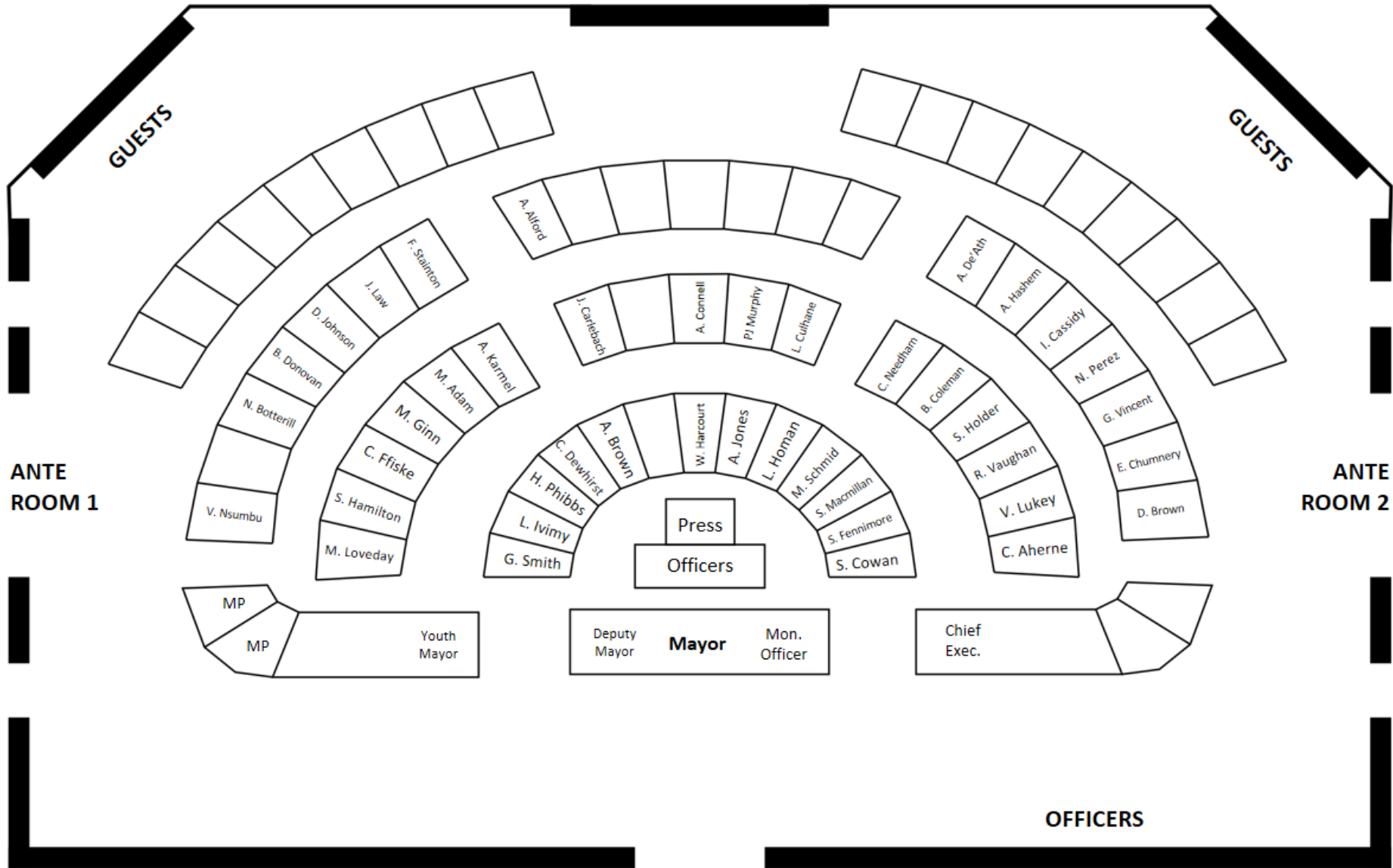


COUNCIL AGENDA

ANNUAL COUNCIL MEETING

Wednesday 17 May 2017

COUNCIL CHAMBER SEATING 2017/18



COUNCIL CHAMBER FOYER

OFFICERS

ANTE ROOM 1

ANTE ROOM 2



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)

RAVENSCOURT PARK

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

ASKEW

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

MUNSTER

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

SANDS END

Steve Hamilton (C)
Vacancy
Jane Law (C)

AVONMORE &
BROOK GREEN

Vacancy
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 17 May 2017
at Hammersmith Town Hall, W6

The Council will meet at 7.00pm

09 May 2017
Town Hall
Hammersmith W6

Kim Dero
Chief Executive

Full Council Agenda

17 May 2017

<u>Item</u>		<u>Pages</u>
1. ELECTION OF THE MAYOR		
	To receive nominations for the election of a Mayor for the 2017/18 Municipal Year.	
	To appoint a Deputy Mayor for the 2017/18 Municipal Year.	
2. MINUTES		1 - 4
	To approve the minutes of the meeting held on 22 March 2017.	
3. APOLOGIES FOR ABSENCE		
4. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS		
5. DECLARATIONS OF INTERESTS		
	<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.</p>	

6.	ITEMS FOR DISCUSSION/COMMITTEE REPORTS	
6.1	PARTY APPOINTMENTS FOR THE 2017/18 MUNICIPAL YEAR To note the appointments made by the Party Groups on the Council for the 2017/18 Municipal Year.	5
6.2	APPOINTMENT BY THE LEADER OF THE DEPUTY LEADER AND CABINET To note the appointment by the Leader of the Deputy Leader and the Cabinet.	6 - 7
6.3	ALLOCATION OF SEATS AND PROPORTIONALITY ON COMMITTEES This report details the proportional division of seats on the Standing Committees and the Members appointed to them.	8 - 13
6.4	APPOINTMENT OF CHAIRS AND COMMITTEE MEMBERSHIPS The Council is asked to agree the appointments of Chairs and Memberships of Regulatory, Policy and Accountability and other Committees for the Municipal Year 2017/18.	14 - 17
6.5	COUNCIL APPOINTMENTS TO LOCAL GOVERNMENT ORGANISATIONS AND OUTSIDE BODIES The Council is asked to appoint representatives to Local Government Organisations and Outside Bodies.	18 - 22
6.6	REVIEW OF THE CONSTITUTION To approve and re-adopt the Council's Constitution for the 2017/18 Municipal Year.	23 - 53
6.7	MEMBERS' ALLOWANCES SCHEME This report provides an update to the Members' Allowances Scheme.	54 - 59
6.8	STATEMENT OF LICENSING POLICY To approve and adopt the revised Statement of Licensing Policy.	60 - 123
7.	INFORMATION REPORTS - TO NOTE	
7.1	THE LEADER'S ANNUAL REPORT (VERBAL)	
7.2	ANNUAL REPORT OF THE POLICY AND ACCOUNTABILITY COMMITTEES 2016-17 This report highlights the work of the Policy and Accountability Committees during the 2016/17 Municipal Year.	124 - 141
7.3	SPECIAL URGENCY DECISIONS - MONITORING REPORT This report presents details of decisions taken by the Leader under the urgency provisions of the Constitution during the period 18 May 2016 to 16 May 2017.	142 - 153



COUNCIL MINUTES

EXTRAORDINARY COUNCIL MEETING

WEDNESDAY 22 MARCH 2017



PRESENT

The Mayor Councillor Mercy Umeh
Deputy Mayor Councillor Daryl Brown

Councillors:

Adronie Alford
Colin Aherne
Andrew Brown
Joe Carlebach
Michael Cartwright
Iain Cassidy
Elaine Chumnerly
Ben Coleman
Adam Connell
Stephen Cowan
Larry Culhane

Alan De'Ath
Belinda Donovan
Sue Fennimore
Steve Hamilton
Wesley Harcourt
Sharon Holder
Lucy Ivimy
Donald Johnson
Andrew Jones
Robert Largan
Jane Law

Mark Loveday
Vivienne Lukey
Sue Macmillan
PJ Murphy
Natalia Perez
Max Schmid
Greg Smith
Rory Vaughan
Guy Vincent

The Leader of the Council, Councillor Stephen Cowan, and the Leader of the Opposition, Councillor Greg Smith, made speeches condemning the terrorist incident that took place at Westminster earlier in the day. The Mayor then led the Council in a minute of silence to remember the victims and their families.

1. MINUTES

RESOLVED

That the minutes of the Council Meeting held on 22 February 2017 were confirmed and signed as an accurate record.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ali Hashem, Hannah Barlow, Lisa Homan, Caroline Needham, Charlie Dewhirst, Harry Phibbs, Alex Karmel, Michael Adam, Marcus Ginn, Caroline Ffiske, Frances Stainton, Nicholas Botterill, and Viya Nsumbu.

3. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS

The Mayor noted that this was the last Council meeting of the Chief Executive, Nigel Pallace. Nigel joined the Council 25 years ago as the Assistant Director for Development Services. He worked as the Director of Environment, then Executive Director of Transport and Technical Services before becoming Chief Executive. Nigel worked on many projects that shaped the landscape of the borough including Westfield London. The Mayor, on behalf of the whole Council, thanked Nigel for his service to the borough and wished him all the best for the future.

The Leader of the Council, Councillor Stephen Cowan, and the Leader of the Opposition, Councillor Greg Smith, made speeches thanking Nigel for his contributions to the borough.

4. DECLARATIONS OF INTERESTS

There were no declarations of interest.

5. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

5.1 Appointment of the Head of Paid Service

7.15pm – The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

Speeches on the report were made by Councillors Stephen Cowan, Michael Cartwright, Sue Fennimore, and Max Schmid (for the Administration) - and Councillors Greg Smith, Joe Carlebach, and Andrew Brown (for the Opposition).

The report and recommendations were then put to the vote:

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

7.43pm – RESOLVED

1. That Ms Kim Dero be appointed to act as the Interim Chief Executive for the London Borough of Hammersmith and Fulham with effect from 1st April 2017.
2. That Ms Kim Dero be appointed to act as the Head of Paid Service for the London Borough of Hammersmith and Fulham with effect from the same date.
3. That the appointment of Ms Kim Dero as the Returning Officer and Electoral Registration Officer, be approved.

5.2 **Appointment of the Monitoring Officer**

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

Councillor Stephen Cowan made a speech on the report (for the Administration) before it was put to the vote:


FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

7.47pm – RESOLVED

1. That Rhian Davies be appointed as the Council’s interim Monitoring Officer from 22nd March 2017.
2. That the amendments to the Officers’ Scheme of delegation to reflect the role and responsibilities of the Monitoring Officer attached as appendix A, be approved.

Meeting started: 7.00 pm
Meeting ended: 7.48 pm

Mayor

London Borough of Hammersmith & Fulham FULL COUNCIL 17 May 2017		 h&f hammersmith & fulham
PARTY APPOINTMENTS FOR THE 2017/18 MUNICIPAL YEAR		
Report of the Leader of the Council – Councillor Stephen Cowan		
Open Report		
Classification: For Information Key Decision: No		
Wards Affected: None		
Accountable Director: Kim Dero – Chief Executive		
Report Author: Kayode Adewumi, Head of Governance and Scrutiny		Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 The Council is asked to note the following party appointments that have been made for the Municipal Year 2017/18:


Administration Appointments	
Administration Leader	Councillor Stephen Cowan
Administration Deputy Leader	Councillor Sue Fennimore
Administration Chief Whip	Councillor Colin Aherne
Administration Deputy Whips	Councillors Daryl Brown and Larry Culhane

Opposition Appointments	
Opposition Leader	Councillor Greg Smith
Opposition Deputy Leader	To be tabled
Opposition Whip	Councillor Mark Loveday
Opposition Deputy Whip	Councillor Viya Nsumbu

2. RECOMMENDATION

- 2.1 That the party appointments be noted.

Agenda Item 6.2

London Borough of Hammersmith & Fulham		 hammersmith & fulham
FULL COUNCIL		
17 May 2017		
APPOINTMENT BY THE LEADER OF THE DEPUTY LEADER AND CABINET		
Report of the Leader – Councillor Stephen Cowan		
Open Report		
Classification: For Decision Key Decision: No		
Wards Affected: None		
Accountable Director: Kim Dero, Chief Executive		
Report Author: Kayode Adewumi, Head of Governance and Scrutiny	Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk	

1. EXECUTIVE SUMMARY

- 1.1 The Executive¹ has a duty to carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under the constitution.
- 1.2 The Executive consists of a Leader, elected by the Council, a Deputy Leader appointed by the Leader, and up to eight Cabinet Members, also appointed by the Leader.

2. RECOMMENDATION

- 2.1 That the Council is asked to note the appointments by the Leader to the Executive, as set out below:

Executive Appointments

Deputy Leader	Councillor Sue Fennimore
Cabinet Member for Children and Education	Councillor Sue Macmillan
Cabinet Member for Economic	Councillor Andrew Jones

¹ commonly referred to as 'the Cabinet' in Hammersmith & Fulham.

Development and Regeneration

Cabinet Member for Environment, Transport & Residents Services² Councillor Wesley Harcourt

Cabinet Member for Finance Councillor Max Schmid

Cabinet Member for Health and Adult Social Care Councillor Ben Coleman

Cabinet Member for Housing Councillor Lisa Homan

Lead Members and Champions

Lead Member – Contracts Councillor Guy Vincent

Lead Member – Hospitals and Health Care Councillor Sharon Holder

Lead Member – Representative for the Armed Forces Councillor Alan De'Ath

Local Businesses Champion Councillor Alan De'Ath


Cycling Champion Councillor Iain Cassidy

LOCAL GOVERNMENT ACT 2000 - LIST OF BACKGROUND PAPERS

No background papers were used to prepare this report.

² Includes Planning, Licensing and Public Protection and Safety.

Agenda Item 6.3

<p>London Borough of Hammersmith & Fulham</p> <p>FULL COUNCIL</p> <p>17 May 2017</p>	 <p>h&f hammersmith & fulham</p>
ALLOCATION OF SEATS AND PROPORTIONALITY ON COMMITTEES	
Report of the Leader of the Council – Councillor Stephen Cowan	
Open Report	
Classification: For Decision Key Decision: No	
Wards Affected: None	
Accountable Director: Rhian Davies, Monitoring Officer	
Report Author: Kayode Adewumi, Head of Governance and Scrutiny	Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. The Council is required to confirm the proportional division of seats on the Standing Committees and to note the Members appointed to them except in relation to the Licensing Committee where the membership is determined by the Council rather than the political groups.

2. RECOMMENDATIONS

- 2.1. That the allocation of seats, as set out in Appendix 1, be noted.

3. REASONS FOR DECISION

- 3.1. The Local Government and Housing Act 1989 requires local authorities, where Members are divided into political groups, to review periodically the representation of the political groups on their Committees and Sub-Committees to ensure a political balance.

4. INTRODUCTION AND BACKGROUND

Allocation of Seats

- 4.1. Political Groups on the Council are formed in accordance with the Local Government (Committees and Political Groups) Regulations 1990 when two or

more councillors notify the Chief Executive, as Proper Officer, of their wish to be treated as a group.

- 4.2. Section 15 (1) of the Local Government and Housing Act 1989 imposes a duty on the local authority to review the allocation of seats on the committees of the Council between the political groups at its annual meeting or as soon as possible thereafter. The Council may carry out such a review at any other time and may do so if requested by a political group.
- 4.3. The following principles apply to the allocation of seats:
 - (a) That not all the seats on the body to which appointments are being made are allocated to the same political group;
 - (b) That the majority of seats on each committee are allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership;
 - (c) That, subject to (a) and (b), when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
 - (d) Subject to (a) to (c), that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.
- 4.4. Sub-committees, with the exception of the Licensing Sub-Committee, are also governed by the political balance rules, but it is not necessary to add up all the sub-committee seats and then allocate them in proportion. As far as this is practicable, the allocation of seats on each sub-committee should reflect the proportional representation of the political groups on the Council.
- 4.5. The Local Government and Housing Act 1989 requires that, once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.
- 4.6. The Cabinet, Health and Well Being Board, Pensions Board and the Licensing Committee are not required to be proportional and so are outside of the political balance calculation.
- 4.7. It is open to the Council when carrying out a review to adopt some arrangement other than that prescribed by the Act and the Regulations. Notice of such a proposal would have to be given in the Summons, and a decision would need to be made with no one voting against it. The remainder of this report therefore assumes that the Council will not want an alternative arrangement to that prescribed by law.

Political proportionality

- 4.8. The political balance of the Council can be calculated by using the simple formula below (to two decimal places):

No. of Group Members x 100/ 46

- 4.9. Following the elections held on 22 May 2014, the political balance of the Council is set out in Table 1 below:

	No. of seats on the Council	Proportionality
Labour	26	56.52
Conservative	20	43.48
Total	46	100

5. PROPOSAL AND ISSUES

- 5.1. Due to two recent resignations, the political balance of the Council is set out in Table 2 below:

	No. of seats on the Council	Proportionality
Labour	25	54.35
Conservative	19	41.30
Vacant	2	4.35
Total	46	100

- 5.2. This equates, on the basis of 70 committee seats, to 40 Majority Party, 28 Minority Party and 2 Vacant seats. Appendix 1 shows the allocation of seats and the proportionality. The principles outlined in paragraph 4.3 above have been adhered to in the allocation of seats.
- 5.3. Membership of the Council's Standing Committees (except the Licensing Committee, Pensions Board and the Health and Well Being Board) and Sub-Committees is governed by the Local Government (Committees and Political Groups) Regulations 1990, as amended, which provides for Members of Standing Committees and Sub-Committees to be those whose names have been notified to the Chief Executive, who is the duly appointed proper officer for these purposes. The Chief Executive has the power to appoint to all Standing Committees (except the Licensing Committees) and Sub-Committees in accordance with any notification received under the Regulations.
- 5.4. Both political groups on the Council have to notify the Chief Executive of the names of the Members to serve on the Standing Committees, Sub-Committees and subsidiary bodies. A separate report on the Standing Committee memberships is set out later on the agenda.

6. CONSULTATION

- 6.1. Consultation has been undertaken in respect of this report with the Leaders of each of the political groups represented on the Council. Their agreement has been obtained to the calculations relating to the allocation of seats on committees and their respective nominations will be put before Council for approval.

7. EQUALITY IMPLICATIONS

- 7.1. The Council is under a statutory duty to ensure that equality and diversity is a key part of the decision making process of the Council. This is fundamental to the Council being able to meet its statutory responsibilities.
- 7.2. Implications completed by: Kayode Adewumi, Head of Governance and Scrutiny - Tel: 020 8753 2499

8. LEGAL IMPLICATIONS

- 8.1. The legal implications are set out in the body of the report.
- 8.2. Implications verified by: Rhian Davies, Monitoring Officer - Tel: 020 7641 2729

9. FINANCIAL IMPLICATIONS

- 9.1. The cost of servicing these committees will be met through the existing budgets.
- 9.2. Implications completed by: Kayode Adewumi, Head of Governance and Scrutiny - Tel: 020 8753 2499

10. BUSINESS IMPLICATIONS

- 10.1. There are no direct implications for business.
- 10.2. Implications completed by: Kayode Adewumi, Head of Governance and Scrutiny – Tel: 020 8753 2499

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT
None.

Allocation of Seats and Proportionality

Seats are allocated with the following calculation:

$$\text{councillors in political group} \div \text{total number of councillors} \times \text{seats on committee} \\ = \text{allocation of seats (rounded to nearest whole number)}$$

Administration councillors (Labour): 25

Opposition councillors (Conservative): 19


Total number of councillors: 46 (includes 2 vacancies)

Committees	Total seats	Admin allocation	Opposition allocation	Vacant seats
Planning and Development Control Committee	10	5	4	1
Appointments Panel (H&F)	5	3	2	0
Appointments Panel (Chief Exec)	15	8	6	1
Appointments Panel (Shared)	3	2	1	0
Audit, Pensions and Standards Committee	9	5	4	0
Finance & Delivery PAC	5	3	2	0
Community Safety, Environment and Residents PAC	5	3	2	0
Children and Education PAC	5	3	2	0
Economic Regeneration, Housing and the Arts PAC	5	3	2	0
Health, Adult Social Care and Social Inclusion PAC	5	3	2	0
Wormwood Scrubs Charitable Trust	3	2	1	0

Committees	Total seats	Admin allocation	Opposition allocation	Vacant seats
Licensing	15	8	6	1
JHOSC	1	1	0	0

Sub-Committees	Total seats	Admin allocation	Opposition allocation
Licensing Sub-Committee	3	2	1
Pensions Sub-Committee	5	3	2
Audit, Pensions and Standards (Appeals) Sub-Committee	3	2	1
Audit, Pensions and Standards (Review) Sub-Committee	3	2	1
Audit, Pensions and Standards Appointments Panel	3	2	1
Audit, Pensions and Standards (Dispensation) Sub-Committee	3	2	1

Agenda Item 6.4

London Borough of Hammersmith & Fulham		 hammersmith & fulham
FULL COUNCIL		
17 May 2017		
APPOINTMENT OF CHAIRS AND COMMITTEE MEMBERSHIPS		
Report of the Leader of the Council – Councillor Stephen Cowan		
Open Report		
Classification: For Decision Key Decision: No		
Wards Affected: None		
Accountable Director: Kim Dero, Chief Executive		
Report Author: Kayode Adewumi, Head of Governance and Scrutiny	Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk	

1. EXECUTIVE SUMMARY

- 1.1 The Council is asked to appoint Members to the Regulatory, Policy and Accountability, and other Committees set out below to discharge the responsibilities for council functions as outlined in the constitution.

2. RECOMMENDATION

- 2.1 That the Council agrees the appointments of Chairs and Memberships of Regulatory, Policy and Accountability and other Committees under its Constitution for the Municipal Year 2017/18, as set out in Appendix 1.
- 2.2 This Council also notes their respective portfolios / terms of reference, as set out in the constitution.

LOCAL GOVERNMENT ACT 2000 - LIST OF BACKGROUND PAPERS

None.

Regulatory & Other Committees Memberships 2017-2018

1. **Planning and Development Control Committee**

Councillor Adam Connell (Chair)	Councillor Lucy Ivimy
Councillor Iain Cassidy (Vice Chair)	Councillor Alex Karmel
Councillor Colin Aherne	Councillor Viya Nsumbu
Councillor Wesley Harcourt	To be tabled
Councillor Natalia Perez	

2. **Licensing Committee**

Councillor Natalia Perez (Chair)	To be tabled
Councillor Daryl Brown (Vice Chair)	To be tabled
Councillor Colin Aherne	To be tabled
Councillor Iain Cassidy	To be tabled
Councillor Larry Culhane	To be tabled
Councillor Guy Vincent	To be tabled
Councillor Vivienne Lukey	
Councillor Max Schmid	

3. **Licensing Sub-Committee**

Councillor Natalia Perez (Chair)	To be tabled
Councillor Daryl Brown (Vice Chair)	

4. **Audit, Pensions and Standards Committee**

Councillor Iain Cassidy (Chair)	Councillor Mike Adam
Councillor Ben Coleman	Councillor Nick Botterill
Councillor Vivienne Lukey	Councillor Mark Loveday
Councillor PJ Murphy	Councillor Donald Johnson
Councillor Guy Vincent	

5. **Appointments Panel**

The membership of the Appointments Panel is detailed in Appendix 2 of Item 6.5 – Review of the Constitution.

6. **Audit, Pensions and Standards Committee (Appointments) Panel**

Leader (Chair)	Leader of the Opposition
Deputy Leader (Vice Chair)	
Chair of Audit, Pensions and Standards Committee <i>ex officio</i>	

7. **Audit, Pensions and Standards (Review) Sub-Committee**

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

8. **Audit, Pensions and Standards (Appeals) Sub-Committee**

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

- 9. Audit, Pensions and Standards (Dispensations) Sub-Committee**
Members for the above must be drawn from the full membership of the Audit, Pensions and Standards Committee.
- 10. Pensions Sub-Committee**
Councillor Iain Cassidy (Chair) Councillor Michael Adam
Councillor PJ Murphy Councillor Nicholas Botterill
Councillor Guy Vincent
- 11. Health and Wellbeing Board**
Cabinet Member for Health and Adult Social Care - Councillor Ben Coleman (Chair)
Councillor Rory Vaughan (Deputy)
Cabinet Member for Children and Education - Councillor Sue Macmillan
Councillor Sharon Holder (Deputy)
- 12. Wormwood Scrubs Charitable Trust**
Councillor Wesley Harcourt Councillor Joe Carlebach
Councillor Elaine Chumnerly
- 13. North West London Joint Health Overview & Scrutiny Committee**
Councillor Rory Vaughan (Voting Member)
Councillor Sharon Holder (Substitute Member)
- 14. Pensions Board**
Councillor Ali Hashem
Councillor Rory Vaughan

Other Bodies


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

- 15. Adoption and Fostering Panel**
Councillor Caroline Needham
- 16. Corporate Parenting Board**
Councillor Sue Macmillan (Chair) Councillor Joe Carlebach
Councillor Sue Fennimore
Councillor Caroline Needham

Policy and Accountability Committees Memberships 2017-18

- 17. Children and Education Policy and Accountability Committee**
Councillor Caroline Needham (Chair) Councillor Caroline Ffiske
Councillor Alan De'Ath Councillor Marcus Ginn
Councillor Elaine Chumnerly
- 18. Community Safety, Environment and Residents Services Policy and Accountability Committee**
Councillor Larry Culhane (Chair) Councillor Charlie Dewhirst
Councillor Iain Cassidy Councillor Steve Hamilton
Councillor Sharon Holder
- 19. Economic Regeneration, Housing and the Arts Policy and Accountability Committee**
Councillor Alan De'Ath (Chair) Councillor Harry Phibbs
Councillor Daryl Brown Councillor Lucy Ivimy
Councillor Adam Connell
- 20. Finance and Delivery Policy and Accountability Committee**
Councillor PJ Murphy (Chair) Councillor Greg Smith
Councillor Vivienne Lukey Councillor Mike Adam
Councillor Guy Vincent
- 21. Health, Adult Social Care and Social Inclusion Policy and Accountability Committee**
Councillor Rory Vaughan (Chair) Councillor Andrew Brown
Councillor Daryl Brown Councillor Joe Carlebach
Councillor Mercy Umeh

Agenda Item 6.5

London Borough of Hammersmith & Fulham COUNCIL 17 May 2017	 hammersmith & fulham
COUNCIL APPOINTMENTS TO LOCAL GOVERNMENT ORGANISATIONS AND OUTSIDE BODIES	
Report of the Leader of the Council – Councillor Stephen Cowan	
Open Report	
Classification: For Decision Key Decision: No	
Wards Affected: None	
Accountable Director: Sarah Thomas, Director of Delivery and Value	
Report Author: Kayode Adewumi, Head of Governance and Scrutiny	Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk

1. EXECUTIVE SUMMARY

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

2. RECOMMENDATION

- 2.1. That the Council's appointments to Local Government Organisations for 2016/17, as set out in Appendix 1, and to Outside Bodies, as set out in Appendix 2, be agreed.

3. REASONS FOR DECISION

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

4. INTRODUCTION AND BACKGROUND

- 4.1. Every year, the Council is approached by the Local Government Association, the London Councils and other key local government bodies to nominate representatives to their committees or boards. These representatives work on committees which lobby the Government and develop policy which affects local authorities.

4.2. The Council is also approached by local community organisations and charities to nominate people to their management boards or as trustees or directors. The Council acknowledges the significant contribution that these organisations make to the social fabric of our borough. Therefore Councillors and residents who are actively involved in the local community and are willing to bring their wealth of experience to these organisations are appointed.

4.3. The Council is requested to make the appointments to Local Government Organisations for 2016/17, as set out in Appendix 1, and to outside bodies, as set out in Appendix 2 of the report. Any midyear appointments to or removal from appropriate outside bodies, charitable organisations and Council-owned companies and subsidiaries will be undertaken by the Leader.

5. CONSULTATION

5.1. Local representatives have been consulted on their nominations.

6. EQUALITY IMPLICATIONS

6.1. The Council's nominations to third sector and other users' groups will ensure that the Council improves all aspects of how it works to tackle social exclusion.

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

7. FINANCIAL IMPLICATIONS

7.1. There are no direct financial implications.

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

8. LEGAL IMPLICATIONS

8.1. Full Council has the authority to appoint representatives to Outside Bodies.

8.2. Implications completed by: Rhian Davies, Monitoring Officer - Tel: 020 8753 2729

9. BUSINESS IMPLICATIONS

9.1. There are no direct implications.

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

LOCAL GOVERNMENT ACT 2000

LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

None.


Nominations to Local Government Organisations 2017/18

Organisation	Nominations	Term
London Councils Leader's Committee 1 Rep + 2 Deps (1 vote per authority)	Representative: Councillor Stephen Cowan Deputies: Councillor Sue Fennimore Councillor Max Schmid	1 year to 23/05/18
London Councils Transport and Environment Committee 1 Rep + up to 4 Deps	Representative: Councillor Wesley Harcourt	1 year to 23/05/18
London Councils Grants Committee 1 Rep and up to 2 Deps	Representative: Councillor Sue Fennimore Deputy: Councillor Sue Macmillan	1 year to 23/05/18
Greater London Employment Forum (GLEF) 1 Rep and 1 Dep	Nomination: Councillor Ben Coleman	1 year to 23/05/18
Greater London Provincial Council (GLPC) Appointment will be made from Leader's Cttee and GLEF nominated members	Nomination: Councillor Andrew Jones	1 year to 23/05/18
Local Government Association (LGA) General Assembly Up to 4 Reps and 4 votes	Representatives: Councillor Stephen Cowan* Councillor Max Schmid Councillor Guy Vincent Councillor Sue Macmillan *currently holds the 4 votes	1 year to 23/05/18
LGA Urban Commission Up to 2 Reps	Representative: Councillor Larry Culhane	1 year to 23/05/18

Appointments to Outside Bodies

Organisation	Nominations	Term
Lyric Theatre Hammersmith Ltd (Board of Directors)	Councillor Caroline Needham (L) Councillor Adam Connell (L) Councillor Sue Fennimore (L) Councillor Belinda Donovan (C)	1 year to 23/05/18
Lyric Theatre Hammersmith Ltd (Members of the Company)	See above – can appoint up to 10 – Directors must be members of company.	Indefinite
Riverside Trust Limited	Joe Gribble (L) Councillor PJ Murphy (L) Jasmine Pilgrem (L)	1 year to 23/5/18
Alternative Theatre Limited (Bush Theatre)	Khafi Kareem (L)	3 years to 17/5/20
Mortlake Crematorium Board	Councillor Michael Cartwright (L) Councillor Larry Culhane (L) Councillor Adronie Alford (C)	3 years to 17/5/20
Fulham Palace Trust	Councillor Caroline Needham (L) John King (L)	4 years to 16/6/18
Groundwork London	Councillor Larry Culhane (L)	3 years to 17/5/20
Western Riverside Environment Fund	Councillor Larry Culhane (L)	Indefinite
Western Riverside Waste Authority	Councillor Michael Cartwright (L) Councillor Wesley Harcourt (L)	4 years to 16/6/18
London Archaeological Forum	Alexandra Sanderson (L)	TBC
SACRE (Standing Advisory Committee on Religious Education)	Councillor Rory Vaughan (L)	4 years to 16/6/18
Schools Admission Forum	Councillor Caroline Ffiske (C) Councillor Alan De'Ath (L) Councillor Caroline Needham (L)	3 years to 17/5/20
St Paul's Court Limited	Vacancy	1 year

Dr Edwards and Bishop Kings Fulham Charity	Councillor Adronie Alford (C) Matthew Uberoi (L)	4 years to 16/6/18
Pocklington Apprenticeship Trust	Tamara Jackson (C)	4 years to 16/6/18
Court of Imperial College	Rowan Lee (L)	4 years to 16/6/18
Hammersmith and Fulham Community Law Centre	Councillor Guy Vincent (L)	4 years to 16/6/18
The Reserve Forces and Cadets Association in Greater London	Councillor Alan De'Ath (L)	3 years to 17/5/20
Volunteer Centre	Zarav Qayyum (L)	1 year to 23/5/18
Hammersmith United Charities	Julian Hillman (L) (28/2/18) Councillor Iain Cassidy (L) Councillor Vivienne Lukey (L) Councillor Charlie Dewhirst (C)	4 years to 16/8/18
London Heliport Consultative Committee	Councillor Larry Culhane (L) Christina Smyth (L)	1 year to 23/5/18
CAB	Councillor Lisa Homan (L) Councillor Joe Carlebach (C)	4 years to 31/8/18
Lygon Almshouses	Vacancy (C) David Morris (L) Vie Lawrence-Gray (L) Catherine McNair (C)	4 years to 16/6/18
Sir William Powell Almshouses	Esmond Jackson (C) Susan Dixon (C) Councillor Adronie Alford (C) Councillor Caroline Needham (L)	4 years to 16/6/18
Earls Court and Olympia Charitable Trust	Councillor Larry Culhane (L) Councillor Daryl Brown (L)	2 years to 17/5/19
Greater London Enterprise	Councillor Ben Coleman (L)	1 year to 23/5/17
Fulham Community Trust	Councillor Sharon Holder (L)	3 years to 17/05/19
Urban Partnership Group	Kamini Sanghani (L)	2 years to 17/5/19
Old Oak and Park Royal Development Corporation	Councillor Stephen Cowan (L) Councillor Wesley Harcourt (L) Councillor Natalia Perez (L)	4 years to 3/5/18

London Borough of Hammersmith & Fulham FULL COUNCIL 17 May 2017		 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: None		
Accountable Director: Rhian Davies – Monitoring Officer		
Report Author: Kayode Adewumi, Head of Governance and Scrutiny		Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 The Council’s Monitoring Officer is required to review the Council’s Constitution each year to ensure that its aims and principles are given full effect in accordance with Article 15 of the Constitution. A report on this subject is therefore included on the Annual Council Meeting agenda each year.

2. RECOMMENDATIONS

- 2.1 That the composition of the Cabinet set out in paragraph 5.1 and the Cabinet Members’ Responsibilities and Portfolios outlined in Appendix 1, be noted.
- 2.2 That the amendments to the Appointments Panel as set out in paragraph 5.2 and Appendix 2 of the report, be agreed.
- 2.3 That subject to the approval of recommendations above, the Council’s Constitution be adopted for the 2017/18 Municipal Year.

3. REASONS FOR DECISION

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

4. INTRODUCTION AND BACKGROUND

- 4.1 Each local authority is required to publish the arrangements it has made to discharge its functions in a 'constitution' prepared in accordance with Section 37 of the Local Government Act 2000. 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 Constitution was last reviewed at the Annual Council meeting on 18 May 2016.
- 4.3 In-year amendments were approved by Council in relation to Council procedure rules and the Officer Scheme of Delegation to reflect new legislative changes.
- 4.4 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 The Administration has reduced the number of Cabinet portfolio positions from ten to eight. The Commercial Revenue and Resident Satisfaction, and Social Inclusion Cabinet portfolios have been deleted. The duties and responsibilities of these posts have been reallocated to the Deputy Leader and other Cabinet Members. The Administration has proposed the composition of the Executive as follows:

A Cabinet of eight Members (portfolio details are outlined in Appendix A):

1. The Leader
2. The Deputy Leader
3. Cabinet Member for Finance
4. Cabinet Member for Economic Development and Regeneration
5. Cabinet Member for Housing
6. Cabinet Member for Environment, Transport and Resident Services
7. Cabinet Member for Health and Adult Social Care
8. Cabinet Member for Children and Education

Constitution Changes

- 5.2 In light of the proportionality calculations in the previous report, the following changes to the composition of the Appointments Panel (Panel A) are proposed.

Membership – 15 (8:7)

Panel A – For the appointment of the Council's Chief Executive

- All Members of the Executive (8 members total)
- Leader of the Opposition
- 6 other Opposition Members

Quorum: 8

- 5.3 In relation to matters of dismissal of the Chief Executive, Section 151 Officer and Monitoring Officer, the Local Authorities (Standing Orders) (England) Amendment Regulations 2015 replaced the statutory Designated Independent Person (DIP) provisions with an Independent Panel process. The new statutory process requires the Council to establish three new committees to deal with matters of discipline if required:
- Grievance Committee
 - Investigating and Disciplinary Committee
 - Appeals Committee
- 5.4 In the event of a grievance, disciplinary or appeals matter received, a Committee of 5 members drawn from a pool of Panel A members shall be constituted. Due to natural justice, the membership of each committee cannot overlap. The committee will reflect the political balance of the Council.

6 EQUALITY IMPLICATIONS

- 6.1 The equalities implications of this decision has been considered to be neutral.
- 6.2 Implications verified/completed by: Kayode Adewumi, Head of Governance and Scrutiny 020 8753 2499.

7 LEGAL IMPLICATIONS

- 7.1 It is important to note that the Local Government Act 2000 requires the Council to have and maintain a Constitution. The Monitoring Officer is satisfied that the Council's Constitution continues to fulfil its stated purposes, as set out in Article 1 of the Constitution.
- 7.2 Implications verified by: Rhian Davies, Monitoring Officer - Tel: 020 7641 2729

8 FINANCIAL IMPLICATIONS

- 8.1 There are no direct financial implications.

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

9 BUSINESS IMPLICATIONS

9.1 There are no direct business implications.

9.2 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.

Executive Members - Generic Responsibilities and Functions

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

These roles include:

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

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

Functions

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

1. To be responsible for ensuring that the objectives set by the Council and by the Executive in respect of his/her portfolio are met, and that adequate systems are in place to monitor performance against those objectives.
2. To make recommendations to the Cabinet on Key Decisions relating to his/her portfolio ('Key Decisions' being defined by Article 12 of this Constitution).
3. To make recommendations to the Cabinet on proposals in relation to the Council's Budget and Policy Framework, on matters relating to his/her portfolio. (Such proposals may be initial or final, before or after consideration by relevant Policy and Accountability Committees in accordance with the Budget and Policy Framework rules set out in this Constitution).
4. To arrange for appropriate consultation on proposed Key Decisions as published in the Council's Key Decisions list, with relevant Policy and Accountability Committees, and with partner bodies and parties outside the Council.
5. To take decisions on matters within his/her portfolio other than those defined as 'Key Decisions', ensuring that these are properly considered, reported, and

Part 3 - Responsibility for Functions

recorded in accordance with the Access to Information procedure rules set out in Part 4 of this Constitution.

6. To receive budgetary control reports for services and activities within his/her portfolio, and to take action necessary to control the budget of those services within the Council's approved Budget and Policy Framework.
7. Where an Executive Councillor is absent or has a prejudicial interest in a matter or is otherwise unable to action decisions in respect of matters within his/her portfolio, such decisions may be taken by the Leader (or the Deputy Leader in the case of the Leader being absent) or by the Cabinet.

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

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

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

Each Executive Member in conjunction with all other Executive Members are responsible for:

- The Chief Executive
- All Executive Directors and Service Directors

Executive Members - Responsibilities and Portfolios**Leader of the Council****1. Introduction**

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

2. Scope of Portfolio

The portfolio covers the following areas:

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

Part 3 - Responsibility for Functions

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

3. Delegated Powers

Urgent Decisions

- 3.1 By virtue of section 15(9) of the Local Government Act 2000, the Leader may exercise any Executive Function which has been delegated to the Cabinet or to an individual Cabinet Member or to an Officer.
- 3.2 By convention, the Leader will only exercise such powers where:
 - (a) Deferring the decision until the next meeting of Cabinet would carry such unreasonable risk of damage to the authority or its area that it would be unreasonable to defer the decision until the next meeting of Cabinet.
 - (b) An Officer possessing a delegated power has referred the matter to the Leader for determination.
 - (c) In any case, the Leader has consulted the Deputy Leader and the relevant Cabinet Member(s).

Executive Members - Responsibilities and Portfolios**Deputy Leader****1. Scope of Portfolio**

- 1.1 In the absence of the Leader, those areas assigned to the Leader, except with regard to those areas/powers specifically reserved for decision to the Council itself.
- 1.2 Representing the Council's views on matters of corporate or strategic policy and any other matters which are within these terms of reference.
- 1.3 The development, implementation and monitoring of the Authority's Annual Local Performance/ Corporate Plan including the setting of corporate targets for achievement, together with the setting of targets for individual services provided by the Authority, and the monitoring of risk management registers.
- 1.4 Ensuring the Council's compliance with all relevant UK and EU legislation.
- 1.5 Ensuring the effectiveness of the Authority's procedures to secure public access to information and open government, including procedures relating to petitions, deputations and other representations.
- 1.6 In consultation with the relevant portfolio holder, the planning, implementation and review of public consultation and community engagement initiatives relating to strategic, borough-wide issues and the impact of the Council's representation on external organisations.
- 1.7 To establish appropriate forums for liaising and co-operating with and supporting amenity groups operating within the borough.
- 1.8 Responsibility for reviewing the Council's management and work practices and training and development of all staff with the aim of developing a culture of continuous improvement.

2. Community Safety

- 2.1 The development, monitoring and implementation of the Council's policies and powers in relation to reducing crime and anti-social behaviour.
- 2.2 The development, monitoring and implementation of the Authority's element of the borough Crime and Disorder Reduction Strategy in conjunction with Police and other Agencies.
- 2.3 Responsibility for ensuring the parks constabulary, Neighbourhood Wardens and other enforcement officers concerned with tackling anti-social behaviour perform well and work alongside the Metropolitan Police.

Part 3 - Responsibility for Functions

- 2.4 Responsibility for ensuring the effective running and establishment of Neighbourhood Watch Groups in the borough, working in partnership with the Metropolitan Police.
- 2.5 Policy and strategy for the Safer Neighbourhoods Division.
- 2.6 Working with all agencies to ensure enforcement services are effective in reducing crime and anti-social behaviour including:
 - All forms of criminal behaviour;
 - Litter;
 - “Clean Sweep” - Tackling “Grot Spots”;
 - Dog fouling;
 - Graffiti;
 - Street drinking; and
 - Street scene enforcement.
- 2.7 Taking action to reduce fear of crime.

3. Member Development

- 3.1 Advising on Councillors’ training and development needs in relation to their representative roles, and liaison with the Director of Delivery and Value in respect of appropriate provision.
- 3.2 Informing Councillors of appropriate conferences and seminars, and making arrangements for them to attend such events.

4 Social Inclusion

- 4.1 The development and implementation of the Authority's Third Sector strategy, including the promotion of social enterprises that promote community development.
- 4.2 Developing and leading approaches to ensure that all residents have increasing access to opportunity across the social, cultural, political and economic life of the borough.
- 4.3 Delivering community and cultural events that promote social inclusion and community cohesion.
- 4.4 Developing strategic approaches to reduce inequalities around health, education and employment outcomes, access to services, participation in civic life and ensuring compliance with all legal equalities duties.
- 4.5 Developing strategic policies and actions to reduce poverty and social injustice.
- 4.6 The development and implementation of strategies to address the threat of extremism, including the Prevent Strategy.

Part 3 - Responsibility for Functions

5 Improving All Non-Media, Internal and External Communications

- 5.1 Working across the council to develop effective strategies that improve all the council's non-media communications.
- 5.2 Ensuring customer satisfaction and clear communication is seen as central to everything everyone working at the council says and does, ensuring all staff and contractors are better equipped to listen to, understand and respond to the concerns of residents and that all written communication meets set standards.
- 5.3 Ensuring the council's discussions with residents lead to policy development which reflects and is informed by genuine local concerns in line with the council's commitment to doing things with residents rather than to them.
- 5.4 Ensuring that council staff and contractors consistently deliver any commitments they make to residents and local businesses in a timely manner.
- 5.5 Ensuring resident and business satisfaction is measured and improved, including encouraging and rewarding staff ideas for improving resident satisfaction.
- 5.6 Ensuring that complaints are managed in an effective and timely fashion and that complaints are treated as an opportunity to learn and improve.

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

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

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

- 7.1 The promotion of employment, economic development, training, work experience, and other forms of support which the Authority can target to meet the needs of unemployed people within the Borough.
- 7.2 The development, monitoring and implementation of the Authority's responses to Government initiatives and programmes in respect of unemployed people in the Borough.

Part 3 - Responsibility for Functions

- 7.3 Promotion of an entrepreneurial culture in schools, colleges and promoting tomorrow's entrepreneur.
- 7.4 Determining applications and the approval of grants and loans to firms, community and voluntary organisations, charities and trusts for the purposes of economic development (excluding children and education) within the borough.
- 8. Function shared with the Cabinet Member for Environment, Transport and Residents Services**
- 8.1 The Authority's sports strategy.
- 9. Function shared with the Cabinet Member for Housing**
- 9.1 To develop policies and programme to tackle homelessness and support vulnerable people to secure and maintain living in safe and suitable accommodation.
- 10. Function shared with the Deputy Leader**
- 10.1 Developing approaches to ensure that all residents have increasing access to opportunity across the social, cultural, political and economic life of the borough.
- 11. Function shared with the Cabinet Member for Health and Adult Social Care**
- 11.1 The development, monitoring and implementation of drug and alcohol policies.
- 12. Function shared with the Cabinet Member for Housing**
- 12.1 Responsibility for anti-social behaviour on Housing land.

Note: The Deputy Leader is responsible for:

In conjunction with the Leader and the Cabinet Member for Children and Education: The Executive Director of Children's Services

In conjunction with Leader, the Cabinet Member for Environment, Transport and Residents Services and the Cabinet Member for Economic Development and Regeneration: The Environmental Services "Service Group" Directors

In conjunction with the Cabinet Member for Finance
Strategic Finance Director & Director of Delivery and Value

Executive Members - Responsibilities and Portfolios**Cabinet Member for Finance****1. Scope of portfolio**

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

Part 3 - Responsibility for Functions

- 1.18 The Council's customer care and complaints policies.
- 1.19 Review and approve all requests for management consultants.
- 1.20 Responsibility for Council's contract processes, including approval of changes to the Council's Contracts Standing Orders and Approved List of Contractors, ensuring services are in compliance with EU Procurement Directives and Legislation in relation to service provision.

2. Commercial Revenue Generation

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

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

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

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

In conjunction with the Deputy Leader

Strategic Finance Director
Director of Delivery and Value
Commercial Director

Executive Members - Responsibilities and Portfolios**Cabinet Member for Economic Development and Regeneration****1. Scope of portfolio**

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

Part 3 - Responsibility for Functions

1.15 The Authority's arts strategy.

1.16 To promote and assist the provision of good quality theatre, museum and other cultural facilities within the borough.

2. Function shared with the Deputy Leader:

2.1 The promotion of employment, economic development, training, work experience, and other forms of support which the Authority can target to meet the needs of unemployed people within the Borough.

2.2 The development, monitoring and implementation of the Authority's responses to Government initiatives and programmes in respect of unemployed people in the Borough.

2.3 Promotion of an entrepreneurial culture in schools, colleges and promoting tomorrow's entrepreneur.

2.4. Determining applications and the approval of grants and loans to firms, community and voluntary organisations, charities and trusts for the purposes of economic development (excluding children and education) within the borough.

3. Function shared with the Cabinet Member for Housing:

3.1 Compulsory purchase of land for housing purposes.

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

4.1 Compulsory purchase of land for planning purposes

5 Function shared with the Cabinet Member for Finance

5.1 Ensuring that the Council's procurement of goods and services delivers added local value for residents, businesses and the third sector.

5.2 Developing strategies and practices that improve the Council's ability to procure locally sourced, value for money goods and services.

5.3 Ensuring the Council acts as a responsible corporate citizen towards small businesses.

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

In conjunction with the Leader and the Cabinet Member for Housing:
The Housing Services "Service Group" Directors

Part 3 - Responsibility for Functions

In conjunction with the Leader, Deputy Leader and the Cabinet Member for Environment, Transport and Technical Services:
The Environmental Services “Service Group” Directors

Executive Members - Responsibilities and Portfolios**Cabinet Member for Housing****1. Scope of portfolio**

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

Part 3 - Responsibility for Functions

1.12 Strategic overview and development of policies to improve the Private Rented Housing Sector.

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

2.1 Compulsory purchase of land for housing purposes.

3. Function shared with the Deputy Leader

3.1 Responsibility for anti-social behaviour on Housing land.

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

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

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

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

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

The Housing Services "Service Group" Directors

Executive Members - Responsibilities and Portfolios**Cabinet Member for Environment, Transport and Resident Services****1. Environment functions:**

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

2. Resident Services functions:

- 2.1 Policy and operational matters in relation to the Council's Residents Services programme to provide high quality telephone, internet and face to face access to a range of services from time to time assigned to the Environment, Leisure and Residents Services Department.

Part 3 - Responsibility for Functions

- 2.2 Policy and service implementation in respect of public conveniences.
- 2.3 To establish and review appropriate mechanisms for the organisation and management of appropriate entertainments and events in parks and open spaces, including fireworks displays.
- 2.4 Policy and operational matters in relation to libraries, hiring of civic halls and facilities.

3. Street Scene functions

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

4. Parks and heritage functions:

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

5. Function shared with the Cabinet Member for Housing:

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

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

Part 3 - Responsibility for Functions

6.1 Compulsory purchase of land for planning purposes.

7. Function shared with the Deputy Leader

7.1 The Authority's sports strategy.

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

In conjunction with the Leader:

Environmental Services Service Group Directors

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

Environmental Services Service Group Directors

Executive Members - Responsibilities and Portfolios**Cabinet Member for Health and Adult Social Care****1. Adult Social Care and Community Health:**

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

2. Public Health

- 2.1 The promotion of health education and public awareness of health issues within the borough, and implementation and monitoring of projects and services in relation to public health provision.

Part 3 - Responsibility for Functions

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

3. Strategic Corporate Policies and Programmes

- 3.1 To develop, implement and monitor strategic corporate policies and programmes.

4. Function shared with the Deputy Leader

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

5. Function shared with the Cabinet Member for Children and Education

- 5.1 Community transport services.

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

In conjunction with the Leader:

The Executive Director of Adult Social Care and Health

Executive Members - Responsibilities and Portfolios**Cabinet Member for Children and Education****1. Children's Services functions:**

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

Part 3 - Responsibility for Functions

- 1.12 Community Budgeting including the Troubled Families Programme (the Shared Services Family Recovery Programme)
- 1.13 Care Proceeding review
- 1.14 The development, implementation and monitoring of the Authority's early years' strategy
- 1.15 Ensuring that the needs of vulnerable children (including young carers) are met.
- 1.16 Partnership working with the National Health Service to promote the interests of children and their families, including decision-making on such matters at the Health and Wellbeing Board
- 1.17 As 'Young People's Champion' furthering the Council's commitment to the involvement of young people in decision-making processes where appropriate.

2. Social Services functions:

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

3. Education functions:

- 3.1 Local schools, including improving education attainment across all state funded schools and the provision of schools of choice;
- 3.2 Plans for new educational provision in the Borough (including academies and free schools);
- 3.3 Schools asset management;
- 3.4 The Council's consultation arrangements with schools, governors, parents and others;

Part 3 - Responsibility for Functions

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

4. Functions shared with Deputy Leader

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

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

- 5.1 Community transport services.

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

In conjunction with the Leader and the Deputy Leader:

The Executive Director of Children's Services

Lead Member for Contracts

This post-holder will work directly with the Leader to:

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

Lead Member for Hospitals and Health Care

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

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

Lead Member Representative for the Armed Forces

This post-holder will work directly with the Deputy Leader to:

- 1.1 Drive forward Council policy and initiatives which seek to improve the housing options, career and other opportunities and inclusion of returning armed forces personnel and their families.
- 1.2 Support and assist the Royal British Legion and other voluntary organisations in recognising the work and sacrifice of armed forces personnel defending the UK, its interest and way of life.
- 1.3 Promote remembrance and commemorative events.

Local Businesses Champion

The Local Business Champion is recognised as a key function of the Chair of the Economic Regeneration, Housing and the Arts Policy and Accountability Committee. The role is to champion the business sector and ensure small businesses have a strong voice within LBHF to:

- 1.1 Develop and pilot policy initiatives that benefit local businesses and the borough's economy.

Part 3 - Responsibility for Functions

- 1.2 help build a consensus between business people and the council on the council's support (policies and approach) needed for enterprise and businesses to start up, thrive and grow in the borough, and to champion support for businesses within the council.
- 1.3 Work to ensure the borough's commercial centres and high streets are competitive and commercially beneficial places to locate to.
- 1.4 To be a further identifiable point of contact for borough businesses on council matters.
- 1.5 Monitor the performance of the Economic Development and Procurement teams in supporting these objectives.

Member Cycling and Pedestrian Champion

This post-holder will be working directly with the Cabinet Member for Environment, Transport and Residents Services to:

- 1.1 Act as the 'public face' of cycling and pedestrian interests in the borough, representing the Council at community events, such as the opening of cycle routes and facilities, opening of play streets, 20mph consultation within the borough and at London-wide and national events.
- 1.2 Work with Cabinet Members, the Chief Executive and Directors (particularly in services leading on environment and transport) to ensure cyclists' and pedestrians' needs are taken into account in their activities.
- 1.3 Ensure that the Council works in a joined up way, making the connections between cycling, pedestrians and health, well-being, tackling obesity, social inclusion, air quality and education.
- 1.4 Liaise with the borough's cycling, pedestrian and motorist interest groups and other community groups on relevant issues.
- 1.5 Work with Transport for London, the police, residents' associations, and community groups such as Action on Disability, and H&F Cyclists to reduce and, as far as possible, eliminate conflicts between cyclists and pedestrians.

Appointments Panel Terms of Reference

1. Membership (15)

Panel A – For the appointment of the Council’s Chief Executive

- All Members of the Executive
- Leader of the Opposition
- 6 other Opposition members

Quorum: 8

Panel B - For appointment of LBHF Directors (5)

- The Leader (Chair) or a named substitute
- Deputy Leader (Vice-Chair) or a named substitute
- The Cabinet Member of the relevant appointment area

(NB: Where an appointment relates to the portfolios of two Cabinet members, both will be members of that Panel)

- Leader of the Opposition or a named substitute
- An Opposition Member

Quorum: 3

Panel C - For the appointment of Chief Officer or Directors with responsibility for shared services covering more than one Council (3):

An LBHF Appointments Panel, meeting concurrently with the Panel(s) for the other Council(s), will comprise 3 members including the relevant Cabinet Member. The remaining membership will be split in the ratio of administration to opposition members. A Chief Officer or Director will be appointed under these arrangements only if each Council’s Appointment Panel so agrees.

Quorum: 2

Other Appointments

Other appointments for joint heads of service, other than at Chief Officer level, may be conducted by Members under these arrangements (Panel C) where all relevant authorities agree that the appointment should be made by Members.

3. Decision-making powers


- 3.1. To carry out interviews and make appointments in respect of all statutory Chief Officers and non-statutory Chief Officers/Directors except in the case of the Chief Executive (where the appointment is by a recommendation to full Council). Interim appointments do not require to be decided by an

Appointments Panel.

- 3.2. To be responsible for the terms and conditions of service, grievance, and disciplinary matters (including suspension, appeals and dismissal) of the officers specified above, except for disciplinary matters relating to the Council's Head of Paid Service, Monitoring Officer and Chief Financial Officer, which shall be dealt with as set out in the Officer Employment Rules of Procedure.
- 3.3. To receive and consider reports from an independent person, under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001, designated to investigate allegations of misconduct against the Council's Head of Paid Service, Monitoring Officer or Chief Financial Officer.
- 3.4. To notify the Proper Officer of the name and any relevant details relating either to the appointment or dismissal of any of the Chief Officers set out above, in accordance with paragraphs 5 & 6 of Part II Schedule I of the Local Authorities (Standing Orders) (England) Regulations 2001, and to appoint or dismiss accordingly, no objection having been received from the Executive within the timescale specified by the proper officer for lodging such objections.
- 3.5. In relation to matters of dismissal of the Chief Executive, Section 151 Officer and Monitoring Officer, the Local Authorities (Standing Orders) (England) Amendment Regulations 2015 replaced the statutory Designated Independent Person (DIP) provisions with an Independent Panel process. The new statutory process requires the Council to establish three new committees to deal with matters of discipline if required:
 - Grievance Committee
 - Investigating and Disciplinary Committee
 - Appeals Committee

In the event of a grievance, disciplinary or appeals matter received, a Committee of 5 members drawn from a pool of Panel A members shall be constituted. Due to natural justice, the membership of each committee cannot overlap. The committee must reflect the political balance of the Council. The Committee must be established annually.

Agenda Item 6.7

London Borough of Hammersmith & Fulham		 hammersmith & fulham
COUNCIL		
17 May 2017		
MEMBERS ALLOWANCES SCHEME		
Report of the Cabinet Member for Finance – Councillor Max Schmid		
Open Report		
Classification: For Information		
Key Decision: No		
Wards Affected: None		
Accountable Director: Sarah Thomas, Director of Delivery and Value		
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 requests confirmation of the Members' Allowances Scheme approved by Council at its meeting on 22 February 2017.

2. RECOMMENDATIONS

- 2.1. That the Members' Allowances Scheme 2017/18, attached at Appendix 1, be approved.

3. REASONS FOR DECISION

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

4. INTRODUCTION AND BACKGROUND

- 4.1 Council approved the 2017/18 Members' Allowances scheme at its meeting in February 2017. The Administration has abolished the Commercial Revenue and Resident Satisfaction and Social Inclusion Cabinet portfolios resulting in savings. The duties and responsibilities of these posts have been reallocated to the Deputy Leader and other Cabinet posts.

- 4.2 In line with the Independent Remuneration Panel's recommendation, it is proposed that only one SRA should be paid to a councillor in respect of duties with the same authority. Where a Councillor is entitled to two SRAs, he or she will be paid the highest allowance.
- 4.3 During the review of the Allowances Scheme in February 2017, the Council formally considered the recommendations of the local Independent Panel on Remuneration for Councillors. It was decided that the Council would continue to set its own SRA in line with local conditions. Under Regulation 5 of the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council has the powers to agree the amount it pays its members.
- 4.4 In line with the Independent Remuneration Panel's recommendation, the Council recognises the need for Dependent Carers payments to have regard to local circumstances and the nature of specialist care. The ordinary carer should be remunerated at not less than the London living wage of £9.40 per hour and payment should be made at a higher rate when specialist skills or care is required to attend meetings.

5. LEGAL IMPLICATIONS

- 5.1 The proposals contained within the report are in line with the Local Government Act 2000 and appropriate regulations. The legal implications for this report are contained in the body of the report.
- 5.2. Implications verified by: Rhian Davies, Monitoring Officer 020 8753 2700

6. FINANCIAL IMPLICATION

- 6.1 The members' allowances proposed in Appendix A can be met from existing budgets. The removal of two Cabinet portfolios will result in a reduction in Special Responsibility Allowances with respect to these posts of £42,900 which will contribute to the Council's required savings.
- 6.2 Implications verified by: Emily Hill, Head of Corporate Finance, 020 8753 3145.

7. EQUALITY IMPLICATIONS

- 7.1 The equalities implications of this decision has been considered to be neutral.
- 7.2 Implications verified/completed by: Kayode Adewumi, Head of Governance and Scrutiny 020 8753 2499.

8 BUSINESS IMPLICATIONS

- 8.1 There are none.
- 8.2 Implications verified/completed by: Kayode Adewumi, Head of Governance and Scrutiny 020 8753 2499.

LOCAL GOVERNMENT ACT 2000 - LIST OF BACKGROUND PAPERS - None.

Members' Allowances Scheme 2017-18

Effective from 1 April 2017

This scheme is made in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the Regulations") for 2017–2018 and subsequent years. The allowances scheme has been prepared having regard to the report of the Independent Panel on the Remuneration of Councillors in London established by London Councils on behalf of all London Councils, co-authored by Sir Rodney Brooke CBE DL (Chair), Steve Bundred and Anne Watts CBE, and published in June 2014.

1. Basic Allowance

- 1.1 The Independent Remunerator's report suggests a flat-rate basic allowance be paid to each member of the authority of £10,703 per annum to be paid in 12 monthly instalments on the 15th of each month.
- 1.2 The Council has taken into account the independent remunerator's recommendation but has decided to retain its own basic rate allowance frozen at the 2008 – 09 level.

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

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

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

	No.	Basic Allowance	Total
All Councillors	46	£8,940	£411,240

2. Special Responsibility Allowances

- 2.1 Regard has been had to the recommendations in the independent remunerator's report for differential banding in relation to the payment of special responsibility allowances (SRAs), but in line with Administration's priorities, it has been decided to freeze the Council's own scheme of SRAs at the same level approved for 2014/15 and not to follow the independent remunerator's recommendations which would have proved considerably more costly to local council taxpayers.
- 2.2 The following Special Responsibility Allowances shall therefore be paid to Councillors holding the specified offices indicated:

Position	No	SRA Entitlement	Total SRA
The Leader	1	£32,186.70	£32,186.70
Deputy Leader	1	£26,816.40	£26,816.40
Other Cabinet members	6	£21,454.20	£128,725.20
Chief Whip (where not a member of Cabinet)	1	£21,454.20	£21,454.20
*Deputy Chief Whip (2)	1	£5,564.70	£5,564.70
Chair of Policy & Accountability Committees	5	£5,564.70	£27,823.50
Leader of the Opposition	1	£16,086.60	£16,086.60
Deputy Leader of the Opposition	1	£5,564.70	£5,564.70
Opposition Whip	1	£5,564.70	£5,564.70
Chair of Planning and Development Control Committees, Audit, Pensions and Standards Committee, Licensing Committee, and *Councillor Member on Adoption and Fostering Panel (4)	3*	£5,564.70	£16,694.10
The Mayor	1	£10,729.80	£10,729.80
Deputy Mayor	1	£5,564.70	£5,564.70
Lead Members – Contracts, and Hospitals and Health Care	2	£2,700.00	£5,400.00
Total			£308,175.30

*This portfolio holder receives only one SRA in respect of duties undertaken.

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

3. Other Allowances

Dependent Carer Allowance

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

- a) £4.70 per half hour before 10 pm; £5.31 per half hour after 10 pm (not payable in respect of a member of the Councillor's household).

Travel and subsistence

3.2 Travel allowances are payable (at the same rates as employees) for duties undertaken away from the Town Halls when discharging duties under paragraph 8 of the Regulations. There will be no payment for intra-borough travel under this scheme unless where a member requires assistance to discharge his or her duties due to ill health or other circumstances approved by the Monitoring Officer. Taxis can be taken by Members who attend approved outside bodies and committee meetings out of the borough

Public Transport

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

Car mileage

- b) 45 pence per mile.

Subsistence

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

Sickness, maternity and paternity allowance

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

4. Annual increase

- 4.1 The allowances in this scheme apply to the financial year 2017/18. All allowances have been frozen at the 2014/15 level.

5. Election to forego allowances

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

6. Time limit for claims

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

7. Withholding of allowances

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

8. Membership of more than one authority

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

9. Non-entitlement to more than one SRA

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

10. Pensions

- 10.1 No Members of the Council shall be entitled to membership of the Local Government Pension Scheme in accordance with Section 7 of the Superannuation Act 1972.

11. Allowances for co-opted members and independent members of The Audit, Pensions and Standards Committee


Co-optees

- 11.1 Co-opted members shall be paid £504.00 per annum by equal monthly instalments of £42.00 on the 15th of each month.
- 11.2 Co-opted members shall be entitled to the same travel and dependent carer allowances as Councillors, but shall not be entitled to subsistence payments.

Independent Members

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

Agenda Item 6.8

<p>London Borough of Hammersmith & Fulham</p> <p>FULL COUNCIL</p> <p>17 May 2017</p>	 <p>h&f hammersmith & fulham</p>
<p>REVISED STATEMENT OF LICENSING POLICY</p>	
<p>Report of the Cabinet Member for Environment, Transport and Residents Services – Councillor Wesley Harcourt</p>	
<p>Open Report</p>	
<p>Classification: For Approval Key Decision: No</p>	
<p>Wards Affected: All</p>	
<p>Accountable Director: Nicholas Austin, Director for Environmental Health</p>	
<p>Report Author: Valerie Simpson, Head of Environmental Health</p>	<p>Contact Details: Tel: 020 8753 3905 E-mail: valerie.simpson@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1 The Licensing Act 2003 requires every Council to have a 'Statement of Licensing Policy' which will include information contained within the Secretary of State's Statutory Guidance to Licensing Authorities in England and Wales.
- 1.2 The Council's 'Statement of Licensing Policy' underwent a full review in 2015 and 2016 due to changes in legislation. The revised version is required to be adopted by the Full Council before July 2017 in order to comply with the Licensing Act 2003. The draft, revised Statement of Licensing Policy underwent a 16 week public consultation exercise which ended on the 30 September 2015.

2. RECOMMENDATIONS

- 2.1. That Council approves and adopts the revised Statement of Licensing Policy, attached as Appendix 1 to this report. The approved Statement of Licensing Policy will be required to undergo a further, full review in 2022.

3. REASONS FOR DECISION

- 3.1. To ensure that the Council's Statement of Licensing Policy complies with section 5 of the Licensing Act 2003.
- 3.2. The draft Statement of Licensing Policy must be adopted by Full Council before it comes into effect in July 2017.

4. INTRODUCTION AND BACKGROUND

- 4.1 The Council's Statement of Licensing Policy provides advice and guidance to the Licensing Authority when exercising its functions under the Licensing Act 2003. It also provides guidance to both applicants and objectors.
- 4.2 The Council's current Statement of Licensing Policy took effect in July 2012. However, there have recently been a number of amendments to licensing legislation and to the Secretary of State's Statutory Guidance (March 2015 version) which the Licensing Authority must have regard to when carrying out its licensing functions. In order to maintain an up to date Policy Statement a full review took place in 2015/16. A revised Statement of Licensing Policy has been prepared and has undergone a 16 week public consultation.
- 4.3 The 2012 Statement of Licensing Policy has been revised to reflect subsequent changes in legislation and Guidance. A copy of the amended Statement of Licensing Policy is attached as Appendix 1 to this report. Annex 2 – 5 of the Policy, which relate to the Cumulative Impact Zones in Fulham Town Centre and Shepherds Bush and subsequent reviews of these zones in 2015, can be seen on the LBHF website, link at the end of this report.
- 4.4 The main changes made prior to the public consultation reflected the changes in legislation and the latest version of the Guidance, a review of the special policies in Fulham Broadway and Shepherds Bush, updated links to various websites, and updated contact details. These changes are summarised in table 1 below.

Section of the Statement of Licensing Policy	Changes made
Paragraphs 2.1 – 2.3	New paragraphs describing the borough.
Paragraph 3.9	Additional paragraph briefly describing 'Local Area Risk Assessments'.
Paragraph 4.2	Amended to inform the reader that the 'local pool of conditions' is currently under review.
Paragraph 6.3	Paragraph extended to inform the reader that the Cumulative Impact Zone in Fulham Broadway has

	undergone a review and will remain in place.
Paragraph 6.4	Paragraph extended to inform the reader that the Cumulative Impact Zone in Shepherds Bush has undergone a review and will remain in place.
Paragraph 15.7	New paragraph informing the reader of more detail concerning 'Local area Risk Assessments'.
Paragraphs 18.19 – 20	Both paragraphs deleted – referred to the 2012 London Olympics.
Annex 2	New Mandatory Conditions.
Annex 3	Local Pool of Conditions deleted – a new Pool of Conditions is now on the LBHF website.
Annex 5	Fulham Town Centre – Cumulative Impact Zone Data Report 2015.
Annex 7	Shepherds Bush - Cumulative Impact Zone Data Report 2015.
Glossary	Amended to show Exempt Regulated Entertainment.

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

- 4.5 Six responses were received as a result of the public consultation exercise, the results can be seen on the LBHF website, link at the end of this report.
- 4.6 The main additional amendments to the Policy post consultation relate to guidance in relation to possible sexual exploitation of children in licensed premises, the Council's support for well run licensed premises, clarification of the relationship between planning and licensing legislation, and the removal of the Council's 'Pool of Conditions' – this is now a separate document displayed on our website in order that it can be amended as required without having the whole Statement of Licensing Policy go through this review process. The remaining amendments update the effects of changes in legislation and Guidance, and amendments to paragraphs to make them more easily understandable.
- 4.7 On the 31 March 2017 there were 836 Premises Licences and 14 Club Premises Certificates in the borough. In relation to the Cumulative Impact Zones, the Fulham Town Centre zone has been in place since 2009 and the Shepherds Bush zone since 2011. In depth analysis of the effect of late night licensed premises in these areas in 2009 and 2011 respectively showed that they were a

contributing factor to an increase in alcohol related crime and disorder. Since the zones were put into effect there has been a significant reduction in alcohol related crime and disorder in these areas.

- 4.8 The crime, anti-social behaviour and nuisance data supporting the imposition of these zones was thoroughly reviewed in 2015. The data shows that the effect of these zones is positive in that crime, anti-social behaviour and nuisance continues to show a reduction when compared to the data collected prior to the creation of these zones. However, should the zones be deleted there is a high probability that an increase in licensed premises, particularly late night venues, will give rise to an increase in crime, anti-social behaviour and nuisance.
- 4.9 The Statement of Licensing Policy as a whole plays an important part in ensuring that the borough has a thriving, and safe, night time economy for residents, visitors and businesses. The Statement of Licensing Policy strives to protect residents and visitors from alcohol related crime and anti-social behaviour while encouraging well run businesses to prosper within the borough.
- 4.9 It should be noted that the Statement of Licensing Policy can be reviewed at any time and, for example, should the Council decide that specific areas of the borough would benefit from a more flexible or different approach to encourage regeneration the Policy can be amended to reflect this.

5. PROPOSAL AND ISSUES

- 5.1 The March 2015 version of the Secretary of State's Guidance to Licensing Authorities introduced 'Local Area Risk Assessments' which requires applicants to address local issues within their applications, and require them to explain how they will reduce any adverse impact on the local environment should an application be granted. This should assist Licensing Authorities when making decisions relating to applications for the new grant of, or a variation to an existing, licence.
- 5.2 Vulnerable children in licensed premises have also been considered. Although children under the age of 16 are, in most cases, required to be accompanied by an adult in premises licensed to sell or supply alcohol, particular attention to the risk to children in these premises has been given in the revised Statement of Licensing Policy.

6. CONSULTATION

- 6.1 The draft, revised Statement of Licensing Policy commenced a 16 week public consultation exercise on the 8 June 2015. Details were sent to every Residents' group in the Borough in early June 2015. Details were also sent to all premises licence holders, to representative groups of the licensing industry and to the Chamber of Commerce. The draft Policy was placed on the Council's website,

link at the end of this report.

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

- 6.2 Details of the revisions and the web-link to the draft Policy were sent to teams within Environmental Health, Planning, Highways, Children's Services, the Council's Events Team, the Director of Public Health's team, the Metropolitan Police, the Parks Police, the Fire Authority, local hospitals, all Hammersmith and Fulham Councillors, the three Town Centre Managers and neighbouring Boroughs.
- 6.3 Six responses were received from the Council's Legal Department, the Trading Standards Team, the Head of Licensing and Trading Standards, the Noise and Nuisance Team, the Metropolitan Police and the Food and Health and Safety Team. The results can be seen on the LBHF website, link at the end of this report.

7. EQUALITY IMPLICATIONS

- 7.1 The Council, when taking decisions in relation to any of its functions, must comply with its public sector equality duty as set out in s149 of the Equality Act 2010 (the Act) to consider how the decisions they make, and the services they deliver, affect people who share different protected characteristics in relation to age, race and disabilities etc. Screening for the equalities impact assessment has been carried out on the effect of the policy. The policy has low relevance in relation to its impact on the areas under the statutory duties contained in the equalities impact assessment, but contributes towards the corporate priorities of the council, in relation to have due regard to the three aims of the duty, namely:
- to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - foster good relations between people who share a protected characteristic and people who do not share it.

8. LEGAL IMPLICATIONS

- 8.1 The Legal implications are set out in the body of the report.
- 8.2 Implications to be verified by: Rhian Davies, Monitoring Officer – Tel: 020 8753 2729

9 FINANCIAL AND RESOURCES IMPLICATIONS

- 9.1 There are no direct financial implications associated with this report. However, any financial impact arising as a result of this policy will be managed as part of

the budget monitoring process.

- 9.2 Implications to be verified by: Mark Jones, Director for Finance and Resources – TTS/ELRS, 020 8753 6700

10. IMPLICATIONS FOR BUSINESS

- 10.1 Implications for business in the borough from the introduction of this revised policy are considered to be minimal. The Statement of Licensing Policy has been revised to reflect the recent changes in the latest version of the Secretary of State's Guidance to Licensing Authorities and licensing legislation. Local area risk assessments should be considered and completed by new applicants and existing licence holders, as they provide a basis upon which future Licensing Act applications will be assessed.
- 10.2 This new approach represents a major opportunity for local businesses to promote, and clearly state within their application how they will promote, the licensing objectives and ensure high standards of operation which respect the sensitivities of their locality.

11. RISK MANAGEMENT

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

12. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 12.1 Not applicable in this case.

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

None.

List of Appendices

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

Web-link to:

Cumulative Impact Zone reviews;

Consultation responses;

Draft Statement of Licensing Policy submitted for public consultation;

www.lbhf.gov.uk/business/licensing/licensing-policy



STATEMENT OF LICENSING POLICY

July 2017 – July 2022

DRAFT

London Borough of Hammersmith &
Fulham Statement of Licensing
Policy
Issued July 2017

This policy has been prepared in accordance with the Secretary of State's Guidance (March 2015) issued under Section 182 of the Licensing Act 2003.

www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

Any website links within this document that no longer work will be updated or removed.

This Policy relates to the sale or supply of alcohol, the provision of regulated entertainment, and the provision of late night refreshment.

If you would like more information, please contact us:

**London Borough of Hammersmith & Fulham
Licensing Authority
PO Box 66532
London
W8 9GJ**

Phone: 020 8753 1081

Email: licensing@lbhf.gov.uk

Website: www.lbhf.gov.uk

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DRAFT

1 Foreword

- 1.1 The Licensing Authority will have regard to this policy when carrying out its functions under the Licensing Act 2003 (“the Act”).
- 1.2 The Act requires the Licensing Authority to publish this Statement of Licensing Policy. This policy will be used as a guide in decision making with regard to licensing matters.
- 1.3 The legislation provides a clear focus on the promotion of four statutory licensing objectives which must be promoted when licensing functions are undertaken, these are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- Each objective is of equal importance. It is important to note that there are no other licensing objectives.
- 1.4 The Licensing Authority is keen to promote the cultural life of our borough and licensing will be approached with a view to encouraging all forms of licensable activity that are carried out in ways consistent with the Licensing Objectives.
- 1.5 Our licensing policy is designed to build upon the work presently carried out by the Licensing Authority to maintain a dynamic, innovative and attractive place to live, work and relax. The council has prepared a number of strategies that contain visions, aims and objectives to promote, improve and protect the borough. Not only has this Statement of Licensing Policy been prepared to promote the four Licensing Objectives under the Act, the Licensing Authority has also had regard to the local strategies which have been developed for the borough, its residents, businesses, workers and visitors. The Licensing Authority intends to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies and the council’s equal opportunities policy and local alcohol licensing strategy by ensuring our licensing policy is consistent with their aims and objectives. This Statement of Licensing Policy also recognises the National Alcohol Strategy.
- 1.6 The Licensing Authority will seek to implement the policy in a positive and inclusive way for the whole community.
- 1.7 Our aim is to target premises which are causing problems within our communities, and have a lighter touch for the majority of businesses and community activities which enhance peoples’ lives by providing worthwhile opportunities for the enjoyment of leisure time without having a negative impact. Premises that are associated with any crime or disorder, threaten public safety, generate public nuisance or threaten the well being of children will be targeted for enforcement action. However, partners will consistently work towards the promotion of the four licensing objectives pro-actively and would hope that re-active work targeting problem premises is kept to a minimum.
- 1.8 An effective licensing policy, alongside other initiatives, can work towards promoting the positive aspects of life in the borough, such as increasing the leisure industry provision for the community and encouraging regeneration of town centres, as well as controlling the negative impacts such as

increase in noise, nuisance, anti-social behaviour and crime and disorder.

- 1.9 Through this policy the Licensing Authority hopes that local people and visitors to Hammersmith and Fulham will have better opportunities to enjoy their leisure time safely without fear of violence, intimidation or disorder while on, arriving at, or leaving licensed premises. In addition, and in response to concerns about the impact of longer trading hours on behaviour and disturbance at night, we have given the protection of local residents, whose lives can be blighted by disturbance and antisocial behaviour associated with some of the people visiting places of entertainment, a central place in our strategy. The [Local Development Framework](#) sets out the council's planning policies for developing land, improving transport and protecting the environment. The council is required to determine planning applications in accordance with the [Local Development Framework](#), the London Plan and any other material considerations. The Licensing Authority will take account of business needs and, where applicable, special policies that will help to enhance the borough.
- 1.10 Hammersmith & Fulham is a socially diverse area with a cosmopolitan population, sharing the advantages and disadvantages of inner city life. This presents the challenge of securing the safety and amenity of residential communities while facilitating a sustainable entertainment and cultural industry. To date, the Licensing Authority has been successful in seeking to strike this balance, and has a proven track record of treating each application in a fair and considered way.
- 1.11 Green spaces have been protected and extended throughout the 1990s to improve the local quality of life. The borough is home to one of Europe's largest shopping centres, Westfield, three major football clubs; Chelsea, Fulham and Queens Park Rangers, a national exhibition centre, Olympia, and two of London's major live entertainment venues, the HMV Hammersmith Apollo and the Shepherds Bush Empire.
- 1.12 The Act requires the Licensing Authority to review the licensing policy every five years. All reviews will be subject to further consultation with all stakeholders and any revised policy will be published. Issues that arise concerning implementation of the policy will be recorded in an issue log and taken into account during any review.

2 Introduction and purpose

- 2.1 Hammersmith & Fulham is one of 13 inner-London boroughs. It is situated in west London, on the transport routes between the city and Heathrow airport.
- 2.2 It is a long, narrow borough, running north to south with a river border at its south and south-west side. It is bordered by six London boroughs – Brent to the north, Kensington and Chelsea to the east, Wandsworth and Richmond-upon-Thames to the south, and Ealing and Hounslow to the west. Not including the City of London, it is the third smallest London borough in terms of area, covering 1,640 hectares. It has three town centres – Shepherd's Bush, Hammersmith and Fulham.
- 2.3 Hammersmith & Fulham is made up of 16 electoral wards. These range in size from 55 hectares to 344 hectares.
- 2.4 The Licensing Authority for the London Borough of Hammersmith & Fulham makes this Statement of Licensing Policy in accordance with section 5 of the Act.

2.5 This policy statement has, amongst other things, four main purposes which are:

- **To inform Members** of the Licensing Committee of the powers of the Licensing Authority and the boundaries within which to make decisions.
- **To inform licence applicants** of the parameters within which the Licensing Authority will make licensing decisions and how licensed premises are likely to be able to operate within the borough.
- **To inform local residents and businesses** of the considerations which the Licensing Authority will take when making licensing decisions.
- **To inform Responsible Authorities** of their powers under the Act to promote the four Licensing Objectives.

2.6 The policy relates to the following activities (known as licensable activities) that are required to be licensed under the Act:

- a. The retail sale of alcohol including licensing of individuals, premises, and purchases via the internet or mail order;
- b. The supply of alcohol to members of club premises;
- c. The provision of regulated entertainment in the presence of an audience. The meaning of regulated entertainment is described in more detail in the Licensing Act 2003, and in particular in Schedule 1 of that Act and includes:
 - film exhibitions
 - performances of a play
 - indoor sporting events
 - boxing or wrestling events
 - live music performances
 - playing of recorded music
 - performances of dance

Further details regarding regulated entertainment and exemptions from the need for licensing permissions can be found in the Glossary attached to this document.

- d. The licensing of activities on a temporary basis, Temporary Event Notices (TENs); and
- e. The provision of late night refreshment i.e. supply of hot food or hot drink from premises, anytime between 11pm and 5am.

2.7 The two main types of licences issued under the legislation are personal and premises licences. Club premises certificates can also be issued for qualifying clubs carrying out qualifying club activities. TENs may be issued for licensable activities involving no more than 499 people and lasting no more than 168 hours (7 days). References to licences in this document include certificates, TENs or other permissions under the Act.

2.8 Licensing is about regulating licensable activities on licensed premises, at qualifying clubs and at temporary events within the terms of the Act. The conditions attached to licences and / or Temporary Event Notices will be focused on matters that are within the control of individual licensees.

Accordingly, conditions will centre on the premises and on the vicinity of those premises. What is in

the vicinity will depend on the facts of each individual case. However, the Licensing Authority will primarily focus on the direct impact of the activities at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

- 2.9 Every application made to the Licensing Authority will be considered on its own merits. This policy will be used as a basis for coming to consistent and transparent decisions on licence applications.
- 2.10 The Licensing Authority has taken full account of the guidance issued to it by the Secretary of State under section 182 of the Act. Where it is necessary to depart from that guidance, the Licensing Authority will give its reasons for doing so. A copy of the Statutory Guidance can be found on the licensing pages of our website.
- 2.11 Additionally, in formulating this policy document the Licensing Authority has had regard to the provisions of the European Convention on Human Rights, the Equality Act 2010 and has also taken into account the provisions of the Crime and Disorder Act 1998.
- 2.12 The scope of this policy covers all applications made under the Act. Designated sports grounds, events and exhibition centres are the subject of separate legislation. Consideration of applications for premises licences will be limited to those activities that are licensable under the Act.
- 2.13 Nothing in this policy will undermine any person from applying for a variety of permissions under the Act.
- 2.14 The Policy has been drawn up in consultation with a number of bodies and organisations, including:
- Metropolitan Police;
 - London Fire and Emergency
 - Planning Authority;
 - Representatives of holders of premises licences in the borough;
 - Representatives of holders of club premises certificates in the borough;
 - Representatives of holders of personal licences issued by the borough;
 - Representatives of residents and businesses in the area, including resident groups, tenants associations and societies;
 - The Area Child Protection Committee;
 - The Director of Public Health;
 - Accident and Emergency and the London Ambulance service;
 - British Transport Police;
 - London Underground;
 - Neighbouring authorities;
 - British Institute of Innkeeping;
 - Chamber of Commerce;
 - The Substance Misuse and Offender Care Team (SMOC);
 - Crime and Disorder Reduction Partnership; and
 - Trade unions;
- 2.15 This policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers.

3 Fundamental principles

- 3.1 In carrying out its licensing functions, the Licensing Authority will actively seek to promote the four Licensing Objectives set out in section 4 of the Act. These are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.
- 3.2 To achieve these objectives the Licensing Authority will use its full range of powers and engage all relevant responsible authorities. Accordingly, the Licensing Authority will enter into appropriate partnership arrangements, working closely with the police, the fire authority, Trading Standards, Environmental Health, Public Health, local businesses, community representatives and local people in meeting these objectives.
- 3.3 The Licensing Authority has significant experience and awareness of the requirements of, and issues surrounding, the entertainment and leisure industry and we will work with our stakeholders to ensure mutual co-existence.
- 3.4 The Act provides the entertainment and leisure industries with greater freedom and flexibility to meet the demands of its customers but also provides some extra powers for the Licensing Authority and other authorised officers to work closely to protect residents from disturbance.
- 3.5 Deregulation inevitably brings with it a higher degree of self-regulation by licence and certificate holders. This shift means that the primary responsibility for controlling activities on licensed premises firmly rests on the licence holders, designated premises supervisors and managers of such premises. This Licensing Authority, with support from the other enforcement agencies, will keep the activities of these licence holders under review. This means that all concerned must work closely together in partnership for the community, of which both businesses and residents form a part.
- 3.6 Responsible Authorities or other persons may view applications for Club Premises Certificates and Premises Licences, and may make representations to the Licensing Authority where they believe a licence application, if granted, will undermine one or more of the Licensing Objectives. (see Glossary of terms for other persons and Responsible Authority definitions)
- 3.7 All relevant representations will be considered during the decision making process, unless they are considered to be frivolous, vexatious or repetitious in nature. All representations must be made to the Licensing Authority. Only written representations sent by e-mail, post or hand delivered will be accepted however, where circumstances prevent this the Licensing Authority shall consider any other forms of representation on a case by case basis.
- 3.8 If relevant representations are received by the Licensing Authority, the application will be determined by a Licensing Sub-Committee consisting of three Members of the full Licensing Committee. Where no relevant representations have been made licences will be issued by licensing officers under delegated powers. In making decisions on licence applications, the Licensing Sub-Committee must have regard to the Act and relevant Regulations, the Guidance published by the Home Office under s.182 of the Act, and this Statement of Licensing Policy.

3.9 Applicants should also have regard to these documents when preparing their applications. Applicants should note paragraph 8.34 of the Secretary of State's Guidance in particular, which states that:

'Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

Please see paragraph 15.7 for more information regarding local area risk assessments.

3.10 Where relevant representations have been received by the Council, conditions attached to licences, certificates and Temporary Event Notices will be tailored to the individual style and characteristics of the premises and events concerned. They will relate to the licensing objectives and be restricted to matters within the control of individual licence holders.

3.11 In making decisions on licensing applications and imposing conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned relating to the four Licensing Objectives.

4 Licence conditions

Schedule 4 of the Policing and Crime Act 2009 amended the Act to give the Secretary of State the power to impose new mandatory licensing conditions in relation to the supply of alcohol under the authority of a premises licence or club premises certificate.

These new mandatory licensing conditions apply to all existing and future premises licences which authorise the sale or supply of alcohol. These conditions override any conditions already included in a premises licence or club premises certificate, so far as they are identical to the existing conditions or inconsistent with, and more onerous than, the existing conditions. The new conditions will apply to every licence and certificate authorising the sale or supply of alcohol from the date that they come into force.

Mandatory Conditions

4.1 Mandatory conditions must be attached to all Premises Licences and Club Premises Certificates authorising the sale and supply of alcohol, see Annex 1 for details. These conditions, amongst other things, in effect:

- Ban irresponsible drink promotions;
- Ban the dispensing of alcohol directly into the mouth; and
- Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.
- Require an age verification policy to be in place to prevent underage sales; and

- Ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine.
- Minimum price of alcohol (duty plus VAT)

Local Pool of Conditions

4.2 Appropriate and proportionate conditions which relate to the Licensing Objectives will be drawn in particular circumstances from the National Pool of Conditions, issued by the Home Office. Further information regarding these conditions can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98115/pools-conditions.pdf .

This does not preclude the Licensing Authority from attaching other conditions appropriate for the promotion of the four licensing objectives.

The Licensing Authority has carried out a full review of its own pool of conditions and these are available on the licensing pages of our website. Applicants should consider the National Pool and local pool of conditions and incorporate them into their operating schedules, as they consider appropriate, to promote each of the Licensing Objectives.

Football Conditions

4.3 The Licensing Authority acknowledges that it is unique in the fact that it has 3 major football clubs within its boundaries. Given the size of our borough and the raised level of risk of crime and disorder occurring on match days, any premises in the vicinity of our football grounds will be expected to robustly deal with this issue in their operating schedule.

4.4 Where a relevant representation is made by the Police, another Responsible Authority, or 'other person' in respect of an application made by a licence holder, the Licensing Authority may apply enhanced "match day" conditions to ensure the Licensing Objectives are promoted. This may include, but is not limited to, the following conditions:

- Restriction of hours in the run up to and after 'Kick Off'
- Restriction of sales of alcohol in glass bottles or the use of glass for any drinks on match days
- Conditions for premises to robustly control the spillage of customers onto the highway through overcrowding
- to prevent their customers from drinking or taking alcohol out onto the street outside the premises on match days
- The ability for the Police or Licensing Authority to require the premises to close on grounds of Public Safety if required to do so
- Having door supervisors on duty
- Having a Designated Premise Supervisor/Personal Licence Holder on the premises
- Using display cabinets with shutters for alcohol

Similar conditions may also be applied on 'victory day' parades.

4.5 The Licensing Authority acknowledges that off licences can also play a major part in the overall impact on the crime and disorder objective and as such would seek to ensure these conditions are

also mirrored as required on off licences identified by the Police and Licensing Authority as having a potential impact. The Police and Licensing Authority are especially keen to control the sale of alcohol in glass bottles on match days and as such may require that no bottles are sold on match days.

- 4.6 It has also been the experience of the Licensing Authority that at times it may be required to completely close 'off' and 'on' licensed premises depending on the information received by the Football Intelligence Unit. In order to ensure this can be effectively controlled the Licensing Authority and the Football Intelligence Unit will liaise with relevant premises operators at the earliest opportunity in order to discuss closure. Informal cooperation will always be preferred. However, review proceedings will necessarily follow when a Magistrates' Court has made a closure order under section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014, or the Crown Court has made a closure order on appeal under section 84 of that Act.
- 4.7 Licence holders will ensure that conditions attached to the licence are complied with at all times.

5 Licensing hours

- 5.1 Where there is a relevant representation, the Licensing Authority will consider each particular case on its merits having regard in particular to the following matters:
- Whether the licensed activities are likely to have an adverse impact especially on local residents and, if there is potential to have an adverse impact, what, if any, appropriate measures will be put in place to prevent it;
 - Whether there will be a substantial increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area;
 - Whether there is a suitable level of public transport accessibility to and from the premises at the appropriate times;
 - Whether the activity will be likely to lead to a harmful and unmanageable increase in car parking demand in surrounding residential streets suffering high levels of parking stress or on roads forming part of the Strategic London Road Network or the London Bus Priority Network leading to a negative impact on the Licensing Objectives relating to the prevention of crime, disorder and nuisance;
 - Whether there have been any representations made by Responsible Authorities, or other relevant agency or representative.
- 5.2 The Licensing Authority will closely scrutinise extended hours applications to ensure that the Licensing Objectives are met. In determining an application the licensing committee might decide that the circumstances are such that a restriction on hours is the only appropriate means to achieve the Licensing Objectives. If an 'hours' restriction is imposed, the Licensing Authority will normally require that customers should be allowed a minimum of thirty minutes to consume alcohol. For example, if the closing time on the application is stated as 12 midnight, the latest time that a licence would be granted to serve alcohol would be 11:30pm, as the Licensing Authority will normally allow a minimum of 30 minutes to consume alcohol that has been purchased before the terminal hour.
- 5.3 In determining representations to an application which incorporates an external area to the

premises, the licensing committee might decide that the circumstances are such that a restriction on hours in that area is the only appropriate means to achieve the promotion of the Licensing Objectives.

- 5.4 The Licensing Authority advises applicants that it would be beneficial if a lawful planning use can be demonstrated for the activities proposed in all applications for premises licences.
- 5.5 It will be the normal policy of the Licensing Authority to allow shops, stores and supermarkets to provide sales of alcohol for consumption off the premises at any times (in line with permitted planning hours) when the retail outlet is open for shopping unless there are good reasons based on the Licensing Objectives for restricting those hours. Should there be evidence regarding street drinking issues, child protection issues, issues in relation to public nuisance and disorder in the vicinity of this type of premises, the Licensing Authority may restrict the hours of the sale of alcohol.

6. Cumulative Impact

- 6.1 In determining an application where there has been a relevant representation the Licensing Authority will, where appropriate, take into account the cumulative (collective) effect of the number, type and density of licensed premises already existing in the area. A saturation of licensed premises can attract customers to an area to such a degree that it has an adverse impact on the surrounding area beyond the control of individual licence holders.
- 6.2 In accordance with paragraph 13.30 of the Secretary of State's current Guidance, where the cumulative effect of many licensed premises within an area gives rise to problems of public disorder and nuisance in the surrounding area, the Licensing Authority may consider it inappropriate for any further licensed premises to be established in the area, or extension to licensed hours of existing premises to be approved. In such circumstances, an application for a licence for activities which would undermine the promotion of any of the four Licensing Objectives would be refused.
- 6.3 In 2009 the Licensing Authority identified Fulham Broadway as an area where the number, type and density of premises providing licensable activities after 11pm was having a serious negative impact on the local community and local amenities. In order to ensure that residents are protected from the negative impact of late night local licensing activities, the Licensing Authority adopted a special policy. This policy is set out in Annex 4 and will be applicable for new licences or variations of existing licences, except applications for Personal Licences. The special policy will be reviewed regularly to assess whether it is still needed or should be expanded or amended. The special policy has been reviewed in 2015 and data from the police, ambulance service, and noise complaints has been assessed. The conclusion to this review is that alcohol related crime, anti-social behavior and noise complaints have been reduced, after midnight in particular, since the special policy was introduced in 2009. A report on crime, disorder and noise is attached as Annex 5. This is a strong indication that the purpose of the special policy is being achieved and that it should remain in place.
- 6.4 In 2011 the Licensing Authority also identified Shepherd's Bush as an area which was suffering adversely from the concentration of a number of licensed premises in a specified area. After an extensive evidence gathering process a further special policy was adopted by the Licensing Authority in June 2011. The Policy is set out in Annex 6. This policy is also only applicable where relevant representations are made in the area specified. This special policy was also reviewed in

2015 and data from the police, ambulance service and noise complaints assessed. The conclusions were similar to the results of the review of the Fulham Broadway special policy, with a reduction in alcohol related crime, anti-social behavior and noise complaints after midnight. A report on crime, disorder and noise is attached as Annex 7. In view of the current positive impact of this special policy it will remain in place and will be reviewed regularly.

- 6.5 The absence of a special policy in other areas does not prevent any Responsible Authority or other persons from making representations on the grounds that the premises will give rise to a negative cumulative impact in the area in question, on one or more of the four Licensing Objectives (The Secretary of State's Guidance – March 2015).
- 6.6 Where there is sufficient evidence that another particular area has reached a point where existing licensing activity is at such levels that if, by granting a licence, it would contribute to the negative impact in the area, the Licensing Authority may adopt a special policy in relation to that area.
- 6.7 If any further special policies were adopted they would not be absolute and each application would still have to be considered on its own merits.
- 6.8 In coming to any decision regarding cumulative impact the Licensing Authority will also have regard to other mechanisms outside of the licensing regime which may also be available to address this issue, these are:
- Planning controls (where development or change of use is involved, or where trading hours are limited by planning conditions)
 - Police enforcement of the normal law concerning disorder and anti-social behaviour.
 - Prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - Prosecution of any personal licence holder or member of staff at such premises who is selling to underage persons or selling illegal alcohol or tobacco
 - Police powers to close down instantly any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises, for up to 24 hours.
 - The power of the police, other responsible authorities, a local resident, business or Councillor to seek a review of the licence or certificate in question.
 - Police and Local Authority power to issue a Closure Notice for up to 48 hours where serious anti-social behavior is taking place at licensed premises under the Anti-social Behaviour, Crime and Policing Act 2014.

7 Promotion of other strategies

- 7.1 The Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. Only appropriate, proportionate and reasonable licensing conditions will be imposed on such events. The council recognises that as part of implementing cultural strategies, account needs to be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing, street arts and theatre for the wider cultural benefit of the community.
- 7.2 Arrangements have been made for the licensing committee to receive, when appropriate, reports

on the needs of the local tourist economy.

- 7.3 The Licensing Authority will keep the licensing committee apprised of the employment situation in the area and the need for new investment and employment where appropriate.
- 7.4 The Licensing Authority will also report to local transport committees with regard to the need to disperse people from town centres in order to avoid concentrations of people that can produce nuisance and disorder. The Authority will liaise with Transport for London (TFL) and the Highways Department about local transport issues (late night bus and tube services) with regard to the need to disperse people from town centres late at night in order to avoid concentrations of people causing noise nuisance and possible crime and/or disorder.
- 7.5 In accordance with its functions as a Licensing Authority, section 149 of the Equalities Act 2010 obliges public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups. The council has an Equal Opportunities Policy and this revised Statement of Licensing Policy will be monitored for any adverse impact on the promotion of equal opportunities.
- 7.6 The council will ensure its various strategies and policies are joined up to achieve the Licensing Objectives in the interests of clarity for applicants and effective determination. This will include taking into account the following:
- The Environmental Health Service Group's Enforcement Policy;
 - Crime and Disorder Reduction strategy and strategic assessment;
 - LBHF Alcohol Licensing strategy
 - National Alcohol strategy
 - Community Safety strategy;
 - Equal Opportunities policy;
 - Cultural and Tourism strategies including promotion of live music and community events;
 - Objectives of the Private Security Industry Authority;
 - Responsibilities under the Anti-Social Behaviour, Crime and Policing Act 2014;
 - Health Act 2006
 - Violent Crime Reduction Act 2006
 - The Government's Code of Practice on Test Purchasing:
<https://www.gov.uk/government/publications/code-of-practice-age-restricted-products>
 - Clean Neighbourhoods and Environment Act 2005

8 Prevention of crime and disorder

- 8.1 The Licensing Authority will require applicants to detail in their operating schedule the steps proposed to ensure the deterrence and prevention of crime and disorder on, and in the vicinity of, the premises, having regard to their location, character, condition, the nature and extent of the proposed use and the persons likely to use the premises. Please refer to Section 15 – Operating Schedule.
- 8.2 The Licensing Authority will require the licence holder to indicate what steps will be put in place to control the excessive consumption of alcohol and drunkenness on relevant premises in order to reduce the risk of anti-social behaviour occurring elsewhere after customers have left the premises.

- 8.3 The Licensing Authority is aware of the link between the supply of discounted alcohol and incidents of alcohol related disorder as well as the impact that excessive consumption of alcohol or binge drinking can have on public health and will consider whether any additional measures or restrictions can be placed on alcohol sales to prevent binge drinking and promote 'sensible drinking'. (See Annex 1.)
- 8.4 Whilst there may be evidence that people addicted to alcohol and their families are at risk of significant health and social problems such as mental illness, gambling and drug misuse, relationship breakdown, criminal activity and financial difficulties, public health is not a licensing objective and therefore cannot be taken into account, when deciding on applications. However, the Director of Public Health's team is a Responsible Authority under the Act and as such is able to make representations either in their own right or in support of other representations. The Licensing Authority will continue to liaise with public health colleagues about new and variation applications within the borough, so that we can both continue to monitor any increase in access to alcohol for those at risk and work jointly to ensure that appropriate measures are put in place to minimise that risk and support those seeking help.
- 8.5 The Licensing Authority will use the powers contained within the Act to ensure operators' promotional activities do not undermine the Licensing Objectives. Where alcoholic drinks are heavily or extensively discounted, or there are other forms of promotion such as 'two for one' or 'drink all you can' offers, this is likely to encourage excessive consumption or binge drinking and result in alcohol fueled incidents of crime and disorder and implications for public safety, public nuisance and may expose children to risk of harm. (See Annex 1).
- 8.6 Any premises found to be participating in heavily discounted and irresponsible alcohol drinks promotions will be considered as high risk premises for multi-agency compliance and enforcement visits. Operators may also be operating in breach of the mandatory licence condition shown in Annex 1.
- 8.7 Where evidence indicates that drinks promotions at a premises are undermining one or more of the licensing objectives, it is likely that a responsible authority will instigate a review of the premises licence.
- 8.8 Off Licences, shops, supermarkets and stores selling alcohol for consumption off the premises potentially have a high risk of crime and disorder as well as being targeted as easy premises from where to acquire alcohol. Such premises can contribute to anti-social behaviour and disorder through the consumption of alcohol on the street and in open spaces by groups of drinkers, through the sale of alcohol to children, and through the sale of alcohol to street drinkers and persons who are already drunk.
- 8.9 The Licensing Authority expects operators of off licences to show particular diligence in areas where these problems are prevalent, and to strictly monitor the way they sell alcohol where the premises are located close to schools and hostels and similar premises that provide shelter or services to alcohol dependent persons.
- 8.10 It is important that staff working at off licences are suitably trained and receive appropriate refresher training in their responsibilities under the Act and can discharge their duties in full compliance with the licence conditions and requirements of the Act. This includes the ability to competently check a customer's age with acceptable forms of identification where necessary. The Licensing Authority will particularly consider the following matters where they are material to the individual application:

- The likelihood of any violence, public order or policing problem if the licence is granted;
- The measures taken to control admission to the premises, and to take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises, where and to the extent that these matters are within their control.
- Past conduct and prior history of complaints against the premises;
- Whether a dispersal policy has been prepared to minimise the potential for disorder as customers leave the premises; and
- Any relevant representations.

- 8.11 If there are concerns about illegal drugs, applicants must show that they can comply with the Home Office guidance 'Safer Clubbing' in relation to the control of illegal drugs on their premises. They should agree a protocol with the Licensing Authority and the police on the handling of illegal drugs found on their premises.
- 8.12 Operators should have robust controls in place to avoid the presence of weapons on their premises and should agree a protocol with the Licensing Authority and the police on the handling of weapons found on their premises.
- 8.13 Conditions will, so far as possible, reflect local crime prevention strategies, and the Licensing Authority will also have regard to the views of the local Crime and Disorder Reduction Partnership.
- 8.14 Police powers to deal with any disorder have been strengthened and they have a key role to play in the prevention of crime and disorder on licensed premises.
- 8.15 The Police and the Licensing Authority will need to work closely together in order to ensure that this important objective of the Act is fulfilled by any applicants/operators. As a result, the Licensing Authority and the Police have signed a Memorandum of Understanding. This document provides an outline of how the Licensing Authority will liaise, communicate and work to ensure full and proper consultation and effective joint working with this key responsible authority.
- 8.16 It is recommended that applicants discuss the crime prevention procedures in their premises with the Licensing Authority and the Police before making a formal application. Licences for any form of regulated entertainment will be subject to conditions to prohibit entertainment (including film exhibitions) which are likely to lead to disorder or stir up hatred or incite violence towards any section of the public on the grounds of colour, race, ethnic or national origin, disability, religious beliefs, sexual orientation or gender.
- 8.17 To assist potential licence applicants the Council now offers a pre-application advice service. Details of this service can be found on the licensing pages of the LBHF website.

9 Public safety

- 9.1 The Licensing Authority will require the applicant to detail in their operating plan the steps proposed to ensure the physical safety of people using the relevant premises or place. Please refer to Section 15 – Operating Schedule
- 9.2 Maximum occupancy limits will be specified on the licence only where necessary for the promotion of public safety or the prevention of disorder. Where a capacity limit is already specified in a fire risk

assessment, the Licensing Authority will not normally include that limit as a licence condition.

- 9.3 The Regulatory Reform (Fire Safety) Order 2005 makes the Fire Authority responsible for fire safety matters in licensed premises. This means that any conditions imposed by the Licensing Authority, prior to the Order, that relate to any fire safety requirements or prohibitions that are, or could be, imposed by the Order can be disregarded.
- 9.4 The exception to this will be in cases where the council and the enforcing authority for the fire safety order are one and the same body. For example, in designated sports-grounds and stands where the council enforce the fire safety order. In such circumstances fire safety conditions should not be set in new licences, but conditions in existing licences will remain in force and be enforceable by the Licensing Authority.
- 9.5 Safe capacities will be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. If no safe capacity has been imposed through other legislation, a responsible authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and may make representations to that effect. In certain circumstances, capacity limits may be necessary in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile. The types of premises that may be subject to safe capacities will be the following;
- Nightclubs
 - Cinemas
 - Theatres
 - Other premises where regulated entertainment is being provided within the meaning of the Act, e.g. open public spaces
- 9.6 The Licensing Authority will, where appropriate, attach conditions to a licence to ensure public safety, dealing with, but not limited to, the following:
- Checks on equipment at specified intervals, e.g. gas safety checks;
 - Standards to be maintained, e.g. temporary electrical installations to comply with British Standards;
 - The number of people on the premises to ensure it is appropriate having regard to the activities taking place and reliable ways of counting the number;
 - The steps taken to manage the risk from glass, the use of bottle bins, glass collectors and door supervisors to prevent glass being taken off the premises;
 - The use of door supervisors to manage the entrance and exit from the premises and to protect public safety as customers leave the premises;
 - The provision of air conditioning and ventilation;
 - Measures to protect against overcrowding; and
 - Consideration of the needs of disabled people and appropriate provisions.

10 The prevention of public nuisance

- 10.1 The Licensing Authority will require the applicant to demonstrate within the operating plan how they intend to prevent nuisance arising, prevent disturbance and protect amenity so far as is appropriate to ensure that the Licensing Objectives are met. Where there is a relevant representation regarding

extended hours, the Licensing Authority will not permit an extension unless it is satisfied that the Licensing Objectives would be met. Please refer to Section 15 – Operating Schedule

10.2 In considering an application, the Licensing Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for public nuisance and anti-social behaviour.

10.3 The Licensing Authority will particularly consider the following matters where they are material to the individual application:

- One of the most common complaints the Licensing Authority receive is about nuisance caused by customers as they leave licensed premises at night. The Licensing Authority recommends that primarily alcohol led premises such as nightclubs and pubs, located close to any residential premises, implement a dispersal policy at their venue. All relevant staff should be trained on any policy, and all reasonable steps should be taken to ensure it is fully implemented and adhered to at all times.
- The proximity of residential accommodation;
- The type of use proposed, including the likely numbers of customers, proposed hours of operation and the frequency of activity;
- The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will usually be of greater importance late at night and/or in the early hours of the morning. However, nuisance can arise at any time of the day or night so the Licensing Authority will consider representations from Responsible Authorities and/or Interested Parties relating to potential nuisance from any activity at all times dependent on the merits of the application/steps taken or proposed to prevent nuisance.
- Limiting the number of people permitted to use a garden or other open-air areas, including those for the use of smoking, at any one time.
- Restricting the use of a garden or other open-air areas, including those for the use of smoking, after a particular time e.g. 11:00pm (or such earlier time as may be considered appropriate).
- The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;
- The steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;
- The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;
- The provision for public transport in the locality (including taxis and private hire vehicles) for patrons;
- The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;
- The delivery and collection areas and delivery/collection times;
- The siting of external lighting, including security lighting that is installed inappropriately;
- The arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);
- The history of previous nuisance complaints proved against the premises, particularly where

statutory notices have been served on the present licence holder;

- The history of the applicant in controlling anti-social behaviour and preventing nuisance;
- The generation of odour, e.g. from the preparation of food;
- Any other relevant activity likely to give rise to nuisance;
- Any representations made by the Police, or other relevant agency or representative;

11 Protection of children from harm

11.1 The Licensing Authority will require operating plans to specify the measures and management controls in place to protect children from harm. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff. Please refer to Section 15 – Operating Schedule

11.2 The legislation recognises the right of licence holders (serving alcohol) to allow accompanied children into their premises at any time. The Licensing Authority will not normally seek to limit their access (above that specified in the Act) to any premises unless it is necessary for the prevention of physical, moral or psychological harm, or where there are concerns about child sexual exploitation. Where this is considered likely, upon consideration of a relevant representation, conditions will be imposed that restrict children from entering all or part of licensed premises:

- At certain times of the day;
- When certain licensable activities are taking place;
- Under certain ages, e.g. 16 or 18;
- Unless accompanied by an adult.

11.3 The Licensing Authority will particularly consider whether:

- There is entertainment or services of an adult nature commonly provided;
- There have been convictions, Penalty Notices for Disorder (PND) or cautions for serving alcohol to minors or premises with a reputation for under-age drinking;
- There is a known association with drug taking or dealing;
- There is a significant element of gambling on the premises;
- There is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held);
- There are licensable activities that are likely to appeal to minors/children under 16 taking place during times when children under 16 may be expected to be attending compulsory full-time education;
- There have been representations from police, the Local Safeguarding Children Board, Trading Standards or other relevant agency or representative.
- There are measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognize signs of potential child sexual exploitation.

11.4 The sale of alcohol to a minor is a criminal offence and Trading Standards officers will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence. The Act permits the use of children under the age of 18 to undertake test purchases when they have been directed to do so by a duly authorised officer.

- 11.5 Where a sale of alcohol has been made on the same premises to a minor on two or more different occasions within a period of three months the premises licence could be suspended for a defined period.
- 11.6 Where there are restrictions (whether imposed by statute or by the Licensing Authority) on the sale or supply of goods or the provision of services or the showing of films or other entertainment to children below a certain age, then the licensee will be required to demonstrate that they have in place a system for verifying the age of the children intended to be supplied with such goods, services or entertainment. Training should be given to all persons who might be in a position to serve or refuse such children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals. (See Annex 1).
- 11.7 Conditions may be imposed on licences for premises where children will be present at places of public entertainment to the effect that a sufficient number of adults must be present to control the access and egress (including safe transport home) and to ensure their safety. What is deemed sufficient will depend on the circumstances of the particular event.
- 11.8 The Licensing Authority will expect operating plans to specify the measures and management controls in place to prevent alcohol being served to children, other than in those limited circumstances permitted by the Act. (See Annex 1.) The Council's Trading Standards officers have a role to play in the protection of children from harm, and proof of age schemes, and are able to provide advice in relation to measures that can be taken to help prevent the sale of alcohol to underage children. Potential licence holders should also be aware of the Proof of Age London (PAL) Scheme hosted by Southwark Council.
- 11.9 The Licensing Authority commends the [Portman Group Code of Practice](http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice) (<http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice>) on the naming, packaging and promotion of alcoholic drinks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. The Licensing Authority recommends that the applicant refer to the Retailer Alert Bulletin by which the Portman Group tells licensed retailers which products have been found to be in breach of the code and should be removed from sale.
- 11.10 There may be occasions where a display of film is required and needs to be classified by the Licensing Authority or the need for a classification needs to be waived. In this case applicants must apply to the Licensing Authority for this to be carried out.
- 11.11 Nothing in the above interferes with the right of a licence holder to preclude children from their premises. Conditions requiring the admission of children to premises cannot be attached to licences.
- 11.12 The 'Responsible Authority' in relation to the protection of children from harm is the council's Local Safeguarding Children Board and in particular the Head of Safeguarding, Review and Quality Assurance. The Trading Standards service will also have certain responsibilities particularly in relation to the underage sales of age restricted products and providing advice about measures that can be taken to reduce the risk of alcohol sales to under eighteens.

12 Premises licences

12.1 An application for a premises licence must be made in the prescribed form to this Licensing Authority. The application must be accompanied by:

- The required fee;
- An operating schedule;
- A plan of the premises in a prescribed form;
- If the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor. This person will normally have been given day to day responsibility for running the premises by the premises licence holder.

An application for the new grant of a premises licence will be subject to a 28 day consultation period and a notice of the application must be displayed at the premises location.

This Authority will also expect applicants for new grants of, and variations to, premises licences to submit a Local Area Risk Assessment with their application.

12.2 Please note that there is also an annual fee for a premises licence which is payable on the anniversary of the granting of the application. Non-payment of this fee will be treated by the Licensing Authority as a serious matter and could result in the suspension of the licence.

12.3 The Licensing Authority will proactively monitor licensable activity within the borough and carry out a program of risk based inspections in accordance with the 'Regulators Code'. Only those premises identified as being 'high risk' premises will be routinely inspected. Officers will only visit premises where there is a reason to do so, e.g. as part of a complaint investigation.

12.4 As already mentioned in paragraph 8.17, to assist potential licence applicants the Council now offers a pre-application advice service. Details of this service can be found on the licensing pages of the LBHF website.

13 Variations to existing premise licences

13.1 Where a premises licence requires a material change to the licence a variation application should be submitted by the premises licence holder. This would include an increase in the capacity of the premises, a change in the hours of operation of the premises, a change to the way the premises is to operate in regard to the operating schedule or a request to vary an existing condition attached to the licence. The procedure is similar to the process for a new application, in that it will require a 28 day consultation period and a site notice to be displayed.

13.2 The Licensing Act was amended to include the ability of premises licence and certificate holders to apply to vary their existing licence by way of a minor variation.

13.3 A minor variation application may **not** be used to vary the licence to:

- vary substantially the structure or layout of the premises
- vary the Designated Premise Supervisor
- authorise the sale by retail of alcohol

- authorise the supply of alcohol at any time between 11 pm and 7 am
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail

13.4 There are 4 main types of variation suitable for the minor variation application:

- Minor changes to the structure or layout of a premises
- Small adjustments to licensing hours (except for the sale/supply of alcohol)
- Removal of out of date, irrelevant or unenforceable conditions and the addition of volunteered conditions
- Licensable activities: adding/removing certain licensable activities, including live music

13.5 Applications are made to the Licensing Authority on prescribed forms. The application must be advertised on a **white A4 notice** at the premises, and contain basic details such as a brief description of the proposed variation; name of the applicant or club; address of the premises; and date by which any other persons may make representations. There is no requirement for the applicant to advertise the application in a local newspaper. Applicants can volunteer conditions as part of the minor variations process, whether from their own risk assessment of the variation, or from informal discussions with the responsible authorities or the Licensing Authority.

13.6 There are no hearings under the minor variation process. The application will be determined by licensing officers under the Delegated Authority powers of the Council.

13.7 There is no requirement for applicants to notify responsible authorities of their application. Responsible authorities only become involved at the request of the licensing officer. The guidance states that licensing officers *‘must consult relevant responsible authorities (whether the application is made in writing or electronically) if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision.’*

13.8 Other persons may make representations based on the Licensing Objectives. Representations do **not** trigger a hearing under the minor variations process, but the guidance states that licensing authorities must take any representations into account in arriving at a decision.

13.9 The timescale set out in the legislation is 15 **working** days. Day one is the first working day after the day the Licensing Authority receives the application. The Licensing Authority must then process the application and determine it within 15 working days.

13.10 If the Licensing Authority fails to determine the application within 15 working days, the application is deemed refused, and the fee must be returned to the applicant.

13.11 The first 10 working days of the 15 working day period constitute a consultation period in which other persons may make representations to the Licensing Authority. During this period officers may consider the application and may consult relevant responsible authorities. A determination of the application cannot be made during the 10 working day period; a decision on the application must be made during the remaining 5 working days.

13.12 The key test by the Licensing Authority is whether the proposed variation could impact adversely on any of the four Licensing Objectives. Licensing officers have no power to impose conditions; only conditions volunteered by the applicant can be added to the licence under the minor variations procedure. The determination must be to grant or to refuse an application. There are notice

requirements following determined applications.

- 13.13 **Granted applications:** The Licensing Authority must notify the applicant of any variation granted, together with the time that the variation will take effect. This will usually be as stipulated in the application, but if the applicant stipulates a date before the notice of determination is given, the Licensing Authority will specify a later time in the notice. Licences and summaries will be re-issued on the grant of a minor variation to reflect the changes made.
- 13.14 **Refused applications:** The Licensing Authority must give notice to the applicant that the application has been refused, together with the reasons for the refusal. Applications that have been rejected under the minor variations process can then be the subject of a full variation application, or of a revised minor variations application. The minor variations refusal does not affect any subsequent variation application in respect of the same premises.

14 Planning Permission

- 14.1 The local planning authority exercises its powers to control opening times of all new establishments seeking planning permission, where harm would otherwise arise. A link to the Planning Departments web pages is below:
- http://www.lbhf.gov.uk/Directory/Environment_and_Planning/Planning/homepage.asp
- 14.2 Licensing applications will not be a re-run of the planning application. The granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission, or building regulation control, where appropriate.
- 14.3 Where an applicant is granted a premises licence with operating hours that are different to the hours permitted by the premises planning permission, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 14.4 The council's Planning Policies are currently set out in its Core Strategy and subsequently in the Local Development Framework, supplemented by additional guidance on A3 use of restaurants and cafés, A4 use of public houses and A5 use for take-aways. Additional policies are set out in the London Plan, which is also part of the statutory development plan for the borough. For further information contact the Planning Division on 020 8753 1081 or 020 8753 1084.
- 14.5 The strength of these policies is that there is an obligation both on the council, as the local planning authority, and the decision maker on any appeal, to give considerable weight to them. This helps to ensure consistency in the decision making process.
- 14.6 In general, planning permissions authorise the development or change of use of land and buildings in the public interest. Licences relate to the specific circumstances and proposed licensable activity within a particular premises, and may cover only a part of the premises.
- 14.7 In many cases where an application is made for a new licence or variation, the town planning use will already be authorised by a previous planning permission or because the premises has a long-standing lawful use. Therefore, a new application for planning permission is often not required.

However, the existing planning permission might, and if recently granted it is very likely to, have conditions restricting the use of the premises in some way: e.g. the hours of operation. In that case, anybody seeking a licence to operate beyond those hours would also need to seek and obtain the revised planning permission or a variation or removal of the relevant planning condition.

14.8 The Licensing Authority may refuse to grant a licence if a representation from the Planning Department has been received and:

- One or more of the licensing objectives would not be promoted

14.9 The Licensing Act states that any authorisation for the supply of alcohol in relation to a petrol station will have no effect if the premise is used primarily as a garage. It is for the Licensing Authority to decide in the light of the facts whether or not any premises is used primarily as a garage. The Licensing Authority will establish primary use based on an examination of the intensity of use by customers of the premises and not based on an examination of gross or net turnover.

14.10 All applicants are encouraged to obtain the correct planning permission. Further information and advice can be obtained from the Planning Portal at <http://www.planningportal.gov.uk/> where applicants can also download an application form. In order for applications to be carefully considered it is useful to include a description of the current use of the premises and whether there will be a change of use, e.g. it is currently being used as a take-away and will be changing to a restaurant. Please note that operating a licence without the relevant planning permission could be a breach of planning control and could leave licence holders vulnerable to enforcement action.

15 Operating schedules

15.1 Operating schedules for premises licences are the key to ensuring compliance with the four Licensing Objectives. The measures proposed in the operating schedule will normally be converted into conditions to be attached to the premises licence and should therefore fulfil the following criteria:

- i) Be precise and enforceable
- ii) Be unambiguous
- iii) Not duplicate other statutory provisions
- iv) Be clear in what they intend to achieve, and
- v) Be appropriate, proportionate and justifiable

15.2 Prospective holders of new premises licences, and those seeking variations to existing premises licences, are advised to consult with the Licensing Authority and the various responsible authorities at the earliest possible stage in order to reduce the risk of any dispute arising.

15.3 The Licensing Authority will seek to impose conditions appropriate to promote the Licensing Objectives. For those premises which present the lowest risk to public safety and the other Licensing Objectives, the Licensing Authority will adopt a light touch approach to regulation.

15.4 Operators of licensed premises will have to comply with planning, environmental health, trading standards, fire safety, licensing and building control legislation when opening or adapting licensed

premises. The Licensing Authority will seek to avoid confusion and duplication by not imposing licence conditions relating to matters that are required or controllable under other legislation, except where they can be exceptionally justified to promote the Licensing Objectives.

15.5 During the course of its inspections, the Licensing Authority may refer matters to any other agency where there appears to be a contravention of the legislation enforced by that agency.

15.6 OPERATING SCHEDULE CONSIDERATIONS

The Licensing Authority considers that it would be beneficial if operating schedules include all the following:

GENERAL

- a description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with 6 screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers);
- A description of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- the licensable activities to be conducted on the premises;
- the times during which it is proposed that the relevant licensable activities are to take place. This should include the time the premises will be open, the time the last customer will be able to enter the premises, the time the last drink will be served and the time all customers will have left the premises. Detail should also be provided on how this will be managed/controlled;
- Any other times when the premises are to be open to the public;
- Where the licence is required only for a limited period, that period;
- Where appropriate, details of the accessibility of the premises for disabled people. The Licensing Authority will take the current version of the publication “Technical Standards for Places of Entertainment” into account when considering applications for new premises providing entertainment and existing premises where entertainment is provided and refurbishment works are carried out. These standards cover accessibility for disabled people, such as adequate access and means of escape, audible and visible means of communication, toilet facilities, etc;

LICENSABLE ACTIVITIES

Where the licensable activities include the supply of alcohol:

- the name and address of an individual who must hold a valid personal licence to be specified as the designated premises supervisor and be responsible on a day-to-day basis for conducting business in the premises in a manner consistent with the terms and conditions of the licence, in accordance with the Act and in pursuit of the Licensing Objectives; except in some Community Premises (see Designated Premises Supervisors in Community Premises at section 19)

- whether the alcohol will be supplied for consumption on or off the premises or both;
- details of what seating arrangements will be provided and where;
- When completing operating schedules and in their management of premises, applicants should consider guidance documents on the responsible promotion of alcohol and on binge drinking, such as the British Beer and Pub Association’s document – Point of Sales Promotion Standards for the Management of Responsible Drinks Promotions including happy hours, which is also available via the www.beerandpub.com website. Refer to Annex 2.

For sales of alcohol for consumption off the premises – applicants in respect of off licences and other premises selling alcohol for consumption off the premises may need to consider whether:

- there are shutters to prevent alcohol from being selected in non-licensed periods.
- there are appropriate numbers of staff on duty to deal with possible ‘intimidation’ to sell alcohol.
- there are restrictions required on the sale of low price, high strength alcohol and drink promotions.
- an incident log book is available to record incidents.
- there are measures in place necessary to prevent underage sales. (See Annex 2)
- there are measures in place necessary to prevent alcohol from being sold outside permitted hours where the operating hours of the premises exceed those for the sale of alcohol.
- there are procedures in place to prevent sales of alcohol to intoxicated persons (with particular attention to street drinkers) or individuals leaving premises in the vicinity such as a late night bar; where there is evidence to suggest this is a problem the Licensing Authority may require a temporary cessation of alcohol sales during high risk times.

Where the licensable activities include dance:

- a description of the type of dancing in broad terms, such as if dancing will be done by professionals or if it will be for members of the public, where it will take place on the premises, if the dancing involves striptease or lap dancing.

15.7 LOCAL AREA RISK ASSESSMENTS

The Secretary of State’s Guidance states that *“Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:*

- *the layout of the local area and physical environment including:*
- *crime and disorder hotspots,*
- *proximity to residential premises, and*
- *proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants’ proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.’*

Applicants are expected to include positive proposals in their application on how they will manage any potential risks.’

The Guidance goes on to state that *‘Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are*

expected to make it clear why the steps they are proposing are appropriate for the premises.'

This Authority notes the contents of these paragraphs from the Secretary of State's Guidance and, in particular, the use of the word 'expected'. Licence applications that do not in any way address the contents of these paragraphs in their operating schedules may be returned to the applicant as 'incomplete'.

LICENSING OBJECTIVES

- 15.8 The Licensing Authority will robustly examine any application and its operating schedule to ensure premises do not impact negatively in the community measuring against the four Licensing Objectives. The Licensing Authority will consider the steps which the applicant proposes to take to promote the Objectives. The Licensing Authority will use further conditions where they are not satisfied an operating schedule is sufficient to control these potential issues. The following provides a non-exhaustive list of measures/issues that the Licensing Authority considers may be relevant to licence applications:

The prevention of crime and disorder

- 15.9 The following provides a non-exhaustive list of risks associated with the crime and disorder objective that applicants may want to consider when preparing their Operating Schedule:
- Crime and disorder in the vicinity of the premises: this may include the crime and disorder risks arising from persons queuing to enter the premises; persons exiting the premises and customers smoking eating or drinking in outdoor areas and on the highway outside the premises. This can also include crime arising from pickpockets and bag snatchers, particularly in open spaces or crowded areas where alcohol is being consumed.
 - **alternative to glass bottles and glasses** - restricting the use of glass bottles and beer glasses to customers in preference for containers made from polycarbonate materials.
 - **CCTV** - using CCTV inside and/or outside the premises together with appropriate procedures and having staff properly trained to use CCTV equipment.
 - **dispersal procedures** - establishing appropriate dispersal procedures to minimise the potential for crime and disorder when customers are leaving the premises.
 - **dealing with and reporting crime and disorder** - training for staff and door security aimed at reducing crime and disorder in the premises and its vicinity and dealing with and reporting incidents if they occur.
 - **door staff** - considering whether the premises employs a sufficient number of SIA registered door staff, whether Door Premises Supervisors check the legitimacy of the badges and whether SIA staff display their badges prominently. (Note: All door supervisors must be Security Industry Authority (SIA) registered - See Annex 1.)
 - **drugs and weapons** - ensuring compliance with relevant guidance regarding illegal drugs and weapons. Attention should be paid to search procedures, procedures for the safe storage and surrender of seized drugs and weapons and drug awareness issues, designing out the ability to take drugs in the premises, etc.
 - **excessive drinking** - training for staff to recognise when customers are becoming drunk and adopting appropriate 'cut off' procedures for drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.
 - **local schemes** – joining and attending local Pubwatch meetings and participating in the Behave or Be Banned Scheme (BOBB) and/or signing up and using the Council's Safety Net

Radio scheme.

- **prevention of theft** - using bag hooks and signage to warn customers of pickpockets and bag snatchers.
- **Event type** - in some cases the type of regulated entertainment proposed could attract elements which increase the possibility of violence and/or disorder occurring in, or in the vicinity of, the premises. For example, some externally promoted live music events carry an increased risk of violent crime and disorder. It may be appropriate to carry out a risk assessment of the activities proposed and, in some cases, to provide such risk assessment to the Police Licensing Team at Fulham Police (fhlicensing@met.police.uk) and/or the Central Licensing Team of the Metropolitan Police (TP-C&S-LicensingTeam@met.police.uk) before the event is agreed. Where a large outdoor event is planned this Authority and the Police recommend that the organisers consult with 'relevant parties' as early in the planning stages as possible. 'Relevant parties' would include local residents, local businesses, schools, charitable organisations, responsible authorities and relevant local authority departments. Consideration of timing of events should be given in relation to football matches and other large pre-planned annual events within the locality and surrounding boroughs.

Applicants are advised to consider the following two paragraphs from the March 2015 edition of the Secretary of State's Guidance to Licensing Authorities:

'11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- *for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
- *for the sale and distribution of illegal firearms;*
- *for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- *for prostitution or the sale of unlawful pornography;*
- *by organised groups of paedophiles to groom children;*
- *as the base for the organisation of criminal activity, particularly by gangs; • for the organisation of racist activity or the promotion of racist attacks;*
- *for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;*
- *for unlawful gambling; and*
- *for the sale or storage of smuggled tobacco and alcohol.*

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation

of the licence – even in the first instance – should be seriously considered.’

In relation to smuggled alcohol and tobacco the Trading Standards Team have proposed some conditions, that will be added to the Council’s ‘Pool of Conditions’, that may be added to licences where the quantity of illegal alcohol and/or tobacco is small and the risk of re-offending is low.

15.10 Public safety

The following provides a non-exhaustive list of risks associated with the public safety objective that applicants may want to consider when preparing their Operating Schedule:

- **special effects** - whether music and dance venues and performance venues will use equipment or special effects, e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines, etc.
- **incident and occurrence book** – keeping an incident book on the premises so staff can record any instances of crime, disorder, refused sales, ejections and intimidating behaviour.
- **risks associated with special promotions/events** – ensuring compliance with guidance from the Metropolitan Police relating to specific event risk assessments for externally promoted live music events well in advance of the event. Risk assessment forms can be obtained from the Metropolitan Police Licensing Officer.
- **getting home safely** - providing information to customers and staff (including contact telephone numbers) regarding safer options available for travelling home late at night - including night buses, licensed taxis and private hire (mini-cabs).
- **overcrowding** - developing policies and procedures regarding capacity to prevent overcrowding and patrons possibly becoming aggressive.
- **premises environment** - applicants should consider the physical environment of the premises and have regard to issues that could increase the likelihood of patrons becoming agitated or aggressive. This may include procedures regarding door supervision, identification and management of drunken customers and issues of overcrowding and capacity, which may result in patrons becoming aggressive or rowdy.

15.11 The prevention of public nuisance

The following provides a non-exhaustive list of risks associated with the public nuisance objective that applicants may want to consider when preparing their Operating Schedule:

- **Deliveries/collections** – noise from deliveries to and/or collections (e.g. refuse) from the premises are another common source of complaint. Consider the times of such deliveries/collections and make sure you specify to any contractors that deliveries/collections should not be made at anti-social times. As a guide, the Noise and Nuisance Service recommend that deliveries/collections should only be made between the hours of 7:30am and 9:00pm, depending on the proximity of residential and/or other noise-sensitive properties.
- **Drink promotions** – adopting policies to discourage excessive drinking such as happy hours, buy one get one free, etc. See Annex 2.
- **Late night refreshment** - applicants in respect of late night takeaways should demonstrate that they have assessed the risk of persons congregating in large numbers in the vicinity of their premises. Where appropriate, applicants should demonstrate suitable measures to address this

problem.

- **Light pollution** – this is an increasingly common source of complaint, particularly from illuminated signs and external security lighting. Where provided, illuminated signs should not cause glare to neighbouring properties, ideally being turned off at night, and external lighting should be angled and/or diffused to also prevent nuisance.
- **Noise and/or vibration breakout from the provision of regulated entertainment, particularly from (but not limited to) live music** – consider what type of entertainment is to be provided, in what room/area of the premises and the suitability of the construction of this room/area to contain sound. Windows are a particular weak-point for noise break-out so consider providing regulated entertainment in a room without windows or with as few windows as possible, particularly windows that face towards nearby residential properties. Where suitable, install a lobby to prevent spillage of noise each time an entrance/exit door is opened.
- **External Areas** – External areas such as gardens can be the source of noise disturbance to surrounding premises. Consider limiting the use of the garden to a reasonable time and number of people.
- **Odour** – odour from cooking is a common source of complaint, particularly from restaurants and fast-food takeaways. The Council's Noise and Nuisance Service may therefore require evidence that the kitchen ventilation and/or extract systems are regularly maintained and serviced to ensure that it is operating efficiently and with minimal nuisance to neighbours arising from odour and also noise. This includes the siting of BBQs.
- **Queue management** - establishing appropriate procedures to avoid the need for customers to queue before entering the premises or, where queuing cannot be avoided, to manage queues so as to minimise the potential for crime and disorder or public nuisance by customers who are queuing.
- **Ventilation** – where regulated entertainment is to be provided there may be a requirement to keep doors and/or windows closed during its provision to limit noise breakout, consider therefore the provision of air conditioning for the comfort of your customers if doors and windows have to be closed during the summer. However, also note air conditioning can be the source of noise complaints in itself, so careful consideration also needs to be given to the siting of this equipment.
- **Waste** – consider how and where waste will be stored/disposed of at the end of trading hours, particularly if trading until late at night. This is important because the disposal of glass and/or cans to outside bin areas can be very noisy and give rise to complaints, so it may be necessary to store such items and other non-degradable refuse inside the premises until the next trading day. Consideration should also be given to the time of deliveries to minimize disruption to local residents.
- **Litter** – for example, litter patrols for late night take-away premises

Commercial waste can also be taken directly to one of the council's approved waste transfer sites. Alternatively, there are several licensed waste carriers operating within the Borough, which are listed on the council website.

If you do not have a commercial waste agreement the Council offers a flexible service that allows businesses to increase or decrease their collection service every three months and the contract can be revised by calling the trade waste team on 020 8753 3021, or alternatively email them on tradewasteemails@lbhf.gov.uk.

15.12 The protection of children from harm

The following provides a non-exhaustive list of risks associated with the protection of children from harm objective that applicants may want to consider when preparing their Operating Schedule:

- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks. See Annex 1. The Council will expect premises only to accept current passports, driving licences or documents bearing the national PASS logo, such as Citizencard. The Proof of Age Standards Scheme (PASS) is the UK's national guarantee scheme for proof-of- age cards as endorsed by the Home Office. More information can be found on <http://www.pass-scheme.org.uk/>
- Where an application has not indicated any adult entertainment a voluntary condition that no nudity or adult entertainment will take place at the premises.

16 Consultation

- 16.1 The applicant will be expected to advertise the application in accordance with the Regulations made under the Licensing Act 2003.
- 16.2 The Licensing Authority will carry out a consultation process in accordance with the Regulations made under the Licensing Act 2003. In exceptional circumstances the Licensing Authority may consider it appropriate to carry out a more extensive form of public consultation. The Licensing Authority will publicise details of applications received.
- 16.3 In order to give residents a fair chance to learn about new applications we have set up an email alert system on the Council website. This will enable residents and other persons to make representations to the Licensing Authority if they wish to do so. The link to set up an account with this system is below:

<https://www.apps1.lbhf.gov.uk/myaccount/PublicPages/iCaseWorkLogin.aspx?redirect=https%3A%2F%2Fwww.apps3.lbhf.gov.uk%2Fcus%2Fservlet%2Fep.sub%3Fauth%3D0&anonymous=&context=>

17 Applications for Personal Licences

- 17.1 In order to obtain a personal licence the requirements are that the applicant must:
- Be aged 18 or over;
 - Possess a licensing qualification accredited by the Secretary of State;
 - Not have forfeited a personal licence within five years of his or her application;
 - Produce a Criminal Record Bureau certificate;
 - Not have an objection notice from the police about the grant of a personal licence following notification of any unspent relevant offence or foreign offence; or must show that that such an offence should not lead to refusal on crime prevention grounds;
 - Pay the appropriate fee to the council.
- 17.2 The Licensing Act requires that applicants submit two passport size photographs with their application. One of the photographs must be endorsed, with a statement verifying the likeness of the photograph to the applicant, by a solicitor, a notary, a person of standing in the community (i.e.: a bank or building society official, police officer, civil servant or a minister of religion) or any individual with a professional qualification. This Licensing Authority asks that the other photograph submitted is clearly

endorsed on the reverse side with the person's name, date of birth and contact number in order to ensure the application is correctly processed.

- 17.3 Applicants with unspent criminal convictions for relevant offences as set out under Schedule 4 of the Act are strongly encouraged to first discuss their intended application with the police and the Licensing Authority before making an application.
- 17.4 A personal licence is valid indefinitely unless otherwise revoked or surrendered. A designated premises supervisor must hold a personal licence.

18 Temporary Event Notices (TENs) and Other Events

- 18.1 The Licensing Act 2003 provides for certain occasions when small scale events (no more than 499 people at a time and lasting for no more than 168 hours) do not need a licence providing a minimum of 10 working days notice is given to the police and the Licensing Authority. The annual allowance covered by a Temporary Event Notice in relation to a single premises is 21 days. The Police and the Council's Noise and Nuisance Service can object to Temporary Event Notices if the event is likely to undermine the licensing objectives.
- 18.2 Section 193 of the Act defines "working day" as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales. "Ten working days" notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.
- 18.3 Where Police or Environmental Protection submit an objection to the Notice the licensing authority will hold a hearing to consider the objection.

Licensing Authorities may apply existing licence conditions to a Temporary Event Notice if there are objections from the Police or the Council's Noise and Nuisance Service, where those objections are not withdrawn and provided that the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

- 18.4 The Licensing Authority will consider whether the limitations set down by the Act in terms of numbers and duration of events and capacities are being observed.
- 18.5 It is recommended in general that the Licensing Authority and police be given at least 28 calendar days notice of any event to allow them to help organisers plan their events safely.
- 18.6 Organisers of temporary events are strongly advised to contact the Licensing Authority, the Noise and Nuisance Service and the Police for advice at the earliest opportunity when planning events, to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.
- 18.7 The Licensing Act 2003 allows event organisers to submit up to 10 "late notices" per year if they hold a personal licence and 2 "late notices" if they do not hold a personal licence. These "late notices" can be submitted to the Licensing Authority, Police and Environmental Protection between 5 and 9 days before the event. It should be noted that if either the Police or the Council's Noise and Nuisance Service submits an objection to a late notice the Council will issue a counter notice prohibiting licensable activities for the duration of the TEN. Applications may be made online from

the licensing pages of the LBHF website.

LARGE OUTDOOR EVENTS

- 18.8 Public safety and the prevention of public nuisance at large outdoor events is of paramount importance to the Licensing Authority. Applications for large events that are normally temporary in nature may not be suitable for licensing under the TENs process. Events will be licensed under a time limited Premises Licence lasting for the duration of the event. Applicants are encouraged to make applications for a new Premise Licence and should therefore ensure that they apply in good time. Applicants are recommended to speak to the relevant Responsible Authorities, and in particular, the Police at the preliminary considerations stage of planning large events. This could be as much as 18 months or two years prior to the event taking place, dependent on the type and size of event proposed. Applicants are also recommended to contact the Council's Events Team on 020 8753 2135 or by email at: events@lbhf.gov.uk. The Council's locally produced 'Events Guide' can be found on the LBHF website.
- 18.9 Applicants for such events must consider "The Event Safety Guide", published by the Health and Safety Executive, on all aspects of arranging and staging events.
- 18.10 Applications for large temporary events may be scrutinised by a Safety Advisory Group (SAG) as well as the licensing committee. The SAG will consist of officers from Responsible Authorities such as the Police, Environmental Protection, Commercial Services Team, Fire Authority, and may include officers from other relevant departments and agencies such as the London Ambulance Service, Transport for London (TFL) and Highways.
- 18.11 The Safety Advisory Group allows officers to question applicants about the operation of their event to ensure it will be a "safe" event, and will minimise disruption to traffic management and nuisance.
- 18.12 The SAG will not determine licence applications. It may recommend conditions. The Licensing Authority will expect applicants and organisers of large temporary events to produce a satisfactory Event Management Plan for their event and to comply with any recommendations made by the group.
- 18.13 The Licensing Authority recommends that for significant events and the use of promoters as defined in the glossary, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed.
- 18.14 Accordingly, for premises that wish to stage promotions or events the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.
- 18.15 The Licensing Authority further recommends the Metropolitan Police Promotion Event Risk Assessment Form 696 and the After Promotion Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the Risk Assessment forms are used to assess the likely risks from any promotion or event, the Licensing Authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Licensing Authority within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.
- 18.16 Forms 696 and 696A are available on the Metropolitan Police web site at <http://www.met.police.uk/> It

is recommended that electronic completion and transmission of the forms is undertaken by licensees. E-mail addresses for submission are fhlicensing@met.police.uk the Central Licensing Team of the Metropolitan Police TP-C&S-LicensingTeam@met.police.uk and licensing@lbhf.gov.uk

18.17 Generally, applicants are advised to offer only the following conditions in their Operating Schedule.

- The Licensee shall comply with the Event Management Plan submitted to and approved by the Licensing Authority.
- The Event shall be run in accordance with the site plan submitted to, and approved by, the Licensing Authority. No changes shall be made to the site plan without the prior written consent of the Licensing Authority.

18.18 This approach allows the event organiser flexibility to make changes to the layout of the event or to specific activities without the need to make a fresh application for a Premises Licence or an application to vary the Premises Licence already granted. Without this approach, any changes made could be unauthorised and possibly result in enforcement action.

18.19 The council may itself seek premises licences for appropriate public spaces within the borough. This will make it easier for people to organise suitable cultural events. We will consider any request for permission to use such public spaces for cultural activities having regard to the promotion of the four licensing objectives.

19 Designated Premises Supervisors (DPS) in community premises

19.1 Community premises can have a licence to supply alcohol without the requirement to have a Designated Premises Supervisor (DPS).

19.2 An application for such a licence can be made by a management committee of the community premises. The following condition will be attached to the premise licence: "Every supply of alcohol under the premises licence must be made or authorised by the management committee."

19.3 Church halls, chapel halls, parish halls, community halls, village halls are examples of community premises. Where it is not clear whether premises are community premises, the matter will be approached on a case-by-case basis, with the main consideration being how the premises are predominantly used. If they are:

- genuinely made available for community benefit most of the time;
- accessible by a broad range of people and sectors of the local community;
- providing facilities to benefit the community as a whole;
- they are likely to be considered to be community premises.

19.4 If it is authorised for the sale of alcohol, the management committee of the premises can apply to remove the DPS requirement. This removes the mandatory conditions in relation to a DPS and the personal licence holder(s). See Annex 1.

- 19.5 The application form requires the applicants to provide the names of the management committee's key officers to the Licensing Authority. The Licensing Authority must be satisfied that arrangements for the management of the premises by the committee or board are sufficient to ensure the adequate supervision of the supply of alcohol on the premises.
- 19.6 Existing premises licence holders must pay a fee and the application will take 28 days to process.
- 19.7 In exceptional circumstances, the police can object to the request on grounds of crime and disorder. The Licensing Authority must then hold a hearing to reach a decision on whether to grant the application.

20 Enforcement

- 20.1 The Licensing Authority operates a proactive inspection regime that is based on risk. These inspections are linked to the Environmental Health Service Group's Enforcement Policy, which explains how officers take a graduated response to possible breaches of relevant legislation. Relevant action will be taken after each visit in accordance with this policy. A copy of the Environmental Health Service Group's Enforcement Policy can be found at:
- https://www.lbhf.gov.uk/sites/default/files/section_attachments/2016_lbhf_environmental_services_enforcement_policy_0.pdf
- 20.2 Premises that produce disorder, threaten public safety, generate public nuisance or threaten the well being of our children will be targeted for enforcement action.
- 20.3 The Licensing Authority will take necessary enforcement action in accordance with our Enforcement Policy and relevant statutory powers.
- 20.4 The Licensing Authority will use a range of sanctions such as letters of warning, simple cautions, Fixed Penalty Notices (FPNs), closure notices and legal proceedings.
- 20.5 The Licensing Authority will seek to work with the police and other responsible authorities in enforcing licensing legislation and will strive to have a joint enforcement protocol with all the relevant agencies. When the law allows, the Licensing Authority will agree secure mechanisms to share information with other regulators about licensed premises, to help target resources and activities and minimise duplication.
- 20.6 Enforcement will be focused on premises or persons found to be failing to promote the four Licensing Objectives. Additionally, Trading Standards officers may, at times and based on intelligence received, carry out underage test purchasing in areas where the intelligence has highlighted hotspots in the borough for underage sales of alcohol.
- 20.7 Licence holders should note that in the event of a failure to pay the annual licence fee this Authority will suspend the licence in accordance with section 55A Licensing Act 2003.

21 Dealing with Complaints, Representations and Reviews

- 21.1 The Act describes two “groups” that may make representations to applications and may apply for an existing premises licence or club premises certificate to be reviewed by the Licensing Authority. These groups are Responsible Authorities and “Other Persons”.
- 21.2 “Other Persons” means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location. Although they may be in any geographical position, any representation they make must be relevant to one or more of the licensing objectives, and must not be considered to be frivolous or vexatious in nature. Additionally, any application to review a premises licence must not be repetitious.
- 21.3 This Licensing Authority will, however, look at the geographical location of the author of any representation or review application received. Where the author lives or works a significant distance from the premises subject of an application or review, this Authority will examine the content of the representation particularly closely to ensure that it is valid and complies with the requirement of the Act.
- 21.4 The Licensing Authority may initially arrange a mediation meeting to address concerns where “Other Persons” have made:
- Valid representations about licensed premises; or
 - A valid application for a licence to be reviewed
- 21.5 At any stage, following the grant of a premises licence, a Responsible Authority, such as the police or the fire authority, or other persons, may apply for a licence to be reviewed because of a matter arising at the premises in connection with any of the four Licensing Objectives.
- 21.6 A licence may be reviewed where it is alleged that the Licensing Objectives are not being promoted and there is evidence to show this. The Licensing Authority will regard applications for the review of any premises licence particularly seriously where they involve evidence of:
- Use of licensed premises for the sale and distribution of drugs and the laundering of drugs money;
 - Use of licensed premises for the sale and distribution of illegal firearms;
 - Evasion of copyright in respect of pirated or unlicensed films and music;
 - Underage sales and consumption of alcohol;
 - Use of licensed premises for prostitution or the sale of unlawful pornography;
 - Serious risks to children;
 - Use of licensed premises for unlawful gaming and gambling;
 - Use of licensed premises as a base for organised criminal activity;
 - Use of licensed premises for the organisation of racist, homophobic, sexual abuse, attacks or any discriminatory behaviour;
 - Use of licensed premises for storing or selling illegal alcohol or tobacco or smuggled goods;
 - The use of licensed premises for the sale of stolen goods;
 - Incidents of disorder;
 - Instances of public nuisance where warnings have been disregarded;
 - Serious risks to public safety which the management is unable or unwilling to correct;
 - Frequently operating outside permitted hours.

There may be legal implications if activity of child sexual exploitation (CSE) is taking place on licensed premises and there has been a failure to demonstrate due diligence or that adequate

safeguards are in place – this may lead to prosecution or any of the licensing sanctions detailed in paragraph 21.7 below.

- 21.7 At a hearing held to determine an application for a review of a licence the sub-committee may:
- Modify the conditions of the premises licence;
 - Exclude a licensable activity from the scope of the licence;
 - Remove the designated premises supervisor;
 - Suspend the licence for up to three months;
 - Revoke the licence.
 - Take no further action
- 21.8 Other persons aggrieved by decisions of the Licensing Authority are entitled to lodge an appeal against the decision at the magistrates' court.
- 21.9 In order to give residents an opportunity to learn about new applications we have set up an email alert system on the Council's website. This will enable residents and other persons to make representations to the Licensing Authority if they wish to do so. Please note that representations cannot normally be made anonymously. To join the email alert system, please follow the following link:
<https://www.apps1.lbhf.gov.uk/myaccount/PublicPages/iCaseWorkLogin.aspx?redirect=https%3A%2F%2Fwww.apps3.lbhf.gov.uk%2Fcus%2Fservlet%2Fep.sub%3Fauth%3D0&anonymous=&context=>
- 21.10 Where the Licensing Authority considers that action under its statutory powers is necessary it may seek to issue a warning letter, a simple caution or prosecute for the offence.
- 21.11 Complaints about breaches of conditions e.g. trading after the hours stated on the licence, should be brought to the attention of the Licensing Team on 020 8753 1081 or by email at licensing@lbhf.gov.uk. Licensing Officers can also provide a copy of the licence with the full licence conditions.
- 21.12 Complaints about other issues e.g. noise nuisance, underage sales, should be brought to the attention of the relevant responsible authority. See section 22 – Consideration of Our Residents.

22 Consideration of our residents

- 22.1 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour caused by people once they are away from the licensed premises and, therefore, beyond the direct control of the licensee. Nonetheless, licensing is a key aspect of such control and licensing law is part of a holistic approach to the management of the night time economy.

However, as a matter of policy the council expects every holder of a licence, certificate or permission, to accept and be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the vicinity of their premises by taking appropriate measures and action consistent with that responsibility.

- 22.2 Licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking area, to the extent that these matters are within their control.

- 22.3 Population densities in this borough are high, with many residential premises located above or in close proximity to licensed premises. This means that the public nuisance and crime and disorder objectives will be of paramount concern when evaluating Operating Schedules. Licensing Committees will place high regard on the control measures in place by the applicant in order to ensure our residents are protected from the potential detrimental effects of any licensed premises.
- 22.4 Residents are advised to contact the Noise and Nuisance Reactive Service on 020 8753 1081 during office hours and 020 8748 8588 at all other times that any noise nuisance is occurring. Any review of a licence would need to be evidence based and as such is best supported by evidence from responsible authorities such as the Police or Environmental Protection to be successful. For this reason, it is vital to call our 'out of hours' team on 020 8748 8588 at the time nuisance is occurring.
- 22.5 If residents want to approach councillors to ask them to represent their views, they should be careful that the councillors are not part of the licensing committee dealing with the licence application. Councillors may be restricted in representing constituents under the members' code of conduct in cases where they have a particular interest. Please contact the Licensing team if there are any doubts.
- 22.6 If residents are experiencing ongoing problems with particular licensed premises, please refer to Section 21 – Dealing with Complaints, Representations and Reviews.

23 Licensing Committee

- 23.1 The Licensing Committee is a Committee which is established under the Licensing Act 2003. The rules regarding membership, composition and conduct are dictated by the Licensing Act 2003. The Licensing Committee, and subsequently the Licensing Sub Committee, does not need to be politically balanced, however, the Licensing Authority will endeavour to do so.

Section 6 of the Licensing Act 2003 specifically states that the Licensing Authority must establish a committee consisting of between 10 and 15 councillors. Section 9 states that the sub-committees should consist of three councillors. The Licensing Authority will endeavour to ensure that three should be the norm even if a quorum is 2.

- 23.2 This Authority's Licensing Committee will consist of up to fifteen councillors that may sit annually to discuss policy, review delegated decisions, changes in legislation and administrative matters. Accordingly, those Members who sit on the licensing sub-committee will receive training in all areas of licensing under the Act dealing with practice and procedure. This is so that they are equipped with the necessary skills so as to discharge their duties fully during the decision making process when considering such applications, having regard to those principles set out in the Members Code of Conduct (as more particularly detailed under Part 5 of the Constitution). The Licensing Authority will consider this Statement of Licensing Policy at least every five years. Any changes to the policy will include full consultation with all interested parties.
- 23.3 A sub-committee of three councillors must determine applications where representations have been received from other persons and/or Responsible Authorities. If a councillor finds that he or she is unable to sit at the sub-committee meeting after the agenda has been published, best endeavours will be made to find a substitute.
- 23.4 Where a councillor who is a member of a Licensing Committee or a subcommittee has had prior,

direct involvement in an application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the premises licence in question.

- 23.5 Where the applicant would like the Licensing Sub-Committee to carry out a site visit, this should be arranged prior to the licensing hearing and should be requested at the earliest opportunity
- 23.6 Each decision of the Licensing Committee or its sub-committee(s) shall be accompanied with clear reasons for the decision. A summary of the decision will be posted on the council's website as soon as reasonably practicable after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Licensing Authority under section 8 of the Act.
- 23.7 The Licensing Authority's authorised officers will deal with licence applications where either no representations have been received, or where representations have been received and the parties agree that a hearing is not necessary.
- 23.8 The Licensing Authority's authorised officers will make decisions upon whether representations are frivolous or vexatious. Where representations are rejected, the person making that representation will be given written reasons for the decision.

24 Support for Local Businesses

- 24.1 This Licensing Authority recognises that certain licence holders e.g. Limited companies have a number of premises within and outside the borough. In order to ensure compliance issues are recognised and resolved at the earliest stage, the Licensing Authority will contact the Primary Authority for the business. Where there is no Primary Authority Partnership in place, licence holders are requested to give the Authority a single named point of contact, who should be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.
- 24.2 We are committed to the Regulators Code and supporting businesses.
- i) We will work with businesses in our borough and provide the advice you need to help you comply with the law. This may be through meeting with you at your premises or at our offices, providing written advice in an email or letter or verbally over the telephone.
 - ii) We will usually confirm any technical/ legal advice in writing. For applicants and agents, we also offer a pre-application advice service. Further details about this service can be found on our website.
 - iii) The Public Health Training Service provides a variety of training courses for managers and their employees. These include courses for personal licence holders and health and safety courses. Further details about these courses and other training that is available can be found on our website.
 - iv) We will attend pub watch meetings and work with local businesses (including the Hammersmith Business Improvement District) to help facilitate the sharing of information and advice amongst licensees in our borough.

- v) We are continuously working to improve our online application process for a range of licence permissions. If you want to know what services are available or you want to make an application online please check our website for further details.
- vi) We want to ensure that businesses comply with the law. Where this has not been possible through advice and education we will carry out enforcement action in accordance with our enforcement policy and as part of our commitment to the Regulators Code.
- vii) We want local businesses in our borough to thrive and survive. We recognise that the law can be complex at times and that despite trying to resolve issues through discussion in the first instance, enforcement will be necessary on some occasions. We also recognise that attitudes, circumstances and personnel often change over time.

24.3 Where enforcement action has been taken against a business in the past relevant Responsible Authorities will be mindful of this when considering any new applications. However, all new applications e.g. variations to hours or licensable activities will be decided on their merits and the information provided to demonstrate promotion of the four licensing objectives. Where a premises licence or club premises certificate has previously been reviewed or the business has been prosecuted for licensing offences, licensees are advised to discuss any new/proposed changes with the Licensing Authority and/or the relevant Responsible Authority e.g. The Police, to resolve any ongoing concerns and/or issues.

25. Human Rights

25.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. Hammersmith & Fulham Council will have particular regard to its rights and responsibilities under the Human Rights Act 1998 when determining applications and reviewing this policy. The Council will have regard to:

Article 6; that in the determination of civil rights everyone is entitled to a fair and public hearing within a reasonable period of time by an independent and impartial tribunal established by law.

Article 8; that everyone has the right to respect for his home and private life; and

Article 1 of the First Protocol; that every person is entitled to peaceful enjoyment of his or her possessions.

Annex 1

MANDATORY CONDITIONS – ON LICENCES

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
3. (i) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(ii) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(iii) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5. (1). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2). For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a

capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (i) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(ii) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

6. (1) No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

7. **Exhibition of Films**

Admission of children must be restricted in accordance with any recommendation made by the film classification body specified in the licence

Or

where the licensing authority has notified the holder of the licence that it considers a classification or an alternative classification is necessary then

Admission of children must be restricted in accordance with any recommendation made by that licensing authority

In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for

classification).

8. **Door Supervisors**

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

DRAFT

MANDATORY CONDITIONS – OFF LICENCES

1. General Condition

- 1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

2. General Condition

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (iv) P is the permitted price,
 - (v) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (vi) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a

licence;

- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

3. General Condition

(1) No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

4. Exhibition of Films

Admission of children must be restricted in accordance with any recommendation made by the film classification body specified in the licence

Or

where the licensing authority has notified the holder of the licence that it considers a classification or an alternative classification is necessary then

Admission of children must be restricted in accordance with any recommendation made by that licensing authority

In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

5. Door Supervisors

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

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MANDATORY CONDITIONS – CLUB PREMISES

1. General Condition

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. General Condition

The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

3. General Condition

- 1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. General Condition

The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5. General Condition

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (vii) P is the permitted price,
 - (viii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (ix) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,

- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

6. General Condition

- (1) The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- (2) Any alcohol supplied for consumption off the premises must be in a sealed container.
- (3) Any supply of alcohol for consumption off the premises must be made to a member of the club in person. *(only include condition 6 if the CPC also permits supply of alcohol OFF the Premises)*

7. Exhibition of Films

Admission of children must be restricted in accordance with any recommendation made by the film classification body specified in the licence

Or

where the licensing authority has notified the holder of the licence that it considers a classification or an alternative classification is necessary then

Admission of children must be restricted in accordance with any recommendation made by that licensing authority

In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

8. Door Supervisors

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

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Annex 2

Special licensing policy for Fulham Town Centre

Please see on our website at the following link:

www.lbhf.gov.uk/business/licensing/licensing-policy

Annex 3

Fulham Town Centre – Cumulative Impact Zone Data Report 2015

Please see on our website at the following link:

www.lbhf.gov.uk/business/licensing/licensing-policy

Annex 4

Special licensing policy for the Shepherd's Bush Area

Please see on our website at the following link:

www.lbhf.gov.uk/business/licensing/licensing-policy

Annex 5

Shepherds Bush Area - Cumulative Impact Zone Data Report 2015

Please see on our website at the following link:

www.lbhf.gov.uk/business/licensing/licensing-policy

ANNEX 6

Glossary

Appeals

Appeals against decisions of the Licensing Authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the Licensing Authority's decision. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the Licensing Authority with directions; and make an order for costs.

Designated Premises Supervisor (DPS)

The person in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence, or will be the Premises Licence holder themselves (who must also be a Personal Licence holder).

Extended hours application

Any application that seeks to extend the hours of operation of the premises to which it relates. Whilst all applications will be thoroughly scrutinised with a view to the promotion of the Licensing Objectives, particular care might need to be taken when an extension of hours is requested. In such circumstances, there might be greater potential for impact on residential occupiers that might amount to a public nuisance. An 'hours' restriction might be the only method of promoting the Licensing Objectives, particularly in the light of advice in PPG 24 Planning and Noise which recognises a distinction that noise might have on residential occupants between the hours of 11pm and 7am compared with the rest of the day.

Late night refreshment premises

Premises where refreshment is provided at any time between the hours of 11.00pm and 5.00am. This includes the supply of hot food or hot drink to members of the public whether for consumption on or off the premises.

Licensable activities

Those activities under the Licensing Act 2003, which require a licence from the Licensing Authority include the following:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

Licensing Authority

In the Licensing Act 2003 licensing authorities in London are defined as the councils of London boroughs.

Other Persons

Other Persons means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location.

Personal licences

A licence which:

- Is granted by a Licensing Authority to an individual;
- Authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence.

Regulated entertainment

Entertainment where the following takes place in front of an audience and is provided for the purpose of entertaining that audience:

- A performance of a play (no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.);
- An exhibition of a film (no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.);
- An indoor sporting event (no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.);
- A boxing or wrestling entertainment (indoors and outdoors) (no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.);
- A performance of live music (no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises at a time when the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant

premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Any playing of recorded music; (no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises at a time when the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.)
- **Cross activity exemptions:** no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- A performance of dance (no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.);
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

NB If the music is incidental to the main purpose of the event then this will not require a licence, such as

provision of a jukebox.

Relevant representation

A representation (objection) by an 'other person' or a responsible authority that relates to the likely effect of the grant of a licence application on the promotion of at least one of the four Licensing Objectives.

Responsible authorities

These include:

- Licensing Authority
- Chief Officer of Police;
- The Fire Authority;
- The enforcing authority for health and safety at work;
- The Director of Public Health' Team
- The Planning Authority;
- The local authority responsible for minimising or preventing the risk of pollution or harm to human health;
- The recognised body responsible for the protection of children from harm;
- Trading Standards.

Special event

This definition relates to events that require a Promotion Event Risk Assessment Form 696 and 696A

A significant event will be deemed to be any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning musicians, DJs, MCs or other artists; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

Security Industry Authority (SIA)

An authority that implements the Private Security Industry Act 2001, their key role is managing and issuing of licences for people working in particular areas of the private security business, including door supervisors.

Variation

A variation is a material change to a premises licence and would include an increase in the capacity of the premises, a change in the hours of operation of the premises, and change to the way the premises is to operate in regard to the operating schedule or a request to vary an existing condition attached to the premises licence.

Contact details

For further information about this policy please contact:

licensing@lbhf.gov.uk

or write to:


London Borough of Hammersmith & Fulham
Licensing Authority
PO Box 66532
London
W8 9GJ

Phone: 020 8753 1081

Email: licensing@lbhf.gov.uk

Website: www.lbhf.gov.uk

Agenda Item 7.2

London Borough of Hammersmith & Fulham		 hammersmith & fulham
COUNCIL 17 MAY 2017		
ANNUAL REPORT OF THE POLICY AND ACCOUNTABILITY COMMITTEES 2016/17		
Report of the Policy & Accountability Committee Chairs		
Open Report		
Classification: For Information Key Decision: No		
Wards Affected: None		
Accountable Director: Sarah Thomas, Director of Delivery and Value		
Report Author: David Abbott, Scrutiny Manager	Contact Details: Tel: 020 8753 2278 david.abbott@lbhf.gov.uk	

1. EXECUTIVE SUMMARY

- 1.1 The Chairs of the Policy & Accountability Committees present the annual report of the activities and performance of the scrutiny function in Hammersmith & Fulham.
- 1.2 The report attached at Appendix 1 outlines the activities of the Policy & Accountability Committees and Task Groups during the 2016/17 municipal year.

2. RECOMMENDATION

- 2.1 That the Annual Report of the Policy and Accountability Committees 2016/17, be received and noted.

List of Background Papers

None.

List of Appendices

Appendix 1 – Annual Report of the Policy and Accountability Committees 2016/17

Annual Report of the Policy and Accountability Committees 2016-17

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

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

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

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

There are five Policy and Accountability Committees:

- Children and Education
- Community Safety, Environment and Residents Services
- Economic Regeneration, Housing and the Arts
- Finance & Delivery
- Health, Adult Social Care and Social Inclusion

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

- Child and Adolescent Mental Health Taskforce
- The Childcare Task Group
- The Transitions Task Group

Appendix 1

The activities of the PACs and their related task groups during 2015/16 are described in detail on the following pages.

Children and Education Policy and Accountability Committee

Members

Councillor Caroline Needham (Chair)
Councillor Alan De'Ath
Councillor Elaine Chumnerly
Councillor Caroline Ffiske (Vice-Chair)
Councillor Marcus Ginn

Co-opted Members

Eleanor Allen, London Diocesan Board for Schools
Nandini Ganesh, Parentsactive Representative
Philippa O'Driscoll, Westminster Diocesan Education Service Representative
Nadia Taylor, Parent Governor Representative
Vic Daniels, Parent Governor Representative
Matt Jenkins, Teacher Representative

The Committee was supported by Councillor Sue Macmillan (Cabinet Member for Children and Education), Councillor Sue Fennimore (Cabinet Member for Social Inclusion¹), and Clare Chamberlain (Executive Director for Children's Services).

Listed below is a selection of the priority areas that the Committee considered during the 2016-17 municipal year.

Child and Adolescent Mental Health Taskforce

In response to national concerns about mental health provision for young people, a joint taskforce was set up between the Health, Adult Social Care and Social Inclusion PAC and the Children and Education PAC. Chaired by Councillor Alan De'Ath, the taskforce met with local providers including Rethink, the Centre for Mental Health, West London Mental Health Trust, and GPs – and schools including the Bridge Academy, Lena Gardens, Brackenbury, and Jack Tizard. They also worked with the Youth Council to produce a survey that yielded over 3000 responses. The taskforce delivered recommendations to the committee in June on the following themes:

- Improved access to services, information, and support
- Training needed to be strengthened and sustainable
- Improved transitions arrangements
- Hammersmith & Fulham transformation plan
- Mental health challenge

Childcare Task Group

Following discussions about improving childcare provision at the CEPAC meeting on 3 September 2014, a Childcare Task Group was formed. The task group met for the first time on 17 October 2014 to agree the terms of reference and then subsequently met on six occasions to consider findings and

¹ Councillor Fennimore was also acting Cabinet Member for Children and Education while Councillor Macmillan was on maternity leave.

reports from expert witnesses across a range of topics related to childcare in the borough. The group also conducted surveys and held focus groups with key local stakeholders to gain feedback on the current provision of childcare in the borough and identify areas for improvement. In September 2016 the group presented its final report with recommendations on the following themes:

- The importance of accurate information for local families
- Improving support for childminders and the effectiveness of the offer of childminding services for local families
- The role of Children's Centres in delivering effective, high quality childcare in Hammersmith and Fulham
- Building on the findings of the 8-6 out-of-core-hours pilot for support in schools
- Innovative solutions for growing a skilled workforce

Travel Care and Support Service (SEN passenger transport)

In November the Committee looked at the commissioning plans for the new Travel Care and Support Service – an enhanced SEN passenger transport service developed in response to the findings at CEPAC in 2014 of a service that was not fit for purpose. On the recommendation of the Committee, the council set-up the Travel Care and Support Working Group to develop the new service specification with input from parents, schools, and professions. The new service would deliver enhanced quality with a focus on care and support, achieved through increased training of drivers and assistants, communication between the providers and stakeholders and relationships between staff and service users.

Partners in Practice

Also in November the Committee looked at the progress of Focus on Practice, Family Services' programme funded by the Department for innovation in social care, and the plans for Partners in Practice with the DfE over the next four years. These programmes will have a huge impact on social work over the coming years – they aim to achieve: a 20% reduction in numbers of looked after children, a significant reduction in re-referrals, and an improvement in retention and recruitment of social workers.

Safeguarding and Corporate Parenting

Throughout the year the Committee also considered the Child Protection Annual Report, the Local Safeguarding Children Board's LSCB Annual Report, and the Looked After Children Annual Report. The Committee remains deeply committed to its responsibility to scrutinise safeguarding and the council's responsibility as corporate parents.

H&F's Child Poverty Strategy

In 2014, the Council made a commitment to develop a strategy to promote early intervention and reduce child poverty. The strategy presented to the Committee in February highlighted the measures taken, and those planned locally, to support

families and their children facing difficult circumstances such as low income, poverty, housing, and high levels of need. The strategy included the views of children, families and partners and the findings informed a series of actions which the Council has already started implementing.

Skills for Young People

At its meeting in April the Committee looked at how the Council could ensure young people in the borough had the necessary skills and opportunities for employment – a priority and key manifesto area for the Youth Council. The Youth Mayor and Deputy Youth Mayor spoke to the Committee about the difficulties they had faced getting access to quality work experience placements and solutions for the Council to consider. This will be an area of focus for the Committee going into the new municipal year.

The Youth Mayor, Youth Council, and Youth Cabinet

The Committee has continued to work closely with the Youth Council, the Youth Mayor, and the Youth Cabinet. When the committee considers items that would benefit from young people's input the Youth Council are invited to feedback on reports and talk about their priorities at meetings. In April 2017 the Youth Mayor and Deputy Youth Mayor spoke about their experiences trying to access good quality work experience and proposed improvements based on their manifesto pledges.

- Councillor Caroline Needham, Chair of the Children and Education Policy and Accountability Committee

Community Safety, Environment and Residents Services Policy and Accountability Committee

Members

Councillor Larry Culhane (Chair)
Councillor Iain Cassidy
Councillor Sharon Holder
Councillor Charlie Dewhurst
Councillor Steve Hamilton

The Committee was supported throughout the year by: Councillor Wesley Harcourt (Cabinet Member for Environment, Transport and Residents Services), Councillor Mike Cartwright (Deputy Leader) and Councillor Sue Fennimore (Cabinet Member for Social Inclusion).

Listed below is a selection of the priority areas that the Committee considered during the 2016-17 municipal year.

Policing, Crime, Anti-Social Behaviour, and CCTV

The Committee had a themed meeting in June where it discussed joint working between the Police and the Council, including the work of the many Council funded Police Officers. The committee also discussed the Council's extensive CCTV network and plans to improve it further, and commented upon the Strategic Assessment for Crime and Anti-Social Behaviour.

Air Quality

The Air Quality Commission reported to the PAC in September 2016 and proposed a considerable number of recommendations for the Council and others to take. The Commission recommended that the Council increase the number of electric vehicle charging points in the borough, which has now been done, and improve pedestrian and cycle routes, of which the Hammersmith Gyratory scheme which the PAC considered in March 2016 will be an important part. The Committee held a lively discussion about the challenges of improving air quality and the impact of measures on residents which helped to form the administration's response to the Air Quality Commission's report.

Parking

The PAC discussed the improvements which were being made to parking in the borough, including the roll out of pay by phone and the introduction of electric vehicle charging points. Councillors also considered proposals to enable residents to charge cars from lamp columns and the ongoing review of controlled parking zones.

Biodiversity

The Committee considered a detailed report on the work the Council is doing to promote biodiversity. This report showed that the borough had some areas of good

biodiversity, but that there was also much which could be done to link these up and improve, especially around engaging people in improving their areas. It was decided that the topic would be best dealt with by a Residents' Commission which will report back to the PAC in due course.

Cycling and the Hammersmith Gyrotory Better Junctions Scheme

At its March meeting the committee devoted much time to considering how the Council was performing against its cycling strategy, hearing about the proposed introduction of on street cycle hangers as well as a number of proposed improvements to cycling infrastructure. The PAC also received a report from Transport for London regarding the outcome of the consultations on the Hammersmith Gyrotory Better Junctions Scheme. Residents and Councillors were given the opportunity to discuss their concerns with expert Transport for London and Council staff. As a result of the meeting further changes were made to the design of the scheme to reduce some of the impacts residents were concerned about.

Waste and Street Cleansing Services

The PAC considered Waste and Street Cleansing twice during the 2016-17 Municipal Year as it is a priority for the committee. The Committee considered the various approaches the Council had taken to trying to ensure that streets were kept clean, including the Night Time Enforcement officers in town centres, plain clothes patrols and CCTV and a clear all policy for fly-tips. The committee discussed the Commercial Waste service and the new business which had been brought in, adding to the income of the service.

School Travel Planning

The Committee was given a thought provoking presentation about the Council's school travel planning service. The meeting considered the difficulties of persuading parents not to drive to school and the many exciting initiatives used by the council and schools to encourage active travel. The committee considered the use of more CCTV enforcement to protect zig-zag lines at schools and a recent temporary road closure initiative being trialled at St Joseph's Primary School in Camden.

Cemeteries

The Committee were given an update on the Council's cemeteries, which fortunately have space in them for many more years of burials. The good work of the Friends of Margravine Cemetery in helping to conserve and improve that cemetery. The Committee also considered the proposed changes to the cemetery regulations; these had been quite out of date.

Other Items Considered

The committee also considered items on:

- Environmental Health
 - The Council's Planning rules and how they fit with the Council's Greening agenda

- The Ending Gang Violence and Exploitation Strategy
- The Council's partnership with the community crowd funders, Spacehive
- The Sports and Leisure Strategy
- Registrars
- Safety at Sports Grounds
- The Council's draft budget

The committee has benefitted greatly from the views of residents and experts and I'd like to take this opportunity to thank everyone who has been to a meeting, contributed to a report, or suggested issues to be discussed, for their work.

- Councillor Larry Culhane, Chair of the Community Safety, Environment and Residents Services Policy and Accountability Committee

Economic Regeneration, Housing and the Arts Policy and Accountability Committee

Members

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

The Committee was supported throughout the year by Councillors Stephen Cowan (Leader of the Council), Lisa Homan (Cabinet Member for Housing) and Andrew Jones (Cabinet Member for Economic Development and Regeneration).

Attendance

Member	Number of Meetings Attended	Percentage of Meetings Attended
Councillor Alan De'Ath (Chair)	8	100%
Councillor Daryl Brown	8	100%
Councillor Adam Connell	8	100%
Councillor Harry Phibbs	5	62.5%
Councillor Lucy Ivimy	4	50%

Issues Discussed

Listed below is a selection of the priority areas that the Committee considered during the 2016-17 municipal year.

The Arts Strategy

The Committee considered the revised Arts Strategy which, following a previous PAC meeting's discussion, had been consulted on extensively with residents. The meeting noted that the strategy was much improved on the previous version. Lots of residents suggested ways that the Council could help boost the arts in the borough. The meeting felt that the appointment of an Arts Officer was important in delivering the Arts Strategy; the Council appointed an Arts Officer later in the year and it is hoped that a report on progress will be made to the committee in the next municipal year.

The Development of New Key Performance Indicators for Mitie

The Council uses contractors for much of its service delivery; the management of these contracts is therefore important in making sure that residents get good service. The committee discussed radical changes which had been made to key performance indicators for Mitie, the main housing repairs contractor, as well as scrutinising its past performance.

Libraries

The PAC discussed Libraries twice during 2016/17 first in July where a wide ranging discussion about the service, commercialisation, the use of volunteers and stock was held. The meeting had many good suggestions from residents, as well as constructive criticism of some of the ideas officers had included in the report. The committee then considered a number of proposed changes to the service, which reflected the PAC's earlier discussions, at its November meeting.

High Street Revitalisation

The Council has an important role in ensuring that high streets are successful and provide jobs, opportunities for business and amenities for residents. Councillors heard about the large amount of work which had been done to revitalise both North End Road and Bloemfontein Road; the impressive work done by residents and traders through the North End Road Action Group was praised by the Committee. Challenges still facing the borough's high streets were highlighted by members of the public and officers and the PAC considered the administrations proposed strategy to deal with these.

Social Lettings Agency

The committee discussed the costs and possible benefits of the development of a Social Lettings Agency within the Housing Service. Members discussed the financial risk of the proposals as well as advantages such as market power and the ability to sustain tenancies. The committee made its comments on the proposal before the decision to proceed was taken by the Cabinet.

Greening Our Estates

The PAC heard from officers and residents about the benefits of 'greening' schemes to local communities. Members considered improvements which could be made to the format of the schemes and discussed how schemes could be paid for once EU Life+ funding became unavailable. The committee also debated the policy for the replacement of trees on housing estates and recommended that this should be done to at least the same standard as the replacement of street trees.

Update on the Stock Transfer

The Council's proposal to transfer its housing stock to a new organisation, based on the community gateway model, were stopped by a lack of funding from Central Government. The committee scrutinised why the council's proposals had not been

possible and heard about the Council's plans to protect Council Homes in other ways.

Tackling Worklessness

The Committee discussed the assistance the Council offered, with its partners, to those who were out of work. The impact of specific projects and the numbers of people helped back into work were considered. The challenges of welfare reform on those who were not in work were discussed, as was the Council's support for those claiming benefits.

Other Items Considered

The committee also discussed:

- Digital Inclusion on Housing Estates
- The Council's Draft Budget
- Scaffolding and the use of drones
- Housing for Older People and Sheltered Accommodation
- Resident Involvement Structures in the Housing Department
- Adult Learning

Councillor Alan De'Ath, Chair of the Economic Regeneration, Housing and the Arts Policy and Accountability Committee

Finance and Delivery Policy and Accountability Committee

Councillors

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

Co-opted Members

Tony Boys
Erik Hohenstein
Chris Littmoden
Judith Worthy

The Committee was supported throughout the year by Councillor Max Schmid (Cabinet Member for Finance), Councillor Ben Coleman (Cabinet Member for Commercial Revenue and Customer Satisfaction), and Hitesh Jolapara (Strategic Finance Director).

Listed below is a selection of the priority areas that the committee considered during the 2016-17 municipal year.

The Managed Services Programme

During the year, Members received several updates on the progress of the managed services programme following a number of significant operational issues that negatively affected services. Though progress has been made it has been extremely challenging. The committee continued to be concerned by the significant additional time and cost involved resolving a situation that shouldn't have occurred at the outset. There are significant lessons to be learned from procurement, external third party partnering and Tri-Borough co-operation. In late March 2017, Westminster City Council and Kensington & Chelsea decided to withdraw from the Tri-Borough arrangement. As a result, the consequences of such action and the Council's exit strategy will continue to be a high priority for the committee. The committee will additionally look at how it is our partnerships with other boroughs have been successful (e.g. pensions administration with Surrey County Council) but more challenging with Tri-borough partners.

The committee has been impressed by the tolerance shown by our staff and suppliers during what has been a disastrous process.

Housing and Regeneration General Fund: Finance Update

In November, the committee considered a report which outlined how reductions in funding and additional expectations had impacted on the service. Officers explained what the key risks were and the mitigating action which had been taken. Members noted the challenge of securing more affordable housing had become more difficult due to Welfare Reform and the dynamics of the local rental market. Further discussions focused around Private Rented Sector Accommodation, Universal Credit and temporary landlords in the context of the London rental market.

Adults Social Care 2016/17 Financial Position

At the November meeting, the Committee also discussed the financial position for Adults Social Care 2016/17. This covered areas such as overspend, main service pressures and explained what action was being taken to address them. Members welcomed the financial modelling which was being conducted into Home Care spend and the actions being taken in relation to all spending that was not directly related to eligible social care need. With regards to savings targets, officers confirmed an outcomes based approach was being taken and if long term care was required, the Council would work with providers and service users to ensure the best solution was adopted. The committee noted the additional funding provided by the council at no cost to local taxpayers.

2017/18 Budget Proposals and Medium Term Financial Strategy

Throughout the year the Strategic Finance Director and the Cabinet Member for Finance have provided regular updates to the committee about the 2017/2018 budget preparation process, the new smarter budgeting process, and any additional financial burdens that had been passed to local authorities by the Government. The current budget challenge before savings, is £14.4m, rising to £46.3m by 2020/21, net of any increases in revenue generation or additional funding from the government. The committee endorsed the smarter budgeting approach which was being used for the Council's budget setting process going forward for its potential to drive service improvement across the Council.

Given the cuts and additional, unfunded, requirements placed on the council by The Government the committee appreciates the significant challenges laid out to budget holders and welcomes the additional revenue raised.

ICT Transitions Report

In February 2017, the committee received a report on ICT developments. The committee welcomed news that on 1st November 2016, the Council safely moved all 19 ICT services to new providers with commodity services going to a new external supplier. The committee noted that from now on, ICT would be delivered through a hybrid model of an in-house team, a joint network team shared between H&F and RBKC, and the council's key ICT suppliers, BT and Agilisys. The smoothness of this transition is in marked contrast to the MSP benefits realisation.

Waste Disposal and Recycling

In 2016-17 the committee continued to scrutinise waste disposal and recycling policy and the performance of the Western Riverside Waste Authority. The committee was concerned that the WRWA was not giving sufficient focus to potential savings and whilst the recent revenue uplift is welcome there is still significantly more to be done.

BT Openreach Roll Out of Fibre Optic Broadband in Hammersmith and Fulham

In March, the committee investigated the delays to the BT Open Reach roll out programme which had led to deficient broadband coverage in parts of the borough. The committee heard from a representative of BT, as well as the Bi-Borough Director of Transport and Highways and learnt the delays stemmed from a disagreement about how the roll out work was classified. As the delays were affecting residents and having a negative impact on the BT brand, the committee asked BT to discuss

the ramifications with colleagues to see what action might be taken to move matters forward. If a stalemate had been reached, the committee suggested BT and the Council should consider entering into independent mediation to resolve the issue. The committee was concerned that BT has unilaterally decided to stop work until the council agreed to its interpretation of the roll out classification. Concern was expressed that BT was engaged in behaviour that would adversely affect both residents and BT's brand. Since the committee met and BT agreed to meet the Highways Department, BT have refused to acknowledge or reply to meeting requests.

Commercial Directors Update

In March 2017, the Committee received an update on Commercial activities. Members learnt the commercial team had created and pursued many new opportunities, sought to generate additional value from existing opportunities and initiated a process to improve how the council manages trading and charging activities. Members welcomed these developments but agreed there was scope to improve overall commercial discipline and effectiveness.

Co-opted Residents

The contribution of the co-opted members has had a significant impact on the committee's work and their experience of both the private and public sector has brought an extra dimension to discussions. Their experience spans being a board member of a FTSE 100 company, a government department non-executive directorship, global sales management, financial controllership of a major financial body, and an entrepreneur working with the public and private sector both in the UK and abroad. Their involvement and commitment reflects the benefits of involving local residents in the council's work.

- Councillor PJ Murphy, Chair of the Finance and Delivery Policy and Accountability Committee

Health, Adult Social Care & Social Inclusion Policy and Accountability Committee

Councillors

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

Co-opted Members

Patrick McVeigh, Action on Disability
Bryan Naylor, Age UK
Debbie Domb, Disabilities Campaigner

The Committee was also supported throughout the year by Councillor Vivienne Lukey (Cabinet Member for Health and Adult Social Care), Councillor Sue Fennimore (Cabinet Member for Social Inclusion), and Councillor Sharon Holder (Lead Member for Health).

Listed below is a selection of the priority areas that the Committee considered during the 2016-17 municipal year.

Preparing for Adulthood – Transitions Task Group

In January 2016 the Committee set-up a task group to look at improving the transitions process for young people with disabilities between Children's Social Care and Adult Social Care. The group held themed meetings on education, local health service provision, housing, the impact of the Children and Families Act, and the current arrangements. The group will soon be reporting on its findings and present recommendations on the following areas:

- A new multi-disciplinary team with pooled budgets from Children's Services and Adult Social Care.
- Clear pathways / options identified for individuals – a 'brokered future'.
- A service that could take some of the strain away from parents and young people.
- A new set of processes and documents that were accessible, clear, and transparent to users.

Addressing Food Poverty in Hammersmith and Fulham

In June the Committee received a progress report about addressing food poverty in the borough, which included measures to provide support and Food Bank services. The Committee had looked at food poverty in the borough on two previous occasions and welcomed the opportunity news about the opening of the new site at Bloemfontain Road. The site new site, named The Hub@75, was operational and a much needed resource. Members commended the work and support provided to secure the site and welcomed the positive feedback which had been received about its impact locally. Members welcomed plans to provide additional funding to extend the service and operate a summer club throughout school holidays, making provision for children on free school meals.

Immunisation Uptake

Following up on last year's work the Committee received an update on flu immunisations, as they were keen to ensure that an action plan was in place for the current year and specifically for the age 2-4 and 65+ priority groups. To improve uptake amongst children, the Committee recommended that the provision of the vaccination in children's centres be explored as a pilot programme. In April 2016 the Immunisation Working Group, which included members from Hammersmith and Fulham CCG, the Public Health team, and NHS England, was commended by the Committee for achieving significant improvements, particularly in relation to immunisation rates for young children and pregnant women.

Chelsea and Westminster Hospital NHS Foundation Trust - Acquisition of West Middlesex University NHS Trust: Post-Acquisition Review

A year on from the merger of these two trusts, the PAC welcomed their return with an update, one year after CWFT acquired WMUT, bringing together two acute hospitals, providing care for between 850,000 and 1 million people, with approximately 1000 beds combined. With the aim of delivering specialist care to a wider demographic. The PAC noted that the hospitals retained distinct identities, with healthy competition driving good practice. Staff were highly committed to the integration and commended strong performance to clear governance and leadership.

The PAC welcomed the continuing partnership with Imperial and the fact that WMUT had maintained its own, strong identity and relative autonomy within the structure of the merger, whilst sharing best practice and services. Challenges around staff recruitment, retention and reliance on bank or agency staff were acknowledged, as was the robust approach to staff and patient attitudes, post Brexit.

Health and Wellbeing Strategy

In November 2016, the PAC considered a joint report between the Council and the CCG, setting out the development details of the Joint Health and Wellbeing Strategy, 2016-21 and emerging priority areas including mental health, children, young people and families and long term conditions. The development process had been well structured and concluded with a fourteen-week period of public consultation during July-October. The PAC endorsed the development of the strategy and looked forward to receiving details of the delivery plan that would underpin this work.

Community Champions

The PAC welcomed a report which provided details of the Community Champions project which had started with The White City project, initiated as one of 16 projects under the Well London Programme, in 2008. Three initial projects in Old Oak, Park View and Edward Woods had successfully established themselves within the fabric of the local communities they served. This led to three more projects being established, also based within the Borough. A highlight of the discussion was the opportunity to hear from a resident of the Edward Woods estate and her first-hand experience, working and supporting her local community, through the project.

Addressing Social Isolation and Loneliness In Hammersmith and Fulham – Draft Strategy

The Committee's scrutiny of the draft strategy formed part of the pre-consultation and engagement process. Work on the strategy had been initiated by the Social Inclusion Cabinet Member Board (CMB) in February 2016, which had established

social isolation and loneliness as a priority for action. A workshop, led by The Campaign to End Loneliness (The Campaign), was held in April 2016, which explored contributory factors for social isolation and loneliness and how this would shape the size and scope of a work program. It also explored how loneliness specifically manifested itself in Hammersmith and Fulham, with the aim of identifying which groups were at particular risk and what else could be done to improve health and well-being.

H&F Poverty and Worklessness Commission Final Report

At the beginning of 2017, the PAC welcomed the Chair of the Poverty and Worklessness Commission, Christina Smyth. The resident-led Commission, established in November 2015, comprised of a total of 15 local representatives and followed a broad work plan that aimed to formulate recommendations for interventions and/or services redesign, to deliver better outcomes for local people living in, or on the edge of, poverty and/or worklessness. The Committee welcomed the fact that the qualitative research undertaken included working directly with residents of the Borough. This was the first public debate on the draft report, supported and endorsed by the Committee, and later, considered at Cabinet on 27th March.

NW London Sustainability and Transformation Plan (STP) and Strategic Outline Case Part 1

For some time, the members of the PAC have held the position that the NHS's implementation of the Shaping a Healthier Future programme, which will be delivered in part by the STP, does not offer Hammersmith and Fulham residents the best solution for the provision of efficient, local, free at the point of delivery acute care. The PAC observed that one of the key issues was around communication to date and continued engagement with residents, noting particular errors which had caused the large number of residents who attended the meeting to express frustration and concern.


The Committee will continue to closely monitor work on the STP, and hopes to consider the consultation strategy, the delivery plan for the STP and Strategic Outline Case Part 2, which it understands will include the outline of any future proposed changes to Charing Cross Hospital, at a meeting in 2017-18. While it was accepted that further work was to be done to understand the impact of external pressures such as Brexit and the lack of affordable housing, the Committee remains unconvinced as to the continued viability of these plans.

End of Life Care

This was one of the final topics considered by the PAC during this municipal year. The report brought together commissioners and providers, including Trinity Hospice and CLCH, to look at provision for those approaching the last phase of their lives. A pragmatic and compassionate approach, advocated a better, more open understanding of those requiring end of life provision, with providers supporting individual choice. The PAC welcomed the initiatives and endorsed the approach, which sought to place the individual at the heart of end of life care provision.

- Councillor Rory Vaughan, Chair of the Health, Adult Social Care & Social Inclusion Policy and Accountability Committee

Agenda Item 7.3

<p>London Borough of Hammersmith & Fulham</p> <p>FULL COUNCIL</p> <p>17 MAY 2017</p>	 <p>hammersmith & fulham</p>
SPECIAL URGENCY DECISIONS – MONITORING REPORT	
Report of the Leader of the Council – Councillor Stephen Cowan	
Open Report	
Classification: For Decision Key Decision: No	
Wards Affected: All	
Accountable Director: Rhian Davies, 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 presents details of decisions taken by the Leader under the urgency provisions of the Constitution. The report covers the period 18 May 2016 to 16 May 2017.

2. RECOMMENDATIONS

- 2.1 That the decisions taken by the Leader under the urgency provisions attached as Appendix 1, be noted.

3. REASONS FOR DECISION

- 3.1 The Leader is required to submit reports to the Council on Executive decisions taken using the urgency procedure. The reports must include the number of decisions so taken and a summary of the matters in respect of which those decisions are taken.

4. GENERAL EXCEPTION

- 4.1 If a matter which is likely to be a Key Decision has not been included in the Key Decisions list, then subject to Rule 17 (Special Urgency), the decision may still be taken if:
- (a) the proper officer has informed the Chair of a relevant Policy and Accountability Committee, or if there is no such person, each member

of that Committee, in writing, by notice, of the matter about which the decision is to be made and the reason why the matter should be classified as urgent;

- (b) the proper officer has made copies of that notice available to the public at the offices of the Council and on the Council's website, stating why the requirements of Rule 13 cannot be complied with; and
- (c) at least 5 clear days have elapsed since the proper officer complied with (b).

Where such a decision is taken collectively, it must be taken in public.

4.2 18 reports were taken undertaken under this procedure.

5. SPECIAL URGENCY

5.1 Under Rule 17, the Leader or Cabinet can take a decision where the item has not been published on the Key decision list or where officers request that Call in be waived due to the urgency of the decision.

5.2 This type of decision can only be taken if the decision maker (if an individual), or the Chair of the body making the decision:

- a. obtains the agreement of the Chair of the relevant Policy and Accountability Committee, and the Mayor that it is reasonable to treat it as an urgent matter.
- b. obtains the agreement of the Mayor to waive the call-in so that the decision can be implemented with immediate effect.
- c. the proper officer makes available at Hammersmith Town Hall and on the Council's website a notice setting out why the decision is urgent and cannot reasonably be deferred.

5.3 1 decision was taken where the item was not placed on the Key Decision List and the Call In period was waived.

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

None.

List of Urgent Executive Decision made by the Leader Decisions from 18 May 2016 to 16 May 2017

1. Title of Report: Commissioning Strategy for The Provision of Early Intervention Link Worker Support for Children and Young People.

Status – Exempt

Summary of Report – This paper outlines the commissioning strategy in relation to the provision of early intervention link worker support for children and young people aged 0-25 via a part-council, part social-investment funded model. The contract is anticipated to be for a period of 3 years starting in September 2016 with a maximum lifetime spend of £700k.

Recommendations – The recommendations of this report are exempt from disclosure on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Reasons for Urgency – A decision is required under urgency to allow a procurement exercise to begin and conclude in order that a service start date of September 2016 is achieved. The proposed service will benefit from a September 2016 start in line with school engagement and in-take meaning an award decision will be required in July 2016.

Date - 17/06/16

2. Title of Report: Developing Post 19 Provision for Young People with Autism at Options Day Centre – Partnership with Queensmill School.

Status – Open

Summary of Report - With the support of the Governing Body of Queensmill School and senior officers across Children's and Adult Social Care, this report requests that the Leader agrees funding to support capital improvements to the Options Day Centre (280 Goldhawk Road) which will enable the School to co-locate with Adult Social Care in delivering a post 19 curriculum which prepares young people for adulthood.

Recommendations –

- That the Leader agrees to the development of the Options Day Centre for post 19 provision for young people with autism in partnership with Queensmill School.
- That the Leader agrees to £188,458 to be funded from the Dedicated Schools' Grant High Needs Block, to facilitate the required health and safety related condition works at
- the Options Day Service and to ensure the building meets essential requirements for Queensmill post 19 curriculum for young people with autism.
- That the Leader agrees to the appointment of 3BM Education Partners as design authority and project managers to oversee the works. These works are supplemental to the original contract with 3BM and will be managed accordingly.

Reasons for Urgency - The co-location of the Queensmill post 19 provisions within Options Day Centre necessitates capital works to ensure that the building is a safe, secure and an appropriate learning environment for young people with autism accessing the post 19 educational provision and for the wider cohort of adults accessing support at Options Day Centre. It is necessary to direct award these works to 3BM so that they may be undertaken in time for the new academic year in September 2016.

Date – 17/06/2016

3.Title of Report: Delivering The Schools Capital Programme – Windows Replacement - Phase 1

Status – Exempt

Summary of Report – With the support of the Governing Body of Queensmill School and senior officers across Children’s and Adult Social Care, this report requests that the Leader agrees funding to support capital improvements to the Options Day Centre (280 Goldhawk Road) which will enable the School to co-locate with Adult Social Care in delivering a post 19 curriculum which prepares young people for adulthood.

Recommendations – The recommendations of this report are exempt from disclosure on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Reasons for Urgency - The co-location of the Queensmill post 19 provisions within Options Day Centre necessitates capital works to ensure that the building is a safe, secure and an appropriate learning environment for young people with autism accessing the post 19 educational provision and for the wider cohort of adults accessing support at Options Day Centre. It is necessary to direct award these works to 3BM so that they may be undertaken in time for the new academic year in September 2016.

Date – 08/07/16

4.Title of Report: Earls Court - Award of Contract to Undertake Extended Resident Engagement.

Status – Exempt

Summary of Report – The Council wishes to engage further with local residents on West Kensington and Gibbs Green estates to support future negotiations with the developer; to secure greater benefits for estate residents; to address pressing community cohesion issues; and to respond quickly to a request from residents of the estate for more detailed engagement and communication from the council on the programme.

Recommendations – The recommendations of this report are exempt from disclosure on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Reasons for Urgency - The timetable for work to engage with residents in relation to the Earls Court, and other, regeneration projects are determined by unfolding events, largely outside the council's direct control. This has resulted in an urgent need for the additional support sought through this procurement process, which will enable the council to maximise resident involvement in key decisions, maintain community cohesion and ensure residents are able to take full advantage of opportunities arising from these developments.

Date - 01/08/16

5. Title of Report: Commissioning Strategy for Design Services to Inform Future Case Management Arrangements within Children's Services.

Status – Exempt

Summary of Report – This paper sets out the commissioning strategy to award a contract for the analysis and design activities to consider future case management solutions for Children's Services within the London Borough of Hammersmith and Fulham (LBHF), the Royal Borough of Kensington and Chelsea (RBKC) and Westminster City Council (WCC). This project will support the development of a new approach to engagement with families, case management and data recording activities, and contributes to the wider transformation of Children's Services across the three boroughs.

Recommendations – The recommendations of this report are exempt from disclosure on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Reasons for Urgency - A decision under urgency is required to allow the award of contract and achieve a project delivery start date of October 2016. The project will enable the design and evaluation of a new approach to case management activities within Children's Services, and inform future systems support arrangements. This will complement practice developments and innovations, including Focus on Practice. This project forms part of the scope of the Partners in Practice Programme.

Date - 17/11/16

6. Title of Report: Approval for the Housing Growth & Strategy Department to call off from the CCS Legal Services Framework.

Status – Exempt

Summary of Report – On 3rd September 2012 the previous Conservative Administration's Cabinet agreed to enter into the Conditional Land Sale Agreement (CLSA) to sell the 20.87 acres of land on which the 760 homes that form the West Kensington and Gibbs Green Estates are situated to EC Properties LP, part of the Capital and Counties plc group of companies (Capco).

Recommendations – The recommendations of this report are exempt from disclosure on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in

maintaining the exemption outweighs the public interest in disclosing the information.

Reasons for Urgency - One of the key manifesto pledges of the Labour Council in 2014 was to negotiate a better deal for the residents of West Kensington and Gibbs Green who were affected by the Earls Court Regeneration Project Conditional Land Sale Agreement (CLSA) signed in 2013. However, after two and half years of negotiation with EC Properties LP (Capco), they have not improved their offer and the original CLSA remains unchanged. SNR Dentons, represented the council's interest in the development of the CLSA and subsequent negotiations on an improved offer. The Council needs new lawyers to bring a fresh approach and new ideas to the negotiations in an attempt to break the current deadlock and better represent the Council's and resident's interests going forward. The appointment of new lawyers is urgent because EC Properties LP (Capco) have continued to work to the existing CLSA signed in 2013. This has meant that they have triggered key elements of the agreement such as the Pre-Phase Development Notice (PPDN) and other legal and planning notices which the Council now should address along with other ongoing legal issues.

Date - 25/11/16

7. Title of Report: Approval to Make a Direct Award to Provide Parking Enforcement (Bailiff) Services.

Status – Open

Summary of Report - Approval was given on to undertake a joint tendering exercise for the Royal Borough of Kensington and Chelsea (RBKC) and the London Borough of Hammersmith and Fulham (LBHF) to procure a shared enforcement agent service to recover outstanding Penalty Charge Notice (PCN) debts for a term of five years, with the option for a break clause in years two, and three to review performance.

Recommendations –

- That approval is given to make a direct award to Marston Group Limited for a concessions contract to provide Enforcement Agent (Bailiff) Services for Penalty Charge Notice (PCN) Debt Recovery (on the same terms and conditions as the previous contract) from the date this decision takes effect but for no more than six months in the notional sum of £500,000, this being the fee income that Marston Group Limited receive. Marston Group Limited receive this income directly from debtors by adding statutory fees to the debts they recover on behalf of London Borough of Hammersmith and Fulham.
- To note that a new contractual arrangement is expected to have been agreed and be ready for implementation by the end of December 2016.

Reasons for Urgency - A Leader's Urgent Decision is required to have a contractual arrangement in place for the provision of Parking Enforcement (Bailiff) Services. As a consequence of a technical challenge, tender's specification was amended taking into account advice given by Legal and Procurement Services and original deadline for tender submission was extended. Continuation of the service provision out of contract might lead to legal challenge from a potential tenderer and there is also potential of £600k of PCN revenue at risk.

Date - 30/11/16

8. Title of Report: Lyric Theatre Capital Project

Status – All Exempt

Summary of Report – On 18 April 2011, Cabinet agreed to approve a contract for the extension and refurbishment of the Lyric Theatre, at a cost of £13.5m. The Council also agreed to act as the procuring body for the contract. In October 2012, Cabinet was advised that costs had risen by £3m. This cost was borne jointly by the Council and Arts Council, which each raised their capital contribution by £1.5m.

Recommendations – The recommendations of this report are exempt from disclosure on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Reasons for Urgency - To secure the release of £1m (one million pounds) of Arts Council Funding to the project.

Date – Jan 2017

9. Title of Report: Revocation of streets under selective licensing

Status – Open

Summary of Report – On 5th December 2016, following extensive public consultation, Cabinet agreed to designate, under the Housing Act 2004, 172 streets in Hammersmith & Fulham for Selective Licensing. We published a designation notice in accordance with legal timeframes on 13 December 2016.

Recommendations –

- The Leader approve that the streets listed in Appendix 2, designated under the Housing Act 2004 for Selective Licensing, be revoked.

Reasons for Urgency - We have published a legal notice designating certain streets for selective licensing. A correction to this list is necessary to ensure compliance under the Housing Act 2004.

Date – Jan 2017

10. Title of Report: Review of Emissions Linked Parking Permits

Status – Open

Summary of Report – This report seeks to revise the decision taken by the Cabinet on 5 December 2016 with regards to emissions based parking permits considering the changes to the ultra-low emission zone proposals put forward by the new Mayor of London.

Recommendations –

- To retain the current parking permit pricing structure for residential and green permits at £119 and £60 per year respectively.
- To provide a third permit for fully electric vehicles [those without any form of combustion engine for free.

Reasons for Urgency - To allow for the air quality implications of the recent Mayoral consultation on the amended Ultra Low Emission Zone [ULEZ] to be fully understood and applied to any changes to the council's on-street parking permit policies.

Date - 07/02/17

11. Title of Report: Procurement Strategy for Sands End Community Centre

Status – Open

Summary of Report – The Council wishes to ensure the long term availability and sustainability of community-based assets and it recognises that:

- Dynamic and well run community buildings can be the bedrock for local communities; housing a wealth of services, support and facilities upon which neighbourhoods can develop and thrive and local citizenship and engagement can be strengthened.
- Third sector organisations and charities can access funding, donations and expertise which are not available to local authorities and which can open opportunities and build community resilience.

Recommendations –

- To approve the procurement strategy (attached at appendix A) to appoint and fund a design team for the replacement Sands End Community Centre and associated budget of £500k required for the initial design and survey costs.
- That the design and survey costs of £500k will be funded from the Stamford Bridge S106 agreement but that funds be made available from the Council funds pending receipt of these funds anticipated by June 2017. To note that the Stamford Bridge S106 agreement is not yet signed, until this happens there is a risk that this will need to be funded by the Council.
- That the Lead Director of Housing and Regeneration consult and agree with the Cabinet Member for Regeneration and Economic Development the award of the contract for design services. To delegate to the Lead Director of Housing and Regeneration the contract award.
- To note the recommended approach to stakeholder and resident engagement in the design process as well as the proposed approach to appointment of a construction partner.

Reasons for Urgency – To achieve the programme for the development of the new community centre, approval of the procurement strategy is required urgently

Date - 14/02/17

12. Title of Report – Acquisition of freehold and leasehold properties in the West Kensington and Gibbs Green estates

Status – All Exempt

Summary of Report – The Conditional Land Sale Agreement (CLSA) requires the Council to deliver properties within the West Kensington and Gibbs Green Estates with vacant possession, on a phased basis, subject to the CLSA provisions being met, to enable the regeneration of the two Estates.

Recommendations – The recommendations of this report are exempt from disclosure on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Reasons for Urgency - The Earls Court Cabinet Report dated 3 September 2012 provided a budget of £15m for the voluntary acquisition of leasehold and freehold properties at the West Kensington and Gibbs Green Estates. The report also required Officers to submit a report to Cabinet once 80% of the initial £15m funding tranche has been spent or committed. This threshold was reached and Officers are working on producing a report which will set the strategy for buybacks in the context of the wider scheme. However, an urgent need had arisen for funds to be allocated to continue the council's commitment to purchase leasehold or freehold properties where there is an urgent demonstrable need to do so.

Date - 14/02/17

13. Title of Report: Transport and Highways Professional Services Procurement Strategy

Status – Open

Summary of Report – The London Borough of Ealing (LBE) has awarded a Framework Agreement for the Provision of Highways and Transport Services in four lots. This framework agreement is available to the Council to call off from and the intention is to use Lot 3 (General Engineering) and Lot 4 (Flood Management), subject to signing an access agreement with the LBE.

Recommendations –

- To waive the requirement contained in Section 8 of the Council's Contracts Standing Orders to produce a Procurement Strategy prior to the retendering of these services.
- To enter an access agreement with LBE under its recently tendered and awarded framework agreement for the provision of Highways and Transport Services.
- To enter a four-year call-off contracts with (1) Project Centre Ltd, (2) WSP UK Ltd, and (3) Opus International Consultants (UK) Ltd for the provision of seconded and ad-hoc specialist transport and highways services.
- To enter a four-year call-off contracts with Metis Consultants Ltd for flood management services.
- To develop, with the Cabinet Member for Environment, Residents', and Technical Services a suite of performance targets to ensure effective contract management and to ensure best value is achieved.

Reasons for Urgency – To provide for a continuous statutory service across the transport and highways division and ensure no loss of third party revenue because of the report being delayed by a later awarding of contract by London Borough of Ealing.

Date - 23/03/17

14. Title of Report – Duct asset contract dispute

Status – Exempt Report

Summary of Report – The company holding the concession to install fibre optic cables in the Council's ducting network has not paid the Council and is in breach of the terms of the contract entered between the Council and ITS Managed Services Limited on 21 April 2014. The debt as at February 2017 is £174k

Recommendations – The recommendations of this report are exempt from disclosure on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Reasons for Urgency – The company owes the Council £174,000 and is showing no signs of paying. The company has few assets but has recently secured some capital funding. It is in the Council's interests that the mediation stage of dispute resolution starts now rather than waiting for a decision at the next Cabinet meeting in May.

Date - 31/03/17

15. Title of Report: Approval of Amended Terms of the Joint Venture Arrangements

Status – Exempt Report

Summary of Report – Cabinet approval to make amendments to the structure of the JV and approach to delivery on the opportunity sites was granted on 8th February 2016.

Recommendations – The recommendations of this report are exempt from disclosure on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Reasons for Urgency – This report is urgent as the decisions required are key to the delivery of 133 brand new much needed affordable homes, 80% of which are to be social rent. The report will allow for the necessary contract amendments to be made that will mean the Joint Venture (JV) can proceed with the revised tenure approach and continue to prepare planning applications during the procurement challenge period created as the result of the changes required. It is expected that this will bring forward the delivery of the new homes by a minimum of 6 months.

Date - 12/08/16

16. Title of Report: Travel Care and Support Contract

Status – Exempt Report

Summary of Report – This report gives effect to the procurement strategy agreed by Cabinet in November 2016, and seeks approval to appoint a number of contractors on to two frameworks (one for mini-bus provision and one for taxis) and to award a five (possibly seven) year contract to CT Plus for the minibus travel care and support contract.

Recommendations – The recommendations of this report are exempt from disclosure on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Reasons for Urgency – This urgent decision is required due to the mobilisation time required by the recommended supplier for the initial Lot 1 minibus provision contract. This mobilisation time will ensure the winning bidder has time to purchase new vehicles, employ additional staff and make the appropriate TUPE arrangements in preparation for the commencement of the service from July 2017 for Day Services (Adult Social Care) and September 2017 for Schools (Children’s Services).

Date - 31/03/17

17. Title of Report: King Street Regeneration Project: Termination of Development Agreement and Agreement for Lease Dated 19 March 2008 with King Street Developments (Hammersmith) Ltd

Status – Exempt Report

Summary of Report – The Council entered into a Development Agreement and Agreement for Lease (the “DA”) on the 19 March 2008 with King Street Developments (Hammersmith) Ltd (“KSD”) in respect of the delivery of the King Street Regeneration Project.

Recommendations – The recommendations of this report are exempt from disclosure on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Reasons for Urgency – Approval of the recommendation will enable the Council to respond promptly to the failure by King Street Developments (Hammersmith) Ltd to achieve the Condition Longstop Date of 19 March 2017.

Date – 24/04/2017

18. Title of Report: Approval to Undertake a Procurement Exercise for Jepson House and Springvale; and Allocation of Funds to Jepson House

Status – Exempt Report

Summary of Report - The Council has found it difficult to procure construction works for its direct development housing schemes. Having had delivery and performance issues with the Council’s previously appointed development contractor Aecom Environmental Services Ltd, the Council invited tenders under the Haringey’s London Construction Programme (LCP) framework, as recommended by the Council’s procurement team. No bids were received from the contractors on

this framework.

Recommendations – The recommendations of this report are exempt from disclosure on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Reasons for Urgency – Jepson House and Springvale need to be built in order to utilise the right to buy 1-4-1 receipts allocated before they are returned to DCLG. Accordingly, a procurement exercise needs to be run and contractor appointed as a matter of urgency. Previous efforts to procure a contractor using both the Council's own single contractor framework and Haringey's LPC failed and providing new genuinely affordable homes is a major priority for the Council.

Date – 24/04/2017

19. Agreement for Direct Contract Award of Contracts for The Provision of Day Services for Older People

Status – Open Report

Summary of Report - This report seeks:

- A waiver from the Council's Contract Standing Orders (under CSO 3.1) of the requirement to seek competitive bids and approval for the direct contract award of three (3) contracts to Notting Hill Housing (for Elgin Resource Centre), Nubian Life and Shanti to continue provision of day services to older people in the London Borough of Hammersmith and Fulham (H&F).

Recommendations –

- To approve a waiver under Contract Standing Order 3.1 for the requirement for seeking competitive tenders for the reasons set out in section three (3).
- To approve the direct contract award to Notting Hill Housing (for Elgin Resource Centre) and Nubian Life and Shanti to continue the current provision of day services to older people for one year from 1 April 2017 until 31 March 2018 at a total cost of £522, 883 (which includes £74,738 health funding).

Reasons for Urgency – Current contracts cease on 31 March 2017, new contract arrangements are required as a matter of urgency to ensure service continuity.

Date – 04/05/2017