability Committee or any other Council Committee meetings.

- (j) Consumption of drink, other than water, shall not be permitted during a Council meeting.
- (k) Meetings of the Council may be preceded by prayers.
- (l) Each Member shall ensure that their mobile devices are on silent or switched off during any meeting. If on silent, that his/her use of such equipment does not interfere with the proper conduct of the meeting.

23. ADMISSION/EXCLUSION OF PRESS AND PUBLIC

- (a) Council, Executive and Policy and Accountability Committee meetings shall be open to the press and public, unless they are excluded by a resolution under this paragraph, or under the provisions of the Access to Information Procedure Rules set out elsewhere in the Constitution, or for disorder.
- (b) Applicants or their agents and people who have commented on a planning application are able to speak at meetings of the Planning and Development Control Committee where the application is being considered, in accordance with the Public Speaking at Planning and Development Control Protocol in Part 5 of the Constitution. Written petitions made on a planning application are incorporated into the officer report to the Planning and Development Control Committee. Petitioners, as members of the public, are welcome to attend meetings, but are not permitted to speak. They can, however, be represented by their Ward Councillor, who may address the Committee. Deputation requests are not accepted on applications for planning permission.

24. MOTION TO CLOSE MEETING⁹

- 24.1 A Councillor may move without comment at the conclusion of a speech, to close the meeting. After the motion is seconded the Chair shall proceed as follows:
 - (a) Seconding will be without a speech. The mover and one other speaker replying on invitation of the Chair, may speak for five minutes only and the question shall then be put.
 - (b) If the motion is carried, the Chair will then follow the procedures to close the meeting (guillotine provisions) below. Any member who has moved or seconded such a motion may not move or second another such motion subsequently during the course of the meeting. A motion to close shall not be moved (without leave of the Chair) within one hour of the moving of a previous closure motion.

⁹ This Rule applies only to meetings of the Council.

25. GUILLOTINE PROVISIONS

- 25.1** All Council, Executive, Policy and Accountability Committee, Regulatory Committee and other Committee meetings (with the exception of Personnel, Planning, Adoption, Licensing, and Appointments Panels) shall end after three hours (“the guillotine”).
- 25.2** The time elapsed during any suspension of a meeting shall be added to extend the time at which the following provisions come into effect:
- (a) At that time, or at any other time when a motion to close the meeting has been successfully carried;
 - (b) No further points of order shall be raised except by the Mayor/Chair; except that Councillors may declare an interest in any remaining items of business;
 - (c) The Mayor/Chair shall then interrupt the discussion of the item before the meeting;
 - (d) Unless the mover of a motion then under discussion seeks leave to withdraw it, the Mayor/Chair shall allow them a right of reply to the debate;
 - (e) Unless the motion or item of business then under discussion is withdrawn, the Mayor/ Chair shall put, without further discussion, all the questions necessary to dispose of it;
 - (f) The Mayor/Chair shall put without discussion, all the questions necessary to complete consideration of any remaining items on the agenda;
 - (g) Finally, the Chair shall close the meeting.
- 25.3** Prior to the guillotine provision coming into effect, where the Council, Executive, Policy and Accountability Committee, Regulatory Committee or other Council Committee believes that a specific extension of time is warranted, this may be agreed by a resolution to extend the guillotine for a specified period. There is no limit to the number of extensions which may be agreed under this rule for Regulatory or Policy and Accountability or any other Council Committee, but at a Council meeting only one extension shall be allowed. No motion to extend the guillotine shall be permitted once the guillotine has fallen.

26. SUSPENSION OF RULES

- (a) In respect of business at Council meetings, any Rule, except those of statutory effect, may be suspended on a motion which may be moved without notice, provided at least one half of the whole number of Councillors are present; otherwise no motion of such effect shall be moved without notice.
- (b) At Committee meetings, these Rules shall not be suspended.

27. INTERPRETATION

- (a) In relation to the conduct of meetings of the Council and the Council's business in relation thereto, the ruling of the Mayor as to the conduct or application of any of these Rules shall not be challenged.
- (b) In relation to the administration of the Council's business and to the business of Committees, these Rules shall be interpreted in cases of doubt by the Director of Law, whose ruling shall not be challenged.

Updated - [October 2016](#)

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 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 / 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~~ officers within his/her department to exercise any of ~~the his/her delegated~~ delegated 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:
- (a) be treated as capital expenditure, and
 - (b) 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.
- 3.5.1** 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.
- 3.5.2** All decisions shall be taken in the name of, but not necessarily personally by, the ~~Proper Officer~~ officer(s) to whom the power is delegated. ~~Any sub-~~

~~delegation or authorisation~~ The officer with the delegated power may authorise another officer to act ~~shall~~ on his/her behalf, any such authority must be in writing. The officer with the delegated power shall remain accountable for the exercise of that power.

3.5.3 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).

3.5.4 Where officers consider that a decision which they have taken under delegated authority is ~~of significance~~ particularly significant to the Council, they shall report the decision to the relevant Cabinet Member/the Cabinet for information. ~~Any decisions taken by officers under delegated powers shall~~ The decision must also be recorded by departments at the time of in the decision in a council's central register kept specifically for this which records all decisions as specified in Regulation 7 of the Openness of Local Government Bodies Regulations 2014.

3.5.5 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 / 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.

3.6.1 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.

3.6.2 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.~~ an Executive Director/director.
- 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.~~

1.2 Each executive director / director will have a "register of authority" within their department. The register of authority will specify which officers within their department have been authorised by them to exercise their delegated powers on their behalf and in their name.

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. This applies only to the relevant directors who undertake this duty.
- 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 exercise~~ the ~~Council in accordance with the Council's powers conferred on all Executive Directors/Directors by Standing Orders, Financial Regulations set out in, the Human Resources Policies and the Constitution.~~
- ~~3.8 To seek Contract Standing Orders in relation to debt write offs, seeking tenders for approved projects and schemes in accordance with the Council's Contract Standing Orders set out in the Constitution.~~
- ~~3.9 To open, opening tenders in accordance with the Council's Contract Standing Orders set out in the Constitution.~~
- ~~3.10 To approve, the approval of variations in contracts in accordance with the Council's Contract Standing Orders set out in the Constitution.~~
- ~~3.11 To approve and the agreement of 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 Scheme 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. This applies only to the relevant directors who undertake this duty.
- 5.6 To provide instructions to the Director of Law to enable him/her 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).
- (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 Serviced) (ELRS & TTS)
- (d) ~~Delivery and Value~~Finance
- (e) Housing ~~Services~~ “~~Service Group~~”
- (f) Corporate Services “service group”

The Corporate Services “Service Group” Directors

The Corporate Services “Service Group” Directors are:-

- Strategic Finance Director
- Director of Law
- Director for Delivery & Value
- Director for Human Resources
- Commercial Director
- Chief Information Officer
- Borough Solicitor

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

- Finance, 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.

2. The Strategic Finance Director

2.1 The Strategic Finance Director 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 ~~2015 which require 2003~~ (as amended) in respect of the responsible authority need to undertake maintain an adequate and effective system of

internal audit ~~to evaluate~~ of the ~~effectiveness~~ Council's accounting records and of its ~~risk management, system of internal control, and governance processes 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

(1) Section 115(2) - the officer to whom all money due from every officer employed by the Council shall be paid.

(2) Section 146 - the officer to make any statutory declaration in connection with the transfer of securities.

Local Government (Miscellaneous Provisions) Act 1976

(3) 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

(4) 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 (c)~~ 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 for Adult Social Care and Health

4.1 The Executive Director for 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 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 for Adult Social Care and Health shall include:

- (a) Adult Social Care Operations.
- (b) Joint Adult Commissioning;
- (c) Provider Services and Mental Health Partnership
- (d) Procurement and Business Intelligence
- (e) Finance

5. Executive Director for Children's Services

5.1 The Executive Director for 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 for 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)~~ "Service Group" Directors

(Former Transport and Technical Services and Environment, Leisure and Residents Services Department)

The Environmental Services "Service Group" Directors are:-

- Director for Cleaner Greener & Cultural Services
- Director for Safer Neighbourhoods
- Director for Planning & Development
- Director for Building & Property Management
- Director for Transportation & Highways
- Director for Environmental Health

6.1 The Environmental Services "Service Group" 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.

6.2 The services and the areas of responsibility of the Environmental Services “Service Group” Directors shall include:-

- (a) Safer Neighbourhoods
- (b) Cleaner, Greener and Cultural Services
- (c) Customer and Business Development
- (d) Finance and Resources
- (e) Regeneration
- (f) Economic Development and skills
- (g) Environmental Health (including but not limited to food safety and standards, health & safety, health protection and infectious disease, animal health and public health)
- (h) Transportation and Highways
- (i) Building and Property Management
- (j) Planning
- (k) Licensing
- (l) Trading Standards

7. The Housing Services “Service Group” Directors

The Housing Services “Service Group” Directors are:-

- Director for Housing, Growth & Strategy
- Director for Housing Finance & Resources
- Director for Housing Services

The Housing Services “Service Group” Directors shall:-

7.1 Deliver the Council’s vision and strategic objectives and have overall responsibility for all matters relating to the delivery of housing in the borough.

7.2 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.

7.3 Approve applications for housing and allocate properties in accordance with the Council’s established allocations policy.

7.4 Be responsible for commissioning services relating to the management and maintenance of the Council’s housing stock.

7.5 Deal with all questions of routine property management.

7.6 Make arrangements to provide housing advice and support to prevent homelessness.

7.7 Approve the allocation of funds to individual projects to be supported through regeneration programmes.

7.8 Be responsible for new affordable housing.

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. Director for Human Resources

(a) To implement the local decisions and the decisions of the National Joint Council regarding conditions of service, wage and salary awards.

(b) To calculate and pay salaries, wages and benefits, including performance related pay.

(c) To make arrangements for the administration of the Local Government Pension Scheme.

~~(b)~~(d) To pay honoraria, acting allowances and bonuses, in accordance with the relevant national and local schemes, and with the relevant director.

(e) To carry out functions relating to the appointment, promotion, dismissal, retirement and other human resources matters affecting staff graded below a Chief Officer.

(f) To approve the early payment of termination/pension benefits in conjunction with the Strategic Finance Director

(g) To approve gradings and designation of posts.

(h) To grant merit increments to officers on recommendation from the relevant director.

(i) To operate the Staff Travelcard Allowance Scheme.

(j) To approve additions to the approved list of car allowances

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 [Policy and Accountability 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 for Children's Services, the Executive Director for Adult Social Care and Health, [Environmental Services 'Service Group' 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 Schemeregister~~ of ~~Delegationauthority~~ 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 Finance Director
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 for Adult Social Care and Health
Section 18 Children Act 2004	Director of Children's Services	Executive Director for 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 Finance Director

Section 146(1)(a) & (b)	The issuing of certificates to enable the transfer of securities and payment of dividends or interest to the Council.	Strategic Finance Director
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 <u>TBC</u>
Section 225	Deposit of documents	Director of Law
Section 228(3)	Accounts for inspection by any Member of the Council	Strategic Finance Director
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	Chief Executive


	returns and the holding of those documents for public 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>	<p>Director for Environmental Health, Executive Director for Adult Social Care and Health</p> <p>Director of Public Health</p>
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	<p>In their entirety including application to a JP for Exclusion Order and subsequent removal to a secure hospital for treatment</p> <p>restrictions in relation to a thing, body or human remains or premises</p>	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 for Adult Social Care and Health
National Assistance (Amendment) Act 1951		
Section 1	Certification of the need for immediate action	Executive Director for Adult Social Care and Health
Local Authority Social Services Act 1970		
Section 6(A1)	Director of Adult Social Services	Executive Director for Adult Social Care and Health
Children Act 2004		
Section 18	Director of Children's Services	Executive Director for 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

Agenda Item 6.3

London Borough of Hammersmith & Fulham		 hammersmith & fulham
FULL COUNCIL		
19 October 2016		
ESTABLISHMENT OF A COMMERCIAL REVENUE COMMITTEE		
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 This report seeks the creation of a Cabinet Committee - the Commercial Revenue Committee with two Members. The Committee or the two Cabinet members will jointly have the power to approve new income opportunities and income generating business cases with a value of up to £1 million. It is proposed that the Leader will nominate another Cabinet Member to act as a substitute in the absence of one of the Committee Members.

2. RECOMMENDATIONS

- 2.1 That a Committee of Cabinet – the Commercial Revenue Committee be created with the terms of reference attached as **Appendix 1**.
- 2.2 That Councillors Ben Coleman and Max Schmid be appointed as Members of the Commercial Revenue Committee.
- 2.3 That the Leader may nominate a substitute Member to act in the absence of one of the appointed Committee members.
- 2.4 That the Council's constitution be amended to reflect the change to the Key Decision definition outlined in paragraph 7.2 and the Substitute Member Scheme in paragraph 8 of the report.

3. REASONS FOR DECISION

- 3.1 The Local Government Act 2000 permits the Leader to make arrangements for the discharge of any executive functions by the executive, another member of the executive, a committee of the executive, an area committee, or an officer of the authority.

4. BACKGROUND

- 4.1 As central government continues to reduce funding to local authorities, the Council is determined to increase net income from commercial sources to maintain services and keep down the cost of the Council to residents. For the Council to meet this challenge, it must quickly achieve a step-change in income levels and profits, both from existing activities and from new ideas and ventures.
- 4.2 The establishment of a Commercial Revenue Cabinet Committee and the delegation of decision making powers to the individual Cabinet members will enable the Council to achieve those objectives by allowing for more agile decision making to take advantage of business opportunities. It will also provide strategic leadership in this key priority area.

5. OPTIONS

- 5.1 New decision making powers are being proposed for Members i.e. single member decision making powers to approve new income opportunities and income generating business cases with a value of up to £1 million. This can be done in a meeting of the Committee or by the two Cabinet Members jointly. In the event of an equality of votes, the decision would be referred to Cabinet. The definition of a “Key Decision” will be redefined to exclude these decisions from it.

6. OPERATIONS OF THE COMMITTEE

- 6.1 The Committee will meet to approve new income opportunities and income generating business cases with a value of up to £1 million.
- 6.2 Decisions with a financial impact up to £1 million can be taken by the Committee. Any decisions more than £1 million can only be taken by Cabinet.
- 6.3 Should a decision be required in the period between Committee meetings, the Commercial Director, Managing Director of LBHF Ventures and the Strategic Finance Director have delegated authority to authorise new income opportunities and business cases with a financial impact of up to £100,000.
- 6.4 All decisions taken outside of Committee meetings will be circulated to all Committee members and reported to the next meeting of the Committee with details included in a report.
- 6.5 Access to information rules will apply to all Key Decisions taken.

- 6.6 The Committee will undertake the shareholder only decisions of HF Ventures - e.g. holding an annual shareholders meeting, approving of accounts etc.

7. DEFINITION OF A KEY DECISION

- 7.1 The Leader has allocated a “Portfolio” to each Cabinet Member and delegated to each “Portfolio Holder” responsibility for the discharge of the functions specified in that “Portfolio”. The powers currently delegated to individual Cabinet Members specifically excludes “Key Decisions”. This will continue.
- 7.2 It is being proposed that Article 12 of the constitution be amended to allow the Members of the Committee to take decision up to £1 million.

(a) Key Decisions

A “Key Decision” is an executive decision which is likely to:

- (i) result in the Council incurring expenditure which is, or the making of savings which are, significant, having regard to the Council’s budget for the service or function to which the decision relates
- (ii) be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority. (However, where practicable, the Council will also treat as “key” any decisions which have a significant effect on one ward).

In assessing whether a decision is a Key Decision, Members must consider all the circumstances of a case. However, a decision under paragraph (a)(i) will not generally be regarded as a key decision where its value is below £100,000 or, ***in the case of a business case for generating income to the Council through sale of services to non-residents where the value is less than £1,000,000.***

A decision maker may only make a Key Decision in accordance with the requirements of the Executive Procedure Rules as set out in Part 4 of this Constitution.

- 7.3 The Council is requested to approve this new definition of a Key Decision and amend Article 12 accordingly.

8. SUBSTITUTE MEMBER SCHEME

- 8.1 This report is proposing that the Leader can nominate a Cabinet Member to act as a substitute in the absence of one the members of the Committee.

Substitute Member scheme

- A substitute Member may attend a meeting of the Committee to which he/she has been appointed as a substitute Member, in substitution for a full Member of that Committee from the same political group and with the full powers of a full Member where:
 - (a) the full Member for whom the substitute Member will substitute will be absent throughout the whole of the meeting; and
 - (b) the substitute Member has notified the Chief Executive or his/her representative before the start of the meeting that he/she will be acting as substitute for that meeting, and of the name of the full Member for whom he/she will substitute.

8.2 Powers and duties

- A substitute Member shall have none of the rights of a Member of a Committee unless he/she has been substituted in accordance with Rule 8.1 above.
- Once substituted in accordance with Rule 8.1 above, the substitute Member shall have all the powers of a full Member at the meeting.

9. EQUALITY IMPLICATIONS

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

Implications completed by: Kayode Adewumi, 020 8753 2499

10. LEGAL IMPLICATIONS

- 10.1. 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. It is the view of the Monitoring Officer that the review proposed will in itself raise awareness of the provision in the Constitution amongst officer.

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

11. FINANCIAL IMPLICATIONS

- 11.1. There are no direct financial implications.

Implications completed by: Kayode Adewumi, 020 8753 2499

12. BUSINESS IMPLICATIONS

- 12.1. There are no business implications.

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

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

None.

Commercial Revenue Committee Constitution and Terms of Reference

Members

Cabinet Member for Commercial Revenue & Resident Satisfaction and the Cabinet Member for Finance

Quorum

2 Councillors

Political proportionality

Not applicable.

Co-opted Members:

None

Substitute Member

Nominated Substitute who must be a Cabinet Member

Committee's Advisers

Commercial Director,
Strategic Finance Director,
Managing Director - LBHF Ventures Limited

1. Constitution

- 1.1 This is a Cabinet Committee with powers to discharge executive functions delegated to it by the Leader as set out below. In addition, the Members of the Committee are granted single member decision making powers to approve new income opportunities and income generating business cases with a value of up to £1 million.
- 1.2 To undertake the shareholder functions of LBHF Ventures Limited.

2. Membership

- 2.1 The Cabinet Member for Commercial Revenue & Resident Satisfaction and the Cabinet Member for Finance. A nominated substitute member shall act in the absence of one of the Committee Members. The Commercial Director, Strategic Finance Director, and the Managing Director of LBHF Ventures Limited will attend the Committee as advisers.

3. Voting

- 3.1 In the event of an equality of votes, the decision will be referred to Cabinet.

4. Decision Making Powers

- 4.1 To approve new income opportunities and income generating business cases with a value of up to £1 million.
- 4.2 Decisions with a financial impact of above £1 million can only be taken by Cabinet.

- 4.3 To monitor the delivery of all aspects of approved business cases.
- 4.4 To approve and periodically review the Council's Commercial Revenue Strategy and Commercial Revenue Plan.
- 4.5 To receive the accounts of LBHF Ventures Limited.
- 4.6 To receive reports of the activities of LBHF Ventures Limited.
- 4.7 To undertake the shareholder functions of LBHF Ventures Limited.
- 4.8 All decisions taken outside of Committee meetings will be circulated to all Committee members and reported to the next meeting of the Committee with details included in a report.
- 4.9 Should a decision be required in the period between Committee meetings, the Commercial Director, Managing Director of LBHF Ventures and the Strategic Finance Director have delegated authority to authorise new income opportunities and income generating business cases with a financial impact of up to £100,000.

SPECIAL MOTION NO. 1 – REJECT ANY GOVERNMENT PROPOSAL TO FORCE COMPANIES TO LIST ALL OF THE FOREIGN WORKERS THEY EMPLOY

Standing in the names of:

- (i) Councillor Andrew Jones
- (ii) Councillor Alan De'Ath

This Council calls on Prime Minister Theresa May MP and Home Secretary Amber Rudd MP not to pursue their proposal to force companies to list all of the foreign workers they employ.

This Council recognises such a scheme would be divisive. It would be highly damaging to our Country's international reputation and to our economy. Even the suggestion of it has caused huge anxiety and upset to the thousands of foreign born citizens that have made Hammersmith & Fulham their home or workplace. That should be cause for regret by those who made it.

The Council notes the comments of the head of the British Chambers of Commerce who said such a move would amount to a "badge of shame".

Hammersmith & Fulham Council recognizes that our borough's foreign born nationals have greatly enriched our community and thanks them for the businesses they've started, the hard work they undertake and the service they give to vital public services such as this Council and our local NHS.

The Council calls on Ms May and Ms Rudd to back away from such a xenophobic scheme and instead urges them to focus their attentions on delivering a strong economy that works for all and setting a tone that prioritises unity and belonging.

Agenda Item 7.2

SPECIAL MOTION NO. 2 – SHEPHERD’S BUSH FIRE

Standing in the names of:

- (i) Councillor Adam Connell
- (ii) Councillor Sue Fennimore

This Council:

1. Praises the work of the London Fire Brigade, Metropolitan Police, London Ambulance Service, Charecroft TRA, and Council officers and contractors for their quick and effective response to the fire in Shepherd’s Court on Friday 19th August 2016, which helped ensure that no-one was seriously injured and residents’ wellbeing was looked after.
2. Thanks Tesco, Morrison’s, Queens Park Rangers, the Hammersmith and Fulham Foodbank, the K-West Hotel, Ibis, and Furnish for their generous donations and support for the local community following the fire.
3. Notes that the London Fire Brigade has determined that the cause of the fire was a faulty Whirlpool tumble dryer that the manufacturer had advised could still be safely used.
4. Recognises the devastating impact that the fire has had on residents in Shepherd’s Court and resolves to continue supporting them and working hard to help them move back into their homes as quickly as possible.
5. Calls on Whirlpool to release to the public all risk assessments relating to faulty white goods and to inform all customers of defective goods that their continued use is unsafe.
6. Resolves to support the London Fire Brigade’s Total Recalls campaign to make white goods safer, and to inform Hammersmith and Fulham residents of the danger posed by faulty white goods.

SPECIAL MOTION NO. 3 – CALLING ON THE GOVERNMENT TO ACT AND BRING ALL APPLICABLE REFUGEE CHILDREN TRAPPED IN THE “CALAIS JUNGLE” TO SAFETY IN THE UK

Standing in the names of:

- (i) Councillor Sue Fennimore
- (ii) Councillor Caroline Needham

This Council calls on the Home Secretary Amber Rudd to immediately take steps to provide safe passage to all of the applicable refugee children trapped in the Calais refugee camp that has become known as “The Calais Jungle”.

The government needs to:

1. State that it fully intends to honour the rights of the refugee children to come to the UK
2. Agree to register the children in the “Calais Jungle” and process all necessary documentation
3. Ensure sufficient funding to local authorities so that they can recruit and support the vital child care services such as fostering.

The UNHCR estimates that there are 24,000 unaccompanied child refugees in Europe. The British people have a long history of being compassionate towards refugees as happened with the Kindertransport children. We call on the current British government to follow in this tradition and to do its duty towards these refugee children.

Agenda Item 7.4

SPECIAL MOTION NO. 4 – PRIVATE RENTED SECTOR HOUSING

Standing in the names of:

- (i) Councillor Lisa Homan
- (ii) Councillor Adam Connell

This Council recognises the important contribution the Private Rented Sector makes to the provision of housing in the borough and notes that one third of all Hammersmith & Fulham households now live in a private rented home.

We recognise that the majority of private landlords renting out properties in Hammersmith & Fulham are good landlords who work in close partnership with the Council. However, the Council regrets that this is not the case for all landlords and recognises its statutory obligations to ensure that no private rented sector tenant is living in substandard accommodation.

This Council resolves to support the steps being taken by the Labour administration to consult with tenants and landlords on additional measures that can be introduced to improve the quality of the private rented sector in Hammersmith & Fulham.

The Council further applauds the Labour administration's ambition to provide a proactive, fit for purpose service that gives confidence to our many residents who are private tenants.

The Council notes that this action is sadly long overdue as there were no steps to improve the Private Rented Sector under eight years of the previous Conservative administration.

SPECIAL MOTION NO. 5 – CLOSURE OF HAMMERSMITH MAGISTRATES COURT

Standing in the names of:

- (i) Councillor Michael Cartwright
- (ii) Councillor Max Schmid

This Council is appalled by the recent announcement by the Ministry of Justice that Hammersmith Magistrates Court is to close. This follows its decision to move Hammersmith County Court to Wandsworth.

A decision has already been made to close Shepherd's Bush Police Station to the public and to sell of Fulham Police Station.

This is having a detrimental impact on residents who are either victims of or witnesses to crime and resolves to oppose the closure.

Agenda Item 7.6

SPECIAL MOTION NO. 6 – ABOLITION OF H&F COUNCIL HOUSING

Standing in the names of:

- (i) Councillor Greg Smith
- (ii) Councillor Charlie Dewhirst

This Council:

1. Notes the strong opposition of council tenants and leaseholders to the Labour administration's proposal to abolish council housing in the borough
2. Is concerned by the administration's willingness to proceed without the approval of both a majority of council tenants and a majority of council leaseholders.
3. Resolves that the misguided proposal be withdrawn before any further money is wasted on it.

SPECIAL MOTION NO. 7 – SQUATTING


Standing in the names of:

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

This Council:

1. Notes recent difficulties over squatters in the borough on non-residential and public land.
2. Welcomes the fact that squatting has been made a criminal offence on residential land and buildings.
3. Calls on the Government to extend the law to make it a criminal offence on non-residential and local authority land as well and thus avoid the delay involved in civil proceedings during which time the police are unable to act.

Agenda Item 8.1

London Borough of Hammersmith & Fulham FULL COUNCIL 19 October 2016	
TREASURY OUTTURN REPORT 2015/16	
Report of the Cabinet Member for Finance - Councillor Max Schmid	
Open report	
Classification: For Information Key Decision: No	
Wards Affected: All	
Accountable Director: Hitesh Jolapara, Strategic Finance Director	
Report Author: Halfield Jackman, Treasury Manager	Contact Details: Tel: 020 7641 4354 E-mail: hjackman@westminster.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. This report presents the Council's Outturn Treasury Report for 2015/16 in accordance with the Council's treasury management practices.

2. RECOMMENDATIONS

- 2.1. That this report be noted.

3. REASONS FOR CONSIDERATION

- 3.1. The Code of Practice on Treasury Management 2011, adopted by the Chartered Institute of Public Finance and Accountancy and later by the Council, requires the following:
 - Creation and maintenance of a treasury management policy statement which sets out the policies and objectives of the Council's treasury management activities. This was reported to the Cabinet in January 2012;
 - Creation and maintenance of treasury management practices which set out the manner in which the Council will seek to achieve those policies and objectives;
 - Receipt by the full Council of an annual treasury management strategy report for the year ahead and a mid-year review of the strategy;

- Receipt by the Cabinet Member for Finance and Strategy, the Audit and Transparency Committee and full Council of an annual review of the previous year (this report);
- Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and the execution and administration of treasury management decisions; and
- Delegation by the Council of the role of scrutinising of treasury management strategy and policy to a specific named body, which for this Council is the Audit and Transparency Committee.

4. INTRODUCTION AND BACKGROUND

4.1. Treasury management in this context is defined as:

“The management of the Council’s investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”¹

4.2. This annual treasury report covers:

- the treasury position as at 31 March 2016;
- the borrowing strategy for 2015/16;
- the borrowing outturn for 2015/16;
- compliance with treasury limits and prudential indicators;
- investment strategy for 2015/16; and
- investment outturn for 2015/16.

5. CURRENT TREASURY POSITION

5.1. The Council’s debt (all held with the Public Works Loan Board - PWLB) and investment positions at the beginning and end of the year were as follows:

£ million	31 March 2015 Principal	Rate/ Return at 31 March 2015	31 March 2016 Principal	Rate/ Return at 31 March 2016
Fixed Rate Borrowing				
General Fund (GF)	42.30	5.38%	39.62	5.11%
Housing Revenue Account (HRA)	205.30	5.38%	192.28	5.11%
Total / Weighted Average	247.60	5.38%	231.90	5.11%
Investments				
Total / Weighted Average	359.78	0.50%	299.24	0.59%

¹ Treasury Management Policy Statement adopted by Cabinet – 31 January 2012

5.2. The table below shows the allocation of interest paid and received during the year:

Fund	Interest Paid		Interest Received		Net £m
	Apportionment %	Amount £m	Apportionment %	Amount £m	
General Fund	17.1	(2.22)	62	1.25	(0.97)
Housing Revenue Account	82.9	(10.79)	25	0.48	(10.31)
other*	-	-	13	0.28	0.28
Total	100	(13.01)	100	2.01	(11.0)

* Other – Interest paid on balances held for Section 106 and other deposits.

5.3. Following the implementation of the self-financing initiative for housing, the Housing Revenue Account (HRA) is responsible for servicing 82.9% of the Council's external debt and the General Fund is responsible for the remainder.

5.4. **The Strategy for 2015/16**

5.5. The treasury strategy for 2015/16, approved by the Council on 2 February 2015, was based on the expectation that Bank rate would remain at the current level for most of the year.

5.6. Taking into account the worldwide economic climate it was considered appropriate to keep investments short-term and only invest with highly rated or UK Government backed institutions, resulting in relatively low returns compared to borrowing rates.

5.7. Due to the level of cash balances held by the Council (£360 million at 31 March 2015), it was anticipated that there would not be any need to borrow during 2015/16.

5.8. **Outturn for 2015/16**

5.9. Market expectations for an increase in Bank Rate moved during the year, starting at the third quarter of 2015, moving to the first quarter of 2016 and ending the year at the second quarter of 2017. Post year end the Base Rate has been cut to 0.25% and future increased pushed further back.

5.10. There has been some market volatility in equity prices during the year with corresponding impacts on bond prices and bond yields as investors sought safe havens. Bank Rate remained unchanged at 0.5%. Growth in the UK's Gross Domestic Product fell steadily from an annual rate of 2.9% in the first quarter of 2015 to 2.1% in the fourth quarter. Inflation forecasts have also been revised downwards.

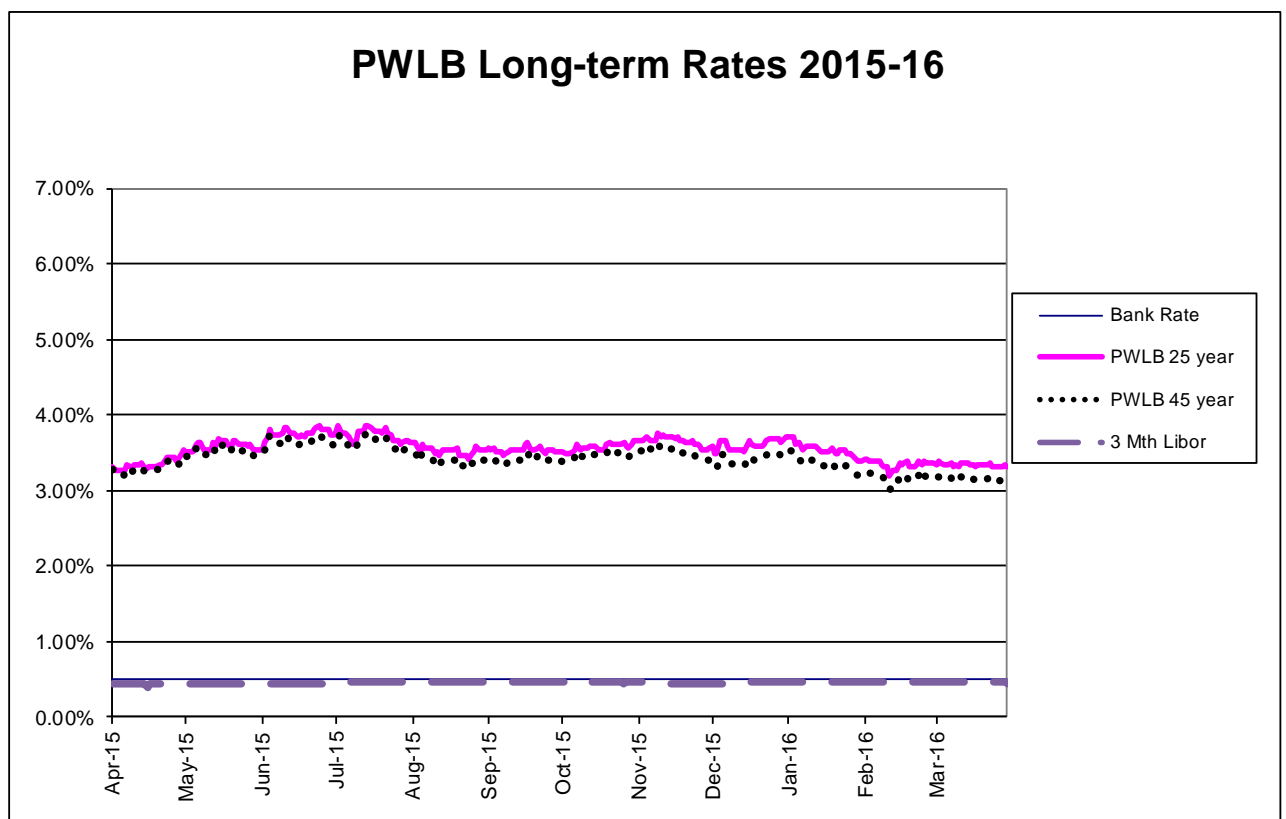
5.11. The European Central Bank commenced a quantitative easing programme in March purchasing sovereign bonds and securities from European institutions and national agencies at €60 billion a month. This is planned to continue until March 2017.

5.12. A majority Conservative government was elected in May 2015. The government has maintained the coalition's Government's fiscal policy but the recent downturn in expectations for economic growth has made it more difficult to return the public sector net borrowing to a balanced annual position.

5.13. Treasury Borrowing

5.14. No new long-term borrowing was undertaken during the year. Public Works Loans Board (PWLB) debt maturing during the year, which was not refinanced, totalled £15.7 million with an average nominal interest rate of 9.3 per cent. This resulted in a reduction in debt to £232 million and the average interest rates went from 5.38% to 5.11%.

5.15. The following graph shows the levels of Bank of England Bank rate, three month London Interbank Offer Rate (LIBOR), PWLB 25 and 45 year rates during the year:



5.16. The Bank of England Bank rate remained at its historic low of 0.5% throughout the year, for the seventh successive year. Deposit rates remained depressed during the whole year due to the ongoing weak expectation as to when the Bank rate would start rising.

5.17. In general, there has seen some movement of PWLB rates throughout the year but rates ended close to where they started.

5.18. Housing Revenue Account (HRA) Self Financing

5.19. Following the implementation of the self-financing initiative the HRA could potentially be in a position where it is internally borrowing from the general fund. In 2015/16 the HRA PWLB debt of £192 million has dropped below the HRA CFR of £205 million, which generates internal borrowing of £13 million. This difference does not, as yet, exceed the value of HRA working balances. As such, the HRA could be considered to be borrowing from itself. Moving forwards, a policy will need to be considered concerning the charging of interest in the event that the HRA is internally borrowing from the general fund. HRA reserves and working capital, in excess of the internal borrowing, represents cash balances on which interest is allocated from the general fund. As at 31 March 2016, the HRA held cash balances of £70.4 million.

5.20. Capital Financing Requirement (CFR)

5.21. As at 31 March 2016, the Council had an under-borrowed position². 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).

The Closing Capital Financing Requirement analysed between General Fund and Housing Revenue Account.

£'000	31 st March 2015 CFR	31 st March 2015 DEBT	31 st March 2016 CFR	31 st March 2016 DEBT
GF CFR (Excluding DSG funded Schools Windows Borrowing)	45.182	-	44.179	-
GF CFR (DSG funded Schools Windows borrowing)	-	-	1.117	-
GF TOTAL	45.182	42.296	45.296	39.614
HRA TOTAL	204.846	205.302	204.846	192.282
TOTAL CFR/DEBT	250.028	247.598	250.142	231.896

NB: The 'headline' CFR shown above is the consistent with capital reports. The annual accounts disclose CFR of £267.58 million due to the inclusion of PFI, finance leases and deferred cost of disposal.

² 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.

5.22. Annual Investment Strategy for 2015/16

5.23. The 2015/16 Strategy was written with the knowledge that throughout the financial crisis institutions benefited from sovereign support but changes to the regulatory regime (Bail-in) meant support would be withdrawn and Credit ratings would fall at some point within the year. These changes did not reflect deterioration in the credit environment, more a realignment away from placing the burden on Governments (and taxpayers) on to institution bondholders.

5.24. Throughout the year the Council's strategy gradually moved away from fixed deposits with Banks to higher rated and more tradable investments like Government Treasury Bills (T/Bills), Supra-Nationals Banks and European Agencies, close to maturity Bonds, Certificates of Deposit and Commercial Paper.

- The Council strategy allowed investment in the following areas:
- An unlimited investment limit with the UK Government (DMO) deposits, UK gilts, Repos and T/Bills.
- Up to a maximum of £100 million per counterparty in Supra-national Banks, European Agencies and covered bonds debt on a buy to hold basis with maturity dates of up to five years. Transport for London(TfL) and Greater London Authority (GLA) for up to three years;
- No more than £25 million to be invested with any individual Money Market Fund.
- Any financial instrument held with a UK bank limited to £70 million depending on Credit rating and Government ownership above 25%. (A self-imposed limit of £50 million was implemented which has been further reduced temporarily to £25 million)
- Any financial instrument held with a Non-UK bank limited to £50 million. (A self-imposed limit of £30 million)

5.25. A small deposit was held in a National Westminster Bank call account to aid cash flow.

5.26. Investment Outturn for 2015/16

5.27. The investments outstanding at 31 March 2016 amounted to £299.24 million invested in short-term deposits. This compares with £359.78 million short-term investments at 1 April 2015.

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

(£m)	31/03/14	31/03/15	31/03/16
Liquid Deposits	-	-	0.90
Money Market Funds	39.20	34.15	33.70
Notice Accounts	25.00	14.00	19.90
Custodian Held Assets	189.50	212.13	204.74
Term Deposits	66.50	99.50	40.00
Total	320.20	359.78	299.24

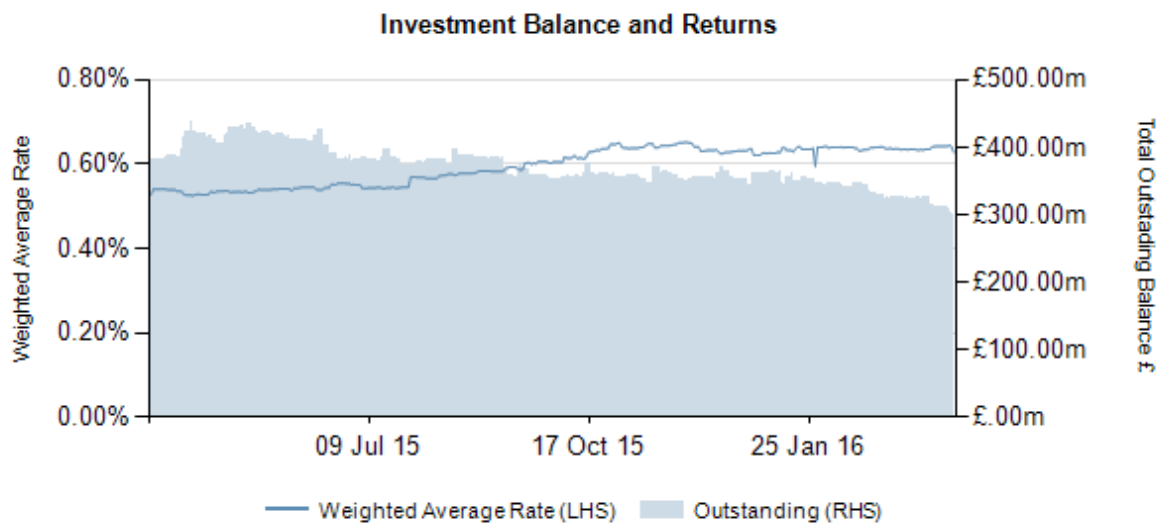
5.29. Investment balances reduced by £60 million during the year. The value of cash available for investment is impacted by:

- New borrowing and debt maturities,
- The capital programme – acquisitions and disposals
- Changes in reserves – additional reserves represent income banked for future use,
- Changes in debtors and creditors (working capital) – collecting debts more quickly increases cash balances while paying creditors more quickly leads to lower cash balances

5.30. Changes in cash are therefore an aggregation of many factors and are not equivalent to measuring the Council’s overall surplus or deficit in the year. For example a reduction in cash due to paying creditors more quickly could be seen as socially responsible, where as an increase in cash due to delaying payments will be seen in a less favourable light. The main factors impacting on the reduction in investment balances in 2015-16 are:

- Debt maturities of £16 million
- Cash in transit of £31 million not banked relating to schools, which is reflected in higher debtor balances.
- Reduction in creditors for grants and provisions of £12 million (cash reduction)
- Other factors in aggregation – net cash reduction of £1 million.

5.31. The investments outstanding during the year together with the average return are shown in the diagram below. Cash balances varied between £435 million and £300 million reflecting the timing of the Council’s income and expenditure. Balances tend to be highest in the June quarter due to grant and Council tax payments



5.32. The average return achieved on investments managed internally for the year was 0.59 per cent compared to the average 7 day money market rate (uncompounded) of 0.36 per cent. The total interest received of £2 million (compared with a weighted average of 0.50 per cent and a total interest £1.85 million for 2014/15). Interest rates remained low throughout the year; the Council follows a low risk strategy and does not seek potential higher returns which would increase counterparty risk.

6. COMPLIANCE WITH TREASURY LIMITS AND PRUDENTIAL INDICATORS

6.1. During the financial year the Council operated within the treasury limits set out in the Council's Treasury Policy Statement and Treasury Strategy Statement. The outturn for Treasury Management Prudential Indicators is shown in **appendix A**.

6.2. Non Treasury related Prudential Indicators are set and monitored as part of the Council's Budget process.

7. CONSULTATION

7.1. N/A – for information only.

8. EQUALITY IMPLICATIONS

8.1. N/A – for information only.

9. LEGAL IMPLICATIONS

9.1. N/A – for information only.

10. FINANCIAL AND RESOURCES IMPLICATIONS

10.1. N/A – for information only.

11. RISK MANAGEMENT

11.1. N/A – for information only.

12. PROCUREMENT AND IT STRATEGY IMPLICATIONS

12.1. N/A – for information only.

LOCAL GOVERNMENT ACT 2000

LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

None.

LIST OF APPENDICES:


Appendix A – Treasury Management Prudential indicators

**LBHF – TREASURY MANAGEMENT PRUDENTIAL INDICATORS
2015/16**

Indicator	Approved Limit	Actual Debt	No. of days Limit Exceeded
Authorised Limit ³	£345m		None
Operational Boundary ⁴	£290m	£231.9m	None
Interest Rate Exposure	Lower Limit	Upper Limit	Actual at 31 Mar 2016
Fixed Rate Debt	£0m	£345m	£232m
Variable Rate Debt	£0m	£69m	£0m
Maturity Structure of Borrowing	Lower Limit	Upper Limit	Actual at 31 Mar 2016
Under 12 Months	0%	15%	3%
12 Mths to within 24 Mths	0%	15%	3%
24 Mths to within 5 years	0%	60%	11%
5 years to within 10 years	0%	75%	9%
Over 10 years	0%	100%	74%

³ 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.

⁴ The Operational Boundary is the expected normal upper requirement for borrowing in the year.

<p>London Borough of Hammersmith & Fulham</p> <p>FULL COUNCIL</p> <p>19 October 2016</p>	
<p>ANNUAL REPORT OF THE CHAIR OF THE AUDIT, PENSIONS AND STANDARDS COMMITTEE 2015/16</p>	
<p>Report of the Chair of the Audit, Pensions and Standards Committee</p>	
<p>Open Report</p>	
<p>Classification: For Information Key Decision: No</p>	
<p>Wards Affected: None</p>	
<p>Accountable Director: Hitesh Jolapara, Strategic Finance Director</p>	
<p>Report Author: Geoffrey Drake, Senior Audit Manager</p>	<p>Contact Details: Tel: 0208 753 2529 E-mail: geoff.drake@lbhf.gov.uk</p>

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 2015 to 31 March 2016 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 2015/16. 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. Throughout the period the Committee has actively contributed to leading and shaping change in all areas of its responsibilities. Key achievements include:
- Oversight and scrutiny of Shared Service arrangements for risk management. Regular risk management reports to the committee provide transparency on risk management performance. Departments also are required to attend committee to provide additional 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 monitoring of the Council's exposure to Information 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 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 the Managed Services programme, Riverside Studios, and Fulham Palace Trust;
 - Scrutiny of the Council's Annual Governance Statement;
 - Review of Internal Audit compliance with the Public Sector Internal Audit Standards;
 - Approval of the 2015/16 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 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 Committee monitors the action plans and progress in implementing them at each of their meetings.
- 4.5. 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 in accordance with the Accounts and Audit regulations. The Audit, Pensions and Standards Committee's contribution to the corporate governance of the Council is reflected in the Annual Governance Statement. This year the review of governance re-states that the Council is again compliant with the CIPFA/SOLACE governance guidance issued in 2007.
- 4.6. 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

- 4.7. 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 management assurance statements from departmental heads and specialist interest areas such as IT and procurement.

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

Risk Management

- 4.9. The council has faced many challenges during the year not least as a result of further budget reductions due to cuts in Local Government Finance imposed on us by national government, the uncertainty caused following the referendum and decision to leave the European Union, the performance of the Managed Services system, supply chain resilience, transition of IT. servers and systems from the Hammersmith and Fulham Bridge Partnership and increase in focus generally on how information is managed. In addressing this last issue the Committee paid particular attention to the Information Commissioner and monetary penalties being imposed on other Public Bodies and the measures put into place to train Officers.
- 4.10. During the period the Committee responded swiftly to other emerging threats including a review of the Council's response to potential cyber risks, hacking and cyber ransoms that other Local Authorities have experienced. Service departments risk registers have been assessed and recommendations adopted to improve quality and reporting. The Committee were informed of the outcomes of the Internal Audits of Risk Management both corporately and of departments once more a positive assurance was attained.
- 4.11. 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.
- 4.12. The council also received the 2014/15 year annual Corporate Health and Safety report as part of its role to review areas of risk, to satisfy itself that the council is fulfilling its legal duty of care.

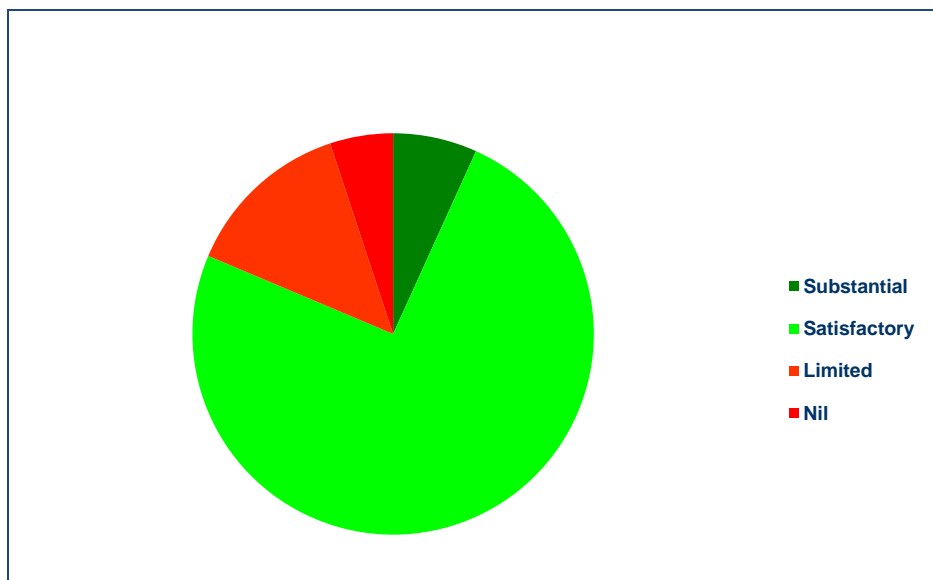
Internal Audit

- 4.13. 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 93% of the plans were delivered.
- 4.14. Professional Internal Audit standards plus the UK Public Sector Internal Audit Standards (UKPSIAS) require that internal audit services undergo a periodic independent review. The LBHF Internal Audit service underwent an independent peer review during 2015 and the results were reported to the Committee. The review confirmed that the service 'generally conforms' with the UKPSIAS, meaning that they comply with the requirements in all material respects.

- 4.15. The Internal Audit plans for the 2015/16 year were developed using the departmental and the corporate risk registers plus the audit universe document as a basis supported by Internal Audit knowledge input. The draft plans were then reviewed and updated with departments through a series of planning meetings with the service directors after which the plans were approved by the Business Board and the Committee.
- 4.16. The annual Head of Internal Assurance Report concluded that 'The work carried out by the Council's Internal Audit Service in the financial year 2015/16 found that, in the areas audited, internal control systems were generally effective with 81.4% of the audits undertaken receiving a positive assurance opinion. There are a few areas where control improvements are required and compliance with agreed systems could be improved. In each case, action plans are in place to remedy the weaknesses identified. These will be followed up by the Internal Audit service until they are completed. It should be noted that a number of issues concerning compliance were directly or indirectly related to the implementation of the Managed Services Programme. It is anticipated that these issues have or will be addressed within the near future.' During the financial year 2015/16, the following significant issues were identified from Internal Audit work:
- Two limited assurance reports were issued in relation to the Managed Services Programme: A High Level review of new Controls and Processes, and; Implementation Planning.
 - Weaknesses were found within the Premises Licensing Audit, mainly related to the implementation of the Agresso system. The implementation of Agresso also affected a number of other audits but not sufficiently to impact on the assurance opinion provided.
 - Weaknesses were found in the governance of Mental Health Section 75 Agreements;
 - One school received Limited Assurance opinions (Kenmont Primary School), and two schools received Nil Assurance opinions (Brackenbury and Fulham Primary Schools);
 - Weaknesses were found within the letting and management of Council owned garages, and;
 - The main Managed Services audits due to be undertaken in 2015/16 could not be undertaken for a number of reasons including a lack of auditor access and delays in implementing aspects of the system. Corrective action is being undertaken by both Council staff and the Managed Service provider and mitigating actions have been taken by the Council to minimise the impact of any errors identified on the Council's financial management information. Although the Council has been proactive in identifying errors and weaknesses to the Managed Services provider, it should be noted that until robust controls and systems are embedded, the potential for further related or unrelated errors, cannot be ruled out.

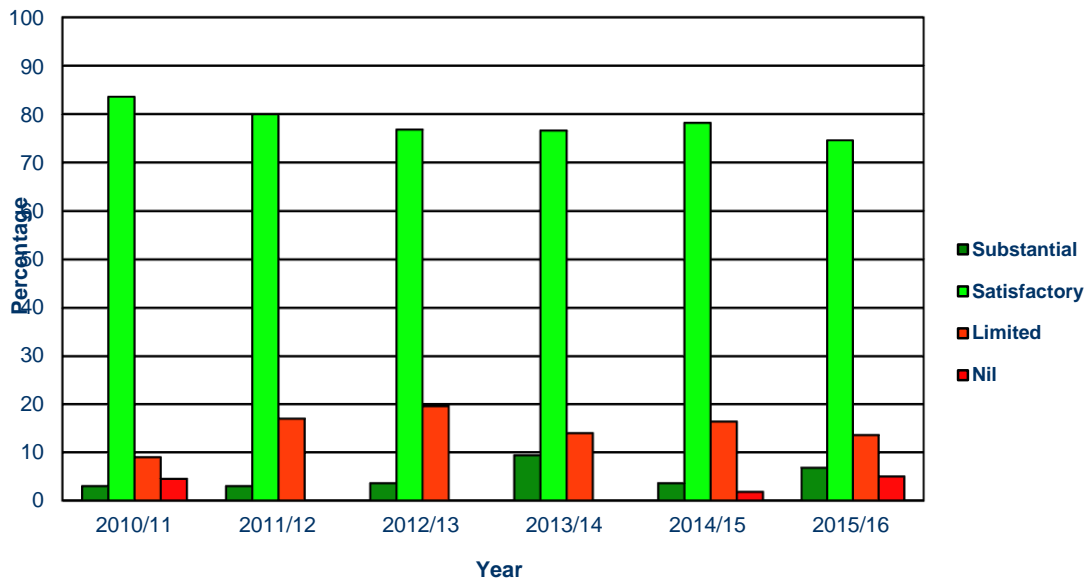
4.17. The pie chart below shows the levels of audit assurance achieved for the 2015/16 year, so that it covers all audits covering systems that support delivery of LBHF services. 81.4% of the systems audited achieved an assurance level of Satisfactory or higher, of which four audits received Substantial Assurance. 13.6% received a Limited Assurance, plus three Nil Assurance reports were issued in 2015/16 of which two were schools.

Assurance Levels for the year to 31 March 2016



4.18. To help put this into context 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 number of limited assurance and substantial assurance reports although nil assurance numbers have increased from one to three.

Assurance Levels of Reports from 2010/11 to 2015/16



Acceptance and implementation of Internal Audit recommendations

- 4.19. All of the recommendations made during the year were accepted by management. Whilst 18 reports remain at the draft report stage we have been provided with assurance by management as part of the debrief meeting process that the recommendations made will be implemented.
- 4.20. The table below shows the number of audit recommendations raised each year that have been reported as implemented. This helps to demonstrate the role of Internal Audit as an agent of change for the council.

Year	Number of recommendations due	Number of recommendations implemented
2013/14	248	247
2014/15	203	191
2015/16	114	52

4.21. In total, 49 recommendations have been followed up by Internal Audit, of which 39 were either fully implemented or no longer relevant, representing 80% of all those tested. If partially implemented recommendations are added this totals 96% of all those tested. This is an improvement since 2014/15 and provides reasonable confidence that recommendations reported as implemented have been effectively actioned. The results of our follow up visits can be seen in Appendix D.

4.22. The committee has continued 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

- 4.23. During the 2015/16 year CAFS (Corporate Anti-Fraud Service) identified 109 positive outcomes against a target of 100, including eight prosecutions, 30 recovered tenancies and seven Proceeds of Crime Act (POCA) recoveries totalling £409,284.
- 4.24. As a consequence of its counter fraud work the unit identified total fraud to the value of approximately £4.4 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.
- 4.25. The financial year 2015/16 was first year of anti-fraud work with a reduced establishment following the Government's decision to centralise the investigation of housing benefit fraud, creating a Single Fraud Investigation Service. On 1 March 2015 four investigators from CAFS transferred their employment to the Department for Work and Pensions.
- 4.26. 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

- 4.27. Following the circulation of guidance to the Committee members on local government accounts, the Committee reviewed the 2014/15 year annual accounts in its meeting in September 2015 in undertaking its role as the Approval of Accounts Committee. The Committee reviewed and interpreted the accounts raising informed questions prior to approving the accounts. As part of this process the Committee also reviewed the Annual Governance Statement (AGS), they then tracked the action plans arising from the control weaknesses identified in the AGS to consider their appropriateness and then review the progress made against those plans.
- 4.28. 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, the grants report, and the External Audit plan.
- 4.29. The Committee also received Treasury Management reports including the mid-year position, strategy report where the Committee approved the future borrowing and investment strategies plus the interest rate to be paid to the

Housing Revenue Account (HRA) on unapplied HRA receipts and HRA cash balances.

Additional Issues

- 4.30. Throughout the year the Committee received updates on the Managed Services project that is designed to deliver new financial and Human Resources processes. A special meeting was held in January 2016 to review the situation more fully including receiving a Lessons to Learn report, reflecting the Committee's concerns in relation to the project and the services it is delivering. The Committee continues to keep this under review.
- 4.31. The committee received a report on Riverside Studios at its December 2015 meeting. The Committee received an officer report on a funding shortfall in re-providing the Riverside Studio facilities in full. The Committee asked for additional information to be provided.
- 4.32. The Committee received an officer report on Fulham Palace Trust at its June 2015 meeting requesting the council to fund a pension deficit relating to staff transferred from the council. The committee resolved that the request should follow the traditional grant funding process and that in future when a trust is being formed the council should recommend trustees seek independent financial advice.

Significant Issues

- 4.33. The Committee dealt with a number of significant issues during the 2015/16 year.
- 4.34. 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 steady state, the Committee continue to keep this under review.
- 4.35. 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.
- 4.36. The Committee also followed up on the earlier NNDR fraud discussing with officers the actions being taken to prosecute individuals.

Future developments

- 4.37. 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 shared services 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 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 implications on services of the decision to leave the European Union.
- 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;
- The IT transition Programme including the managed winding down of ICT operations undertaken by the Hammersmith and Bridge Partnership as the contract expires in October 2016.
- Major repairs to Hammersmith Bridge works to be undertaken which are part funded by TFL and the impact on the local transport network.
- Ongoing consultation and review of the options with the Housing Stock.

5. PROPOSAL AND ISSUES

5.1. Not Applicable

6. OPTIONS AND ANALYSIS OF OPTIONS

6.1. Not Applicable.

7. CONSULTATION

7.1. Not Applicable.

8. EQUALITY IMPLICATIONS

8.1. Not applicable

9. LEGAL IMPLICATIONS

9.1. Not applicable

10. FINANCIAL AND RESOURCES IMPLICATIONS

10.1. Not applicable

11. RISK MANAGEMENT

11.1. Not applicable

12. PROCUREMENT AND IT STRATEGY IMPLICATIONS

12.1. Not applicable

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

**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)

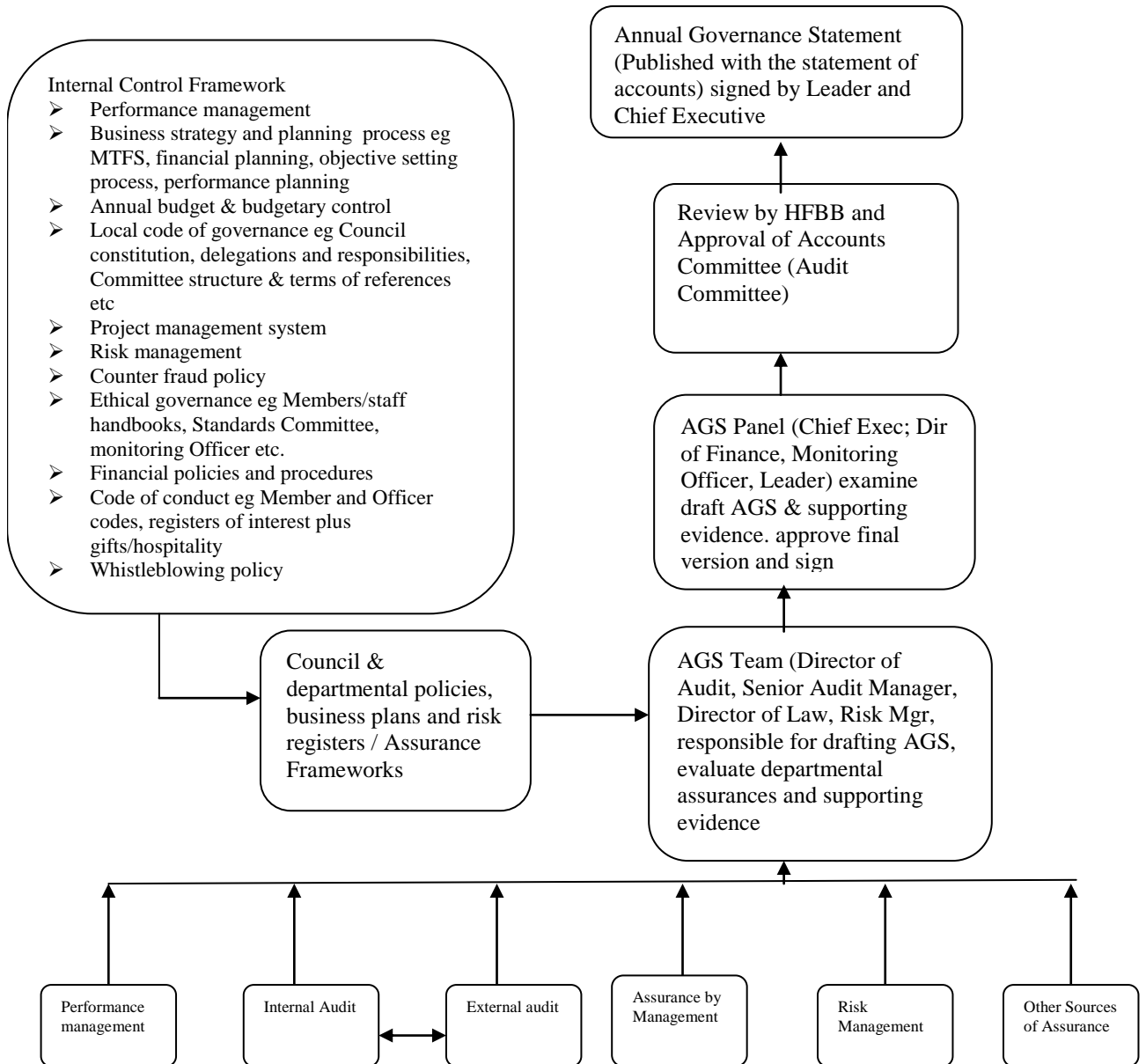
- 6.6. To determine the overall investment strategy and strategic asset allocation of the Pension Fund.
- 6.7. To appoint the investment manager(s), custodian, actuary and any independent external advisors felt to be necessary for the good stewardship of the Pension Fund.
- 6.8. To monitor the qualitative 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



London Borough of Hammersmith & Fulham FULL COUNCIL 19 October 2016		 hammersmith & fulham
PENSIONS BOARD ANNUAL REVIEW OF ACTIVITIES		
Report of the Strategic Finance Director – Hitesh Jolapara		
Open Report		
Classification: For Information Key Decision: No		
Wards Affected: None		
Accountable Director: George Bruce, Director of Treasury and Pensions		
Report Author: Nicola Webb, Pension Fund Officer	Contact Details: Tel: 020 76414331 E-mail: nwebb@westminster.gov.uk	

1. EXECUTIVE SUMMARY

- 1.1. The Pensions Board’s terms of reference require that it should prepare an annual report on its activities and its compliance with the terms of reference for submission to full Council. The report summarises the work undertaken by the Board during the year.

2. RECOMMENDATIONS

- 2.1. That Council note the report.

3. REASONS FOR DECISION

- 3.1. To comply with the process set out in the Pensions Board terms of reference.

4. PROPOSAL AND ISSUES

- 4.1. The report attached at Appendix 1 summarises the activities undertaken by the Pensions Board in the first year of operation. The Board agreed the report at their meeting on 14th September 2016 and Pensions sub-committee noted it at their meeting on 21st September 2016.

5. OPTIONS AND ANALYSIS OF OPTIONS

- 5.1. None applicable.

6. CONSULTATION

6.1. Not applicable.

7. EQUALITY IMPLICATIONS

7.1. Not applicable.

8. LEGAL IMPLICATIONS

8.1. None.

9. FINANCIAL IMPLICATIONS

9.1. None.

10. IMPLICATIONS FOR BUSINESS


10.1. None.

11. BACKGROUND PAPERS USED IN PREPARING THIS REPORT

11.1. None.

LIST OF APPENDICES:

Appendix 1: Pension Board report – Annual Review of activities – 14th September 2016

<p style="text-align: center;">London Borough of Hammersmith & Fulham</p> <p style="text-align: center;">PENSIONS BOARD</p> <p style="text-align: center;">14TH SEPTEMBER 2016</p>	
ANNUAL REVIEW OF ACTIVITIES	
Report of the Strategic Finance Director	
Open Report	
<p>Classification - For Decision</p> <p>Key Decision: No</p>	
Wards Affected: None	
Accountable Director: George Bruce, Director of Treasury and Pensions	
Report Author: Nicola Webb, Pension Fund Officer	<p>Contact Details: Tel: 020 7641 4331 E-mail: nwebb@westminster.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1 The Pensions Board's terms of reference require that it should prepare an annual report on its activities and its compliance with the terms of reference. This report is addressed to full Council each year and submitted to the Pensions Sub-committee for noting prior to submission to Council. The report summarises the work undertaken by the Board during the year.

2. RECOMMENDATIONS

- 2.1. That the Board approve this draft annual report of activities for submission to Pensions sub-committee and full Council.

3. REASONS FOR DECISION

- 3.1. The Board's terms of reference requires the submission of an annual report on its activities to Pensions sub-committee and full Council.

4. PROPOSAL AND ISSUES

4.1. Local Pension Boards were established under the 2013 Public Service Pensions Act. Each pension administering authority was required to establish a Board by 1st April 2015 to assist with the effective and efficient governance and administration of the scheme. The Board is also tasked with ensuring compliance with the various legislative requirements and those of the pension's regulator, and this adds to the already well developed governance structure which underpins the Hammersmith and Fulham pension scheme.

4.2. The London Borough of Hammersmith and Fulham Pensions Board held its first meeting on 30th July 2015. The members of the Board are listed below. Members of the Board are invited to attend the Pensions Sub-committee as observers. Officers of the Council also attend Board meeting to support the members.

Employer Representatives:

Cllr Ali Hashem (Chair) – representing the Council

Cllr Rory Vaughan – representing the Council

Richard Gregg – representing the Admitted and Scheduled Bodies

Employee Representatives:

Orin Miller (Vice Chair)

Eric Kersey

Neil Newton

4.3. The terms of reference for the Board were set by full Council on 25th February 2015 and noted by the Board at their first meeting. They are attached at Appendix 1 for information.

4.4. Two formal meetings were held during the first year of the Board's establishment on 30th July 2015 and 23rd February 2016. In addition an informal joint meeting with the Pensions sub-committee was held on 16th September 2015 to discuss the roles of each body.

Knowledge and Skills

4.5. The first year has seen the Board developing its role and ensuring that members receive the training necessary to undertake the role. The following training sessions were arranged and attended by the majority of the Board members:

12th November 2015 – Introductory session 1 covering the national governance framework for the LGPS, the role of Pensions Board and Pensions sub-committee and the requirements for knowledge and skills.

30th November 2015 – Introductory session 2 covering pensions legislation and the operation of the pension scheme in Hammersmith and Fulham.

9th February 2016 – Briefing on triennial actuarial valuations by the Fund Actuary.

- 4.6. Following these training sessions, all members of the Board completed self-assessment forms in line with the Knowledge and Skills policy to identify remaining training gaps. Two further modules of training are being arranged in response to this to take place in Autumn 2016.

Meetings of the Board

- 4.7. At the first formal meeting on 30th July 2015 the following agenda items were discussed:

Role of the Pension Board
Terms of Reference
Code of Conduct
Conflict of Interest Policy
Knowledge and Skills Policy
Role of the Pensions Sub-Committee
Pension Fund Key Documents

- 4.8. The focus of this meeting was the adoption appropriate policies for the Board's operation and an introduction to the running of the scheme through the consideration of the Pension Scheme's key documents such as the Funding Strategy Statement, the Statement of Investment Principles, the Annual Report and Communications Policy.

- 4.9. On 16th September 2015 the Board had an informal joint meeting with the members of the Pensions sub-committee. The aim of the meeting was to agree areas of focus for the two bodies to ensure their work complemented each other and did not overlap.

- 4.10. At the meeting the Board determined it wished to focus on the administration of the Pension Fund and consider performance indicators from the administrators Surrey County Council on a regular basis. In addition to this, they determined they wished to review communications with scheme members and consider how the scheme measures and monitors the risks within the scheme. They wished to understand and monitor the progress of the triennial actuarial valuation at 31st March 2016. The Board and sub-committee also agreed that they should receive the minutes of each other's meetings to keep abreast of areas being discussed.

- 4.11. The next formal meeting of the Board took place on 23rd February 2016 when the following agenda items were discussed:

Pensions Sub-Committee Minutes
Review of Pension Fund Risk Register
Knowledge and Skills Review

- 4.12. The Board discussed a range of issues under the risk register item including the transition of the administration from Capita to Surrey County Council and the on-going issues arising from this and the impact on scheme members. The forthcoming triennial actuarial valuation was also discussed with the Board expressing their wish to be involved in any briefings from the Fund Actuary, alongside Pensions sub-committee members.

Future plans

- 4.13. In 2016/17 the Board will continue to develop its role in assisting and constructively challenging officers and the Pensions sub-committee to deliver effective management of the scheme. In addition to continuing to monitor the administration of the scheme, the Board will be focusing on the triennial actuarial valuation of the Fund and the process for setting employer contribution rates for the employers participating in the Fund from 1st April 2017.

5. OPTIONS AND ANALYSIS OF OPTIONS

- 5.1. Not applicable.

6. CONSULTATION

- 6.1. This report will be submitted to the Pensions sub-committee for noting before being considered by full Council in line with the Board's terms of reference.

7. EQUALITY IMPLICATIONS

- 7.1. Not applicable.

8. LEGAL IMPLICATIONS

- 8.1. None.

9. FINANCIAL IMPLICATIONS

- 9.1. None.

10. IMPLICATIONS FOR BUSINESS

- 10.1. None.

11. BACKGROUND PAPERS USED IN PREPARING THIS REPORT

11.1. None

LIST OF APPENDICES:

Appendix 1: Terms of Reference – London Borough of Hammersmith and Fulham
Pensions Board

Terms of Reference: London Borough of Hammersmith & Fulham Pensions Board

The purpose of this document is to set out the terms of reference for the local Pension Board of the London Borough of Hammersmith & Fulham Pension Fund.

1. Role of the Local Pension Board

The role of the local Pension Board is defined by section 5 of the Public Service Pensions Act 2013 and regulation 106 of the Local Government Pension Scheme (LGPS) Governance Regulations 2013. It is to assist the administering authority (the Council) with:

- Securing compliance with the LGPS Governance regulations and any other legislation relating to the governance and administration of the LGPS
- Securing compliance with any requirements imposed by the Pensions Regulator in relation to the scheme and
- Ensuring effective and efficient governance and administration of the scheme- recommendations to the Pensions Sub-Committee.

2. Membership

a. Appointment process

The Pension Board shall consist of six members and be constituted as follows:

- Three employer representatives comprising one from an admitted or scheduled body and two nominated by the Council; and
- Three scheme member representatives whether from the Council or an admitted or scheduled body.

The process for selecting non-Council nominated employer members of the Pension Board is set out in a separate document "Selection of Pension Board members".

b. Quorum

The Pension Board shall be quorate when three Pension Board Members are in attendance.

c. Chair of the Board

The Chair and Vice Chair of the Board will be appointed by members of the Board as the first business at their first meeting.

d. Substitute Members

Each Scheme Member representative may agree a nominate substitute at the first meeting who would act in the Board member's absence.

Each Employer representative is there on behalf of the employer so may be replaced by the nominating body with another individual representing the same employer.

e. Periods of Office

Each Board Member shall be appointed for a fixed period of two years, which can be extended for a further two year period subject to re-nomination.

f. Termination

Each Board member should endeavour to attend all Board meetings during the year and is required to attend at least two meetings each year. In the event of consistent non-attendance by any Board member, then the membership of that particular Board member should be reviewed by the other Board members with advice from Officers.

Other than by ceasing to be eligible as set out above, a Board member may only be removed from office during a term of appointment by the unanimous agreement of all the other Board members present at the meeting.

A Board member may choose not to continue in their role, and so shall notify the Board accordingly following which the process for a replacement shall start.

3. Board Meetings

a. Frequency of meetings

The Board shall as a minimum meet twice a year, and where possible, should aim to do so four weeks before the Pensions Sub-Committee meets.

Meetings shall take place at a time and place agreed by the Pensions Board on an annual basis.

b. Voting Rights

Each Board member will be entitled to vote and where a vote is taken the matter will be decided by a majority of the Board members present and voting but it is expected that the Pension Board will as far as possible reach a consensus. In the event of an equality of votes, the Chair will have a second and or a casting vote.

c. Notice and Circulation of Papers

The papers for each Board meeting shall be circulated to all Board members one calendar week in advance of each meeting. The papers shall be published on the Council's website unless they contain material considered to be exempt or confidential, as defined by the Local Government Act 1972 and subsequently agreed as such by the Board.

d. Minutes

Minutes of all non-confidential or non-exempt parts of the Board's meetings shall be recorded and published on the Council's website.

e. Secretariat Service

Council officers will provide the Board with the secretariat services required.

4. Role of Advisers

a. Access to Council advisers

The Board may request that one of the Council's advisers attends a Board meeting to provide advice or information to the Board. The request should be submitted to the Executive Director for Finance and Corporate Governance.

b. Appointment of advisers specifically for the Board

If the Board requires advice outside that already provided to the Council, then the request should be made to the Pensions Sub-Committee and Council officers.

5. Budget and Expenses

a. Budget

An annual budget will be agreed by the Board for professional advice, training or other purposes if such matters are required and Officers being authorised to incur expenditure to implement the programme.

b. Expenses

Each Board member may claim, upon production of the relevant receipts, travel expenses directly incurred in the work of the Pension Board.

6. Additional policies relating to the Board Operations

a. Code of Conduct

The role of Pension Board members requires the highest standards of conduct and therefore, all Board members are required to abide by the Pension Board Code of Conduct.

b. Conflict of Interests

The Board is required to always act within these terms of reference. Board members should abide by the separately prepared Conflicts Policy and keep the policy under review.

c. Knowledge and Understanding

All Board members are required to have sufficient knowledge and understanding of pensions matters to undertake their roles. Board members are expected to comply with the separate policy on knowledge and understanding and maintain appropriate records.

7. Reporting

a. Annual report on activity

The Pension Board should prepare an annual report on its activities and its compliance with these terms of reference and the associated policies. This report should be addressed to full Council each year, in the first six months of the financial year, reporting on the activities of the Pension Board for the previous financial year. Such a report will be submitted to the Pension Sub-Committee for noting prior to submission to Council.

b. Reporting Recommendations

If the Pension Board determines that it wishes to make recommendations to the Pension Sub-Committee, such recommendations should be reported to the next meeting of the Pension Sub-Committee. The Pension Sub-

Committee's response to the recommendation will be reported to the next meeting of the Pension Board.