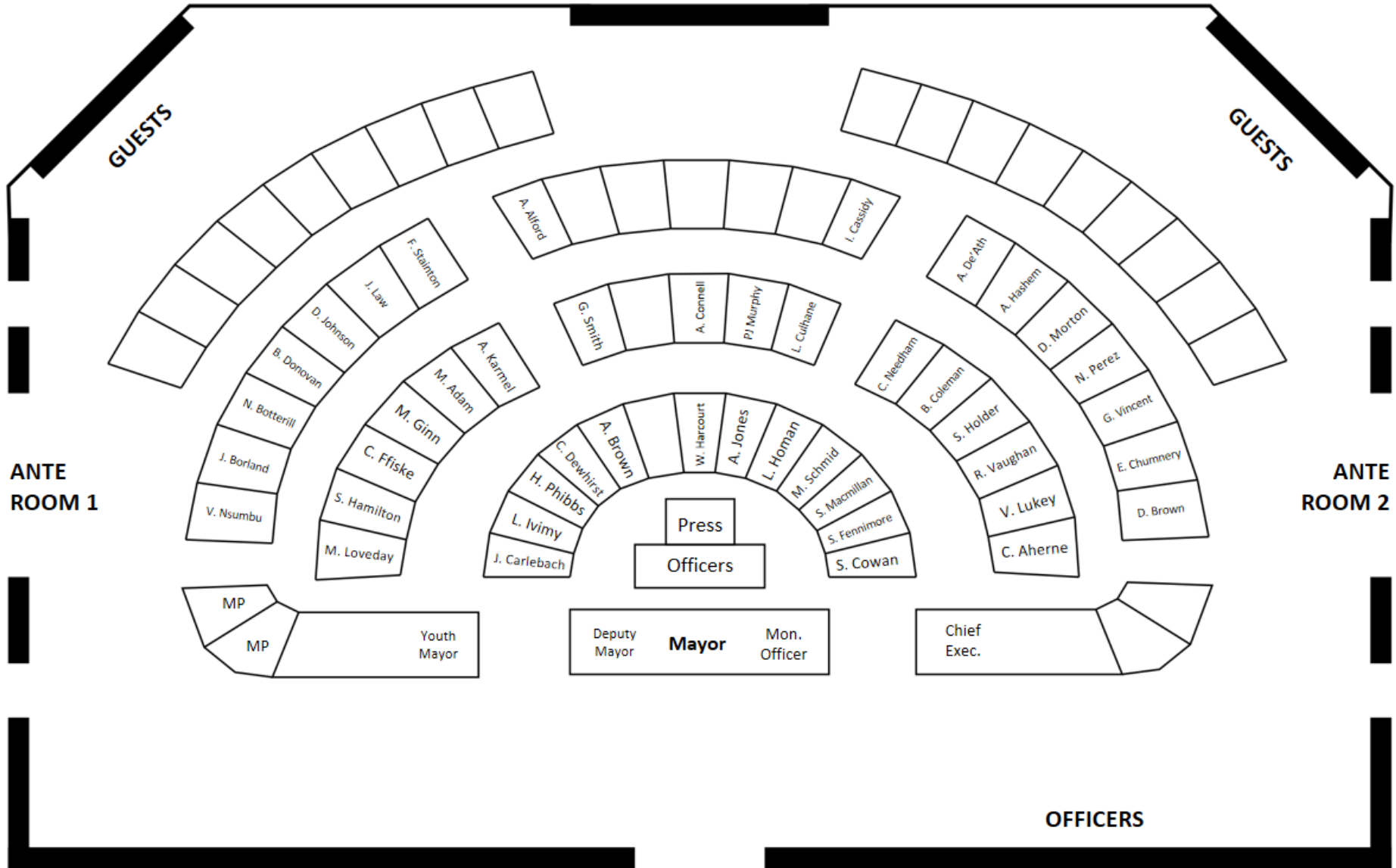


COUNCIL AGENDA

ORDINARY COUNCIL MEETING

Wednesday 18 October 2017

COUNCIL CHAMBER SEATING 2017/18



COUNCIL CHAMBER FOYER



The Mayor - Councillor Michael Cartwright
Deputy Mayor - Councillor Mercy Umeh

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)
Jacqueline Borland (C)
Jane Law (C)

AVONMORE &
BROOK GREEN

David Morton (L)
Joe Carlebach (C)
Caroline Ffiske (C)

NORTH END

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

SHEPHERDS BUSH
GREEN

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

COLLEGE PARK &
OLD OAK

Elaine Chumnerly (L)
Wesley Harcourt (L)

PALACE RIVERSIDE

Marcus Ginn (C)
Donald Johnson (C)

TOWN

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

FULHAM BROADWAY

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

PARSONS GREEN AND
WALHAM

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

WORMHOLT AND
WHITE CITY

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

FULHAM REACH

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

SUMMONS

Councillors of the London Borough of
Hammersmith & Fulham
are requested to attend the
Meeting of the Council on
Wednesday 18 October 2017
at Hammersmith Town Hall, W6

The Council will meet at 7.00pm

10 October 2017
Town Hall
Hammersmith W6

Kim Dero
Interim Chief Executive

Full Council Agenda

18 October 2017

<u>Item</u>		<u>Pages</u>
1.	MINUTES To approve the minutes of the meeting held on 19 July 2017.	1 - 18
2.	APOLOGIES FOR ABSENCE	
3.	MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS	
4.	DECLARATIONS OF INTERESTS <p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.</p>	
5.	PUBLIC QUESTIONS (20 MINUTES) The Leader or relevant Cabinet Member to reply to questions submitted by members of the public:	
5.1	QUESTION 1 - LOFT CONVERSIONS IN THE OLD OAK & WORMHOLT CONVERSATION AREA	19

6.	ITEMS FOR DISCUSSION/COMMITTEE REPORTS	
6.1	FOUR YEAR CAPITAL PROGRAMME 2017-21: UPDATE TO INCLUDE THE FIRE SAFETY PLUS PROGRAMME	20 - 28
	This report recommends amendments of £20m to the Capital Programme for the Fire Safety Plus Programme - and provides an update on the acquisition of additional affordable homes.	
6.2	REVIEW OF THE CONSTITUTION	29 - 72
	This report details changes to the Council's senior management, amendments to the Scheme of Delegation, the establishment of appointment and appeals panels for Chief Officers, and changes to the Commercial Revenue Committee's terms of reference.	
7.	SPECIAL MOTIONS	
	To consider and determine any Special Motions:	
7.1	SPECIAL MOTION 1 - PARSONS GREEN TERRORIST ATTACK	73
7.2	SPECIAL MOTION 2 - TERRORIST ATTACK AT PARSONS GREEN TUBE STATION	74
7.3	SPECIAL MOTION 3 - INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE DEFINITION OF ANTI-SEMITISM	75
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7.5	SPECIAL MOTION 5 - CYCLE SUPERHIGHWAY 9	77
7.6	SPECIAL MOTION 6 - ROYAL BRITISH LEGION 'COUNT THEM IN' CAMPAIGN - MAKING THE NEXT CENSUS COUNT FOR OUR ARMED FORCES COMMUNITY	78 - 79
7.7	SPECIAL MOTION 7 - PROTECTION OF COMMUNITY ASSETS, COUNCIL HOMES, AND SURE START CENTRES	80
8.	INFORMATION REPORTS - TO NOTE	
8.1	ANNUAL REPORT OF THE CHAIR OF THE AUDIT, PENSIONS AND STANDARDS COMMITTEE	81 - 90
	This report details the work of the Committee in 2016/17. The Committee has overseen transformation in all areas of its audit responsibilities and has actively contributed to leading and shaping those changes.	



COUNCIL MINUTES

ORDINARY COUNCIL MEETING

WEDNESDAY 19 JULY 2017



PRESENT

The Mayor Councillor Michael Cartwright
Deputy Mayor Councillor Mercy Umeh

Councillors:

Colin Aherne
Daryl Brown
Iain Cassidy
Adam Connell
Stephen Cowan
Larry Culhane
Alan De'Ath
Sue Fennimore
Wesley Harcourt
Ali Hashem
Sharon Holder
Andrew Jones
Vivienne Lukey

Sue Macmillan
David Morton
PJ Murphy
Caroline Needham
Natalia Perez
Max Schmid
Rory Vaughan
Guy Vincent
Michael Adam
Adronie Alford
Jacqueline Borland
Nicholas Botterill
Andrew Brown

Joe Carlebach
Charlie Dewhurst
Belinda Donovan
Caroline Ffiske
Marcus Ginn
Steve Hamilton
Lucy Ivimy
Alex Karmel
Jane Law
Mark Loveday
Harry Phibbs
Greg Smith
Frances Stainton

At the start of the meeting the Mayor led the Council in a minute of silence to remember the victims of the Grenfell Tower fire and their families.

1. MINUTES

7.03pm – RESOLVED

That the minutes of the Annual Council Meeting held on 17 May 2017 were confirmed and signed as an accurate record.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ben Coleman, Lisa Homan, Elaine Chumnerly, Donald Johnson, and Viya Nsumbu.

3. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS

There were no announcements.

4. **DECLARATIONS OF INTERESTS**

In respect of Special Motion 2 – ‘Recognises that the Government plans to demolish Charing Cross Hospital and calls on government bureaucrats and the Conservative group of councillors to apologise for misleading people about the future of Charing Cross as a hospital’ – the Leader of the Opposition, Councillor Joe Carlebach, declared a non-pecuniary interest as he was the Vice Chair of the Board of the Royal National Orthopaedic Hospital. He considered that this did not give rise to a perception of a conflict of interests and, in the circumstances it would be reasonable to participate in the discussion and vote thereon.

5. **PUBLIC QUESTIONS**

There were no public questions.

6. **ITEMS FOR DISCUSSION/COMMITTEE REPORTS**

6.1 **Party Appointments for the 2017-18 Municipal Year**

7.04pm – The report on the party appointments for the 2017-18 municipal year was noted.

6.2 **Results of the Local Government By-Elections on 8 June 2017**

7.04pm – The report on the results of the local government by-elections on 8 June 2017 was noted.

6.3 **Allocation of Seats and Proportionality**

7.04pm – The report on the allocation of seats and proportionality was noted.

6.4 **Committee Membership Updates and Outside Body Appointment**

An amendment to this report was tabled at the start of the meeting.

7.05pm – The report and recommendations, as amended, were formally moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

The report and recommendations, as amended, were then put to the vote:

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

The report and recommendations, with the amendment noted below, were declared **CARRIED**.

7.05pm – RESOLVED

That Council agrees the following committee membership changes for the municipal year 2017/18:

Planning and Development Control Committee

Councillor Michael Cartwright (to fill a vacancy)

Councillor Jacqueline Borland (to fill a vacancy)

Licensing Committee

Councillor Jacqueline Borland (to fill a vacancy)

Audit, Pensions and Standards Committee

Councillor David Morton (to replace Councillor Ben Coleman)

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

Councillor David Morton (to replace Councillor Daryl Brown)

Amendment

Economic Regeneration, Housing and the Arts Policy and Accountability Committee

Councillor Donald Johnson (to replace Councillor Lucy Ivimy)

Finance and Delivery Policy and Accountability Committee

Councillor Lucy Ivimy (to replace Councillor Greg Smith)

6.5 Licensing Fees 2017-18

7.05pm – The report and recommendations were formally moved for adoption by the Cabinet Member for Environment, Transport & Residents Services - Councillor Wesley Harcourt.

The report and recommendations were then put to the vote:

FOR	22
AGAINST	0
NOT VOTING	19

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

7.05pm – RESOLVED

That the Council approved the proposed fees in Appendix 2 of the report.

6.6 Financial Regulations 2017

7.08pm – The report and recommendations were formally moved for adoption by the Cabinet Member for Finance, Councillor Max Schmid.

The report and recommendations were then put to the vote:

FOR	UNANIMOUS
AGAINST	0

NOT VOTING 0

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

7.08pm – RESOLVED

1. That the Council approved the revised Financial Regulations in Appendix 1 of the report.
2. That a review of the Financial Regulations be carried out on an annual basis, and reported to Full Council.

6.7 Review of the Constitution

7.08pm – 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 Charlie Dewhirst and Joe Carlebach (for the Opposition), and Councillors Stephen Cowan and Sue Fennimore (for the Administration).

The report and recommendations were then put to the vote:

FOR	22
AGAINST	18
NOT VOTING	1

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

7.18pm – RESOLVED

That Council approves the changes to the Officer Scheme of Delegation in Appendix 1 of the report.

7. SPECIAL MOTIONS

Under Standing Order 15(e)(3), Councillor Mark Loveday moved to give precedence to Special Motions 5 and 7 after Special Motion 1. The motion to give precedence was then put to the vote.

FOR	18
AGAINST	22
NOT VOTING	1

The motion was declared **LOST**.

- 7.1 **Special Motion 1 - Thanking Hammersmith & Fulham's residents, tenants and residents' associations, businesses, charities, faith groups, council and NHS staff, and the emergency services for all they did and all they are doing to support the victims of the Grenfell Tower fire**

7.20pm – The Leader of the Council - Councillor Stephen Cowan moved, seconded by Councillor Sue Fennimore, the special motion in their names:

“The Council reaffirms its deepest sympathies for all who are victims of the fire in Grenfell Tower.

It recognises and formally thanks all in Hammersmith & Fulham for their hard work, generosity, and many kindnesses who helped people during the Grenfell disaster.

We pay tribute to our emergency services for their determined bravery that, as is always the case, saw them running towards danger to save and protect others.”

Speeches on the special motion were made by Councillors Stephen Cowan and Sue Fennimore (for the Administration).

Under Standing Order 15(e)(6), Councillor Lucy Ivimy moved, seconded by Councillor Harry Phibbs, an amendment to the special motion as follows:

“Add new paragraph after ‘disaster’:

It further thanks officers and staff of this Council and the many voluntary organisations of this borough for their exemplary work to assist with the consequences of the fire.”

Speeches on the amendment to the special motion were made by Councillors Lucy Ivimy, Harry Phibbs, and Joe Carlebach (for the Opposition) and Councillor Stephen Cowan (for the Administration).

Councillor Lucy Ivimy withdrew the amendment.

Councillor Joe Carlebach made a speech on the substantive motion then Councillor Stephen Cowan made a speech winding up the debate. The substantive motion was then put to the vote.

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

The substantive motion was declared **CARRIED**.

7.50pm – RESOLVED

The Council reaffirms its deepest sympathies for all who are victims of the fire in Grenfell Tower.

It recognises and formally thanks all in Hammersmith & Fulham for their hard work, generosity, and many kindnesses who helped people during the Grenfell disaster.

We pay tribute to our emergency services for their determined bravery that, as is always the case, saw them running towards danger to save and protect others.

7.2 **Special Motion 2 - Recognises that the government plans to demolish Charing Cross Hospital and calls on government bureaucrats and the Conservative group of councillors to apologise for misleading people about the future of Charing Cross as a hospital**

7.51pm – Councillor Andrew Jones moved, seconded by Councillor Sue Fennimore, the special motion in their names:

“The Council condemns health bureaucrats for attempting to gag the London Borough of Hammersmith & Fulham and stop us campaigning against the demolition of Charing Cross Hospital.

It recognises that: it was thoroughly wrong for Conservative councillors to falsely claim they had “saved” Charing Cross Hospital in 2013; wrong for them to have consistently accused all those opposing its demolition and closure of not telling the truth; and wrong to have misled local residents by claiming their administration had led to the A&E at Charing Cross being “retained”.

The Council notes that the department of health, the CCG and Imperial Collage Healthcare Trust have said they will “continue” with the proposals for Charing Cross Hospital “set out in the service strategy [Shaping a Healthier Future (SaHF)] for NW London which was signed off by the Secretary of State for Health in 2013 and that those plans include:

- Demolishing the current Charing Cross Hospital and selling off most of the site
- Replacing the current Charing Cross Hospital with a series of clinics on a site no more than 13% the size of the current hospital
- Re-branding these clinics as a “local hospital”
- Replacing the current A&E with an urgent care clinic
- Losing more than 300 - and possibly all – acute care beds.

The Council concludes that the government’s approach to telling the public of the plans for Charing Cross Hospital are, at best, thoroughly disingenuous - and calls on them to listen to the borough’s Labour administration and take a different approach.”

Speeches on the special motion were made by Councillor Andrew Jones, Sue Fennimore, David Morton (his maiden speech), Max Schmid, Caroline Needham, Guy Vincent, and Rory Vaughan (for the Administration), and Councillors Joe Carlebach, Andrew Brown, and Caroline Ffiske (for the Opposition).

Councillor Mark Loveday moved under Standing Order 15(e)(8) that the motion be put to the vote. A vote on the motion was taken and the motion was lost.

Councillor Stephen Cowan then made a speech winding up the debate. The motion was then put to the vote.

FOR	22
AGAINST	18
NOT VOTING	1

The substantive motion was declared **CARRIED**.

8.46pm – RESOLVED

The Council condemns health bureaucrats for attempting to gag the London Borough of Hammersmith & Fulham and stop us campaigning against the demolition of Charing Cross Hospital.

It recognises that: it was thoroughly wrong for Conservative councillors to falsely claim they had “saved” Charing Cross Hospital in 2013; wrong for them to have consistently accused all those opposing its demolition and closure of not telling the truth; and wrong to have misled local residents by claiming their administration had led to the A&E at Charing Cross being “retained”.

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- Re-branding these clinics as a “local hospital”
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- Losing more than 300 - and possibly all – acute care beds.

The Council concludes that the government’s approach to telling the public of the plans for Charing Cross Hospital are, at best, thoroughly disingenuous - and calls on them to listen to the borough’s Labour administration and take a different approach.

7.3 Special Motion 3 - Ending 'Tri-Borough'

8.47pm – Councillor Max Schmid moved, seconded by Councillor Sue Macmillan, the special motion in their names:

“The Council notes that on Monday, 27 March 2017 the Royal Borough of Kensington & Chelsea and Westminster City Council synchronised their cabinet meetings and press announcements and set out their intention to end the “tri-borough”. They gave no prior notice of their plan to the London Borough of Hammersmith & Fulham despite a meeting of the three leaders taking place the previous working day in Hammersmith Town Hall.

The Council notes that in November 2015, a senior tri-borough official advised councillors and officers in Hammersmith & Fulham that Westminster City Council had modelled pulling out of the tri-borough and proposed to trigger their plan early in 2017. Westminster City Council’s political leadership denied they were planning to do that when confronted.

The Council recalls how on 22 October 2010 the Rt Hon Eric Pickles MP (the then communities secretary) told the BBC that the three councils had agreed in principle to merge all their services and that this could save up to £100m.

It notes that merging all of our council services with Kensington and Chelsea and Westminster Councils would have been a dreadful mistake and:

- The three councils never came close to saving the £100m foretold by Mr Pickles
- That many of the £13m savings the tri-borough claimed to have saved Hammersmith & Fulham were savings that would have to be made anyway and were made by other councils not in shared services
- That the tri-borough declined to formally attribute losses it caused but, for example, problems with just one tri-borough contract, procured and let by Westminster City Council, has cost Hammersmith & Fulham over £5m
- That of the £31 million of savings Hammersmith & Fulham's Labour administration made in the last two budgets, the tri-borough contributed no more than £200,000, which is less than 1%
- That tri-borough officials complained of conflicts of interests
- That Hammersmith & Fulham residents and their representatives suffered a loss of sovereignty because of flaws intrinsic to the tri-borough
- That there were significant problems with the tri-borough's commissioning, procurement and management of services that put vulnerable people at risk and made it difficult for staff to undertake the most basic day-to-day functions
- That the callous indifference demonstrated by the Conservative administrations in Kensington & Chelsea and Westminster councils towards children with special educational needs suffering the failures of their school transport service was one of the factors that always made the "high trust" tri-borough model difficult.

The Council notes that in 2014, the Critical Friends' Report identified how the tri-borough had a "complex operating model" in which "services have been integrated through shared management from the top down" causing structures that are "difficult to navigate internally". That was a polite reference to the horse-trading, rather than business process engineering, that characterised the tri-borough from the start.

The Council supports the decision of the Labour administration, following the Critical Friends' Report, to discontinue sharing a Chief Executive with the Royal Borough of Kensington and Chelsea.

The Council supports the Labour administration's pragmatic approach to focussing on the evidence and prioritising services and value for money for Hammersmith & Fulham's residents and businesses."

Speeches on the special motion were made by Councillors Max Schmid, Sue Macmillan, PJ Murphy, and Stephen Cowan (for the Administration), and Councillor Nick Botterill (for the Opposition). Councillor Max Schmid made a speech winding up the debate and the motion was put to the vote.

FOR	22
AGAINST	18
NOT VOTING	1

The substantive motion was declared **CARRIED**.

9.17pm – RESOLVED

The Council notes that on Monday, 27 March 2017 the Royal Borough of Kensington & Chelsea and Westminster City Council synchronised their cabinet meetings and press announcements and set out their intention to end the “tri-borough”. They gave no prior notice of their plan to the London Borough of Hammersmith & Fulham despite a meeting of the three leaders taking place the previous working day in Hammersmith Town Hall.

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It notes that merging all of our council services with Kensington and Chelsea and Westminster Councils would have been a dreadful mistake and:

- The three councils never came close to saving the £100m foretold by Mr Pickles
- That many of the £13m savings the tri-borough claimed to have saved Hammersmith & Fulham were savings that would have to been made anyway and were made by other councils not in shared services
- That the tri-borough declined to formally attribute losses it caused but, for example, problems with just one tri-borough contract, procured and let by Westminster City Council, has cost Hammersmith & Fulham over £5m
- That of the £31 million of savings Hammersmith & Fulham’s Labour administration made in the last two budgets, the tri-borough contributed no more than £200,000, which is less than 1%
- That tri-borough officials complained of conflicts of interests
- That Hammersmith & Fulham residents and their representatives suffered a loss of sovereignty because of flaws intrinsic to the tri-borough
- That there were significant problems with the tri-borough’s commissioning, procurement and management of services that put vulnerable people at risk and made it difficult for staff to undertake the most basic day-to-day functions
- That the callous indifference demonstrated by the Conservative administrations in Kensington & Chelsea and Westminster councils towards children with special educational suffering the failures of their school transport service was one of the factors that always made the “high trust” tri-borough model difficult.

The Council notes that in 2014, the Critical Friends' Report identified how the tri-borough had a "complex operating model" in which "services have been integrated through shared management from the top down" causing structures that are "difficult to navigate internally". That was a polite reference to the horse-trading, rather than business process engineering, that characterised the tri-borough from the start.

The Council supports the decision of the Labour administration, following the Critical Friends' Report, to discontinue sharing a Chief Executive with the Royal Borough of Kensington and Chelsea.

The Council supports the Labour administration's pragmatic approach to focussing on the evidence and prioritising services and value for money for Hammersmith & Fulham's residents and businesses.

7.4 **Special Motion 4 - Business Rates and Local Government Finance**

9.18pm – Councillor Andrew Jones moved, seconded by Councillor Max Schmid, the special motion in their names:

"This Council notes that:

From 2010, annual government funding to the London Borough of Hammersmith and Fulham has been reduced by £83 million.

Over the same period, central government has imposed £13.5 millions of unfunded new burdens on the Council.

Since the end of 2015/16, the government no longer pays a grant to councils that freeze or cut council tax.

Annual funding is forecast to reduce by a further £19 million from 2017/18 to 2020/21.

In October 2015, the Government announced that by 2020 local authorities would keep 100 per cent of the business rates they raise locally. A consultation was concluded in February 2017 on the proposals and a Local Government Finance Bill was published.

As of April 2017, there were advanced discussions between the Department of Communities and Local Government to pilot business rates localization in London from April 2018.

Following the recent general election, on 26 June 2017 an agreement was reached between the government and the Democratic Unionist Party that provided £1 billion extra funding to Northern Ireland over two years.

A similar funding injection, on a per capita basis, for Hammersmith and Fulham would deliver just over £100 million of spending in the borough over two years.

On 27 June 2017 the government presented a Queen's Speech that dropped the Local Government Finance Bill from the legislative programme for the next two years. No plans to address the significant gap in funding for social care and local government more widely were proposed.

The Conservative Local Government Association chair, Lord Porter, said: "It is hugely concerning that the government has not reintroduced the Local Government Finance Bill in the Queen's Speech."

The council resolves to write to the Prime Minister and Chancellor of the Exchequer to:

- Detail the significant cuts in funding to the borough at the same time as the council has faced demographic and government-imposed spend pressures;
- Explain the damage caused by ongoing government indecision over local government finance to forward financial planning;
- Call on the government to rapidly make clear its plans for funding local government that address the well-recognised funding gap and, in the interim, to abandon any plans to reduce further the Revenue Support Grant; and
- Ask the government to set out how the further funding announced for Northern Ireland will translate to proportionate further funding for Hammersmith and Fulham and other authorities in Great Britain, in line with the Barnett formula."

Councillor Andrew Jones made a speech (for the Administration) before the motion was put to the vote.

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

The substantive motion was declared **CARRIED**.

9.23pm – RESOLVED

This Council notes that:

From 2010, annual government funding to the London Borough of Hammersmith and Fulham has been reduced by £83 million.

Over the same period, central government has imposed £13.5 millions of unfunded new burdens on the Council.

Since the end of 2015/16, the government no longer pays a grant to councils that freeze or cut council tax.

Annual funding is forecast to reduce by a further £19 million from 2017/18 to 2020/21.

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The Conservative Local Government Association chair, Lord Porter, said: "It is hugely concerning that the government has not reintroduced the Local Government Finance Bill in the Queen's Speech."

The council resolves to write to the Prime Minister and Chancellor of the Exchequer to:

- Detail the significant cuts in funding to the borough at the same time as the council has faced demographic and government-imposed spend pressures;
- Explain the damage caused by ongoing government indecision over local government finance to forward financial planning;
- Call on the government to rapidly make clear its plans for funding local government that address the well-recognised funding gap and, in the interim, to abandon any plans to reduce further the Revenue Support Grant; and
- Ask the government to set out how the further funding announced for Northern Ireland will translate to proportionate further funding for Hammersmith and Fulham and other authorities in Great Britain, in line with the Barnett formula."

7.5 **Special Motion 5 - Supports H&F Council's investment into Fire Safety Plus**

9.23pm – Councillor Stephen Cowan moved, seconded by Councillor Larry Culhane, the following special motion:

"The Council notes that the fire at Grenfell Tower came some eight years after the Lakanal House fire in Southwark and four years after recommendations were made to the Secretary of State for Communities and Local Government by the Coroner of the Lakanal fire.

The Council deeply regrets the Government's failure to address all the recommendations of the Coroner's Inquest into the Lakanal fire and pledges to campaign to secure their full implementation, backed by the appropriate Government funding.

While recognising the need for the Government to act, the Council nevertheless pledges to introduce its own Fire Safety Plus for all the homes it owns and manages.

The Council will support significant investment into Fire Safety Plus which is being put together with residents and being designed by independent experts.

The new Fire Safety Plus packages includes:

- Installing new fire sprinklers
- New fire safety checks for every home
- New, free front and internal fire doors and walls for leaseholders and other council residents
- New free replacement of appliances that fail safety checks
- New free plug adapters
- And more to be agreed with the borough's new Residents' Fire Safety Review Panel

The Council determines to continue to work openly and share fire safety information with the fire services, residents, and the new Residents' Fire Safety Review Panel to ensure the continuing safety of all who live in a council home.

It also calls on the Government to implement the findings of the previous inquest by the Coroner, presented in 2013, into the deaths of those who lost their lives at Lakanal House."

Speeches on the special motion were made by Councillors Larry Culhane, Natalia Perez, and Stephen Cowan (for the Administration), and Councillors Mark Loveday, Lucy Ivimy, and Belinda Donovan (for the Opposition).

During the debate, Councillor Mark Loveday, under Standing Order 15(e)(5), moved to extend the time limit of his speech for an additional 5 minutes. The motion to extend the time of his speech was then put to the vote.

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

The motion was declared **CARRIED**.

Councillor Stephen Cowan made a speech winding up the debate and the motion was put to the vote.

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

The substantive motion was declared **CARRIED**.

9.55pm – RESOLVED

The Council notes that the fire at Grenfell Tower came some eight years after the Lakanal House fire in Southwark and four years after recommendations were made to the Secretary of State for Communities and Local Government by the Coroner of the Lakanal fire.

The Council deeply regrets the Government's failure to address all the recommendations of the Coroner's Inquest into the Lakanal fire and pledges to campaign to secure their full implementation, backed by the appropriate Government funding.

While recognising the need for the Government to act, the Council nevertheless pledges to introduce its own Fire Safety Plus for all the homes it owns and manages.

The Council will support significant investment into Fire Safety Plus which is being put together with residents and being designed by independent experts.

The new Fire Safety Plus packages includes:

- Installing new fire sprinklers
- New fire safety checks for every home
- New, free front and internal fire doors and walls for leaseholders and other council residents
- New free replacement of appliances that fail safety checks
- New free plug adapters
- And more to be agreed with the borough's new Residents' Fire Safety Review Panel

The Council determines to continue to work openly and share fire safety information with the fire services, residents, and the new Residents' Fire Safety Review Panel to ensure the continuing safety of all who live in a council home.

It also calls on the Government to implement the findings of the previous inquest by the Coroner, presented in 2013, into the deaths of those who lost their lives at Lakanal House.

7.6 Special Motion 6 - Grenfell Tower

The special motion was withdrawn.

7.7 Special Motion 7 - Housing Safety

9.56pm – Councillor Harry Phibbs moved, seconded by Councillor Belinda Donovan, the special motion in their names:

- “1. This Council reaffirms the commitment to the safety of tenants, leaseholders, residents and their families in its housing stock which lies at the heart of its public service provision.
2. This Council notes:
 - a. The ‘Limited Assurance’ audit report issued in July 2016 in respect of the Council’s Housing and Regeneration Department (“HRD”) Health and Safety Checks.
 - b. The reports to Audit Pensions and Standards Committee of 13th September 2016, 7th December 2016, 13th March 2017 and 21st June 2017 relating to deficient and late implementation of health and safety checks and remedial works, which included gas safety, electrical installation, asbestos management, communal hot water tank chlorination and fire risk assessments.
3. This Council welcomes:
 - a. The action taken since the tragic events at Grenfell Tower to review fire risk assessments for the 15 council housing blocks of 12 storeys or more in the borough, including the Charecroft Estate and Edward Woods Estate.
 - b. The similar action taken to identify any hazardous materials including cladding to housing stock.
 - c. The fact that copies of fire risk assessments have been provided for all four tower blocks on the Charecroft Estate to Chris Took, the Tenants and Residents Association Chairman for that estate, but notes with dismay the deficiencies in those reports.
4. This Council resolves to:
 - a. Eliminate immediately the backlog of HRD health and safety checks and remedial works of all kinds identified by the reports to Audit Committee.
 - b. Install sprinkler systems in all blocks of Council flats.
 - c. Set for a date for the removal of the hazardous panels to the Charecroft Estate.
 - d. Set a date for fitting sprinklers in the Charecroft Estate as requested by residents of that estate.
 - e. Publish immediately copies of fire risk assessments and other health and safety reports for all Council owned housing blocks in the borough on the Council’s website.”

Councillor Harry Phibbs made a speech (for the Opposition) winding up the debate as the guillotine had fallen.

The amendment standing in the names of Councillors Adam Connell and Sue Fennimore was then put to the vote without debate:

“Delete all after ‘public service provision’ and insert:

- “2. This council resolves not to wait for government action and instead support significant investment into Fire Safety Plus which is being put together with

residents and being designed by independent experts. The new Fire Safety Plus packages includes:

- Installing new fire sprinklers
- New fire safety checks for every home
- New, free front and internal fire doors and walls for leaseholders and other council residents
- New free replacement of appliances that fail safety checks
- New free plug adapters
- And more to be agreed with the borough's new Residents' Fire Safety Review Panel

The Council determines to continue to work openly and share fire safety information with the fire services, residents, and the new Residents' Fire Safety Review Panel to ensure the continuing safety of all who live in a council home.

It also calls on the Government to implement the findings of the previous inquest by the Coroner, presented in 2013, into the deaths of those who lost their lives at Lakanal House.””

FOR	22
AGAINST	18
NOT VOTING	1

The amendment was declared **CARRIED**.

The special motion as amended was then put to the vote.

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

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

10.04pm – RESOLVED

1. This Council reaffirms the commitment to the safety of tenants, leaseholders, residents and their families in its housing stock which lies at the heart of its public service provision.
2. This council resolves not to wait for government action and instead support significant investment into Fire Safety Plus which is being put together with residents and being designed by independent experts. The new Fire Safety Plus packages includes:
 - Installing new fire sprinklers
 - New fire safety checks for every home
 - New, free front and internal fire doors and walls for leaseholders and other council residents
 - New free replacement of appliances that fail safety checks
 - New free plug adapters

- And more to be agreed with the borough's new Residents' Fire Safety Review Panel

The Council determines to continue to work openly and share fire safety information with the fire services, residents, and the new Residents' Fire Safety Review Panel to ensure the continuing safety of all who live in a council home.

It also calls on the Government to implement the findings of the previous inquest by the Coroner, presented in 2013, into the deaths of those who lost their lives at Lakanal House.

Meeting started: 7.00 pm
Meeting ended: 10.04 pm

Mayor


PUBLIC QUESTION NO.1 – LOFT CONVERSIONS AT THE OLD OAK & WORMHOLT CONSERVATION AREA

Question by: Sajad Al-Hairi

To: The Cabinet Member for Environment, Transport & Residents Services

Can loft conversions be permitted at the Old Oak & Wormholt Conservation area?

Agenda Item 6.1

London Borough of Hammersmith & Fulham FULL COUNCIL 18 October 2017	 hammersmith & fulham
HOUSING FOUR YEAR CAPITAL PROGRAMME 2017-21: UPDATE TO INCLUDE THE FIRE SAFETY PLUS PROGRAMME	
Report of the Cabinet Member for Finance – Councillor Max Schmid	
Open Report	
Classification: For Decision Key Decision: Yes	
Wards Affected: All	
Accountable Director: Jo Rowlands, Lead Director for Regeneration, Planning & Housing Services	
Report Author: Kathleen Corbett, Director of Finance & Resources for Regeneration, Planning & Housing Services	Contact Details: Tel: 0208 753 3031 kathleen.corbett@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. Amendments of £20m are proposed to the Capital Programme for the Fire Safety Plus Programme. This work will be above and beyond the current legal minimum fire standards. The report also updates on the acquisition of additional affordable homes. The updated 2017-21 Housing Revenue Account (HRA) and Decent Neighbourhood Capital programme is £246.2m.
- 1.2. The Fire Safety Plus work is in addition to the existing Housing Capital programme that funds essential Health and Safety Works. Funding for works undertaken as part of the existing Housing Capital Programme will be sought from central government where possible if they make money available.

2. RECOMMENDATIONS

- 2.1. To approve the HRA and Decent Neighbourhood Capital Programme revised budget for 2017/18 at £69.7m including £10m of the £20m Fire Safety Plus Programme with the remaining £10m being planned for 2018/19 (Paragraph 5, Table 1 and Appendix 1).

- 2.2. To approve the HRA and Decent Neighbourhood Capital Programme revised four year budget at £246.2m from 2017/18 to 2020/21 including the £20m Fire Safety Plus Programme (Paragraph 5, Table 1 and Appendix 1).

3. REASONS FOR DECISION

- 3.1 The Fire Safety Plus Programme was endorsed in July 2017 by Full Council. It is designed to improve the safety of Council Homes, both tenanted and leasehold, and we are working closely with the London Fire Brigade to ensure the highest standard. The proposed budget is an additional £20m.
- 3.2 The report also includes £4.9m for the acquisition of additional affordable housing approved by Cabinet on 9 October 2017.
- 3.3 In accordance with the Council's Financial Regulations Full Council are required to approve amendments to the capital programme that exceed £5m.
- 3.4 For the fire safety programme that will ensure residents are as safe as possible, the Council will seek funding from central government.

4. INTRODUCTION AND BACKGROUND

- 4.1 This report sets out an updated four year HRA capital expenditure and resource forecast and capital programme for 2017/18 to 2020/21 as summarised in Table 1 in paragraph 5 and Appendix 1 below. This update includes:
- £20m for the Council's Fire Safety Plus capital works programme to make fire safety improvements to the Council's housing stock above and beyond current legal minimum standards. These works will improve the fire safety of Council homes, both tenanted and leasehold. We are working with the London Fire Brigade (LFB).

This work is in addition to the existing Housing Capital programme. We need and expect additional funding from the Department of Communities and Local Government (DCLG). DCLG have requested details on such works from councils, and we will provide them but DCLG to date have not made any money available.

It's very important we keep residents safe and we cannot wait for central government to work out how funding will become available. So, to enable these important works to proceed, £14m of HRA reserves has been allocated for this programme with the balance being funded by internal borrowing which increases the Housing Capital Financing Requirement (HRA CFR), the measure used for the HRA debt cap. As a result, if central government declines to pay fire safety works, the Council will be very close to its HRA debt cap and our HRA general reserves will reduce to £3m. This would restrict our ability to directly provide additional new homes and to cope with changes in HRA income and / or costs going forward.

All work under this programme will be provided free of charge to Council tenants and leaseholders. Programme expenditure is expected to be allocated as:

- Works on the Charecroft Estate and other buildings which are six stories or higher: £10m
 - Other works under the programme £10m
- £4.9m of additional expenditure for the purchase of additional affordable homes. This will facilitate a much needed increase in the supply of affordable housing that will help to ease the temporary accommodation pressure the Council has, while also making best use of right to buy receipts. This was approved by Cabinet on 9th October 2017.

5. THE HOUSING CAPITAL PROGRAMME

- 5.1 The updated Housing Capital Programme includes £130.1m over four years for major works to be carried out on existing properties and an additional £20m for the Fire Safety Plus programme. It also includes approved plans to deliver new affordable homes. The forecast is based on the position at 31 August 2017
- 5.2 The programme is funded by Internal Borrowing, Revenue Contributions appropriated to the Major Repairs Reserve, contributions from HRA reserves, HRA revenue contributions, Section 106 commuted sums and capital receipts from both Right-to-Buy and sales of surplus non-dwelling sites. The overall Housing Programme expenditure and resource forecast is summarised in Table 1 below (following page). The detailed programme is included at Appendix 1. A reconciliation between the four year programme approved by Full Council on 22 February 2017 and the revised four year programme included in this report is included at Appendix 2.

Table 1: 2017-21 Capital Programme Service Analysis

Housing Programme - Resource Summary				
	Indicative 2017/18 Budget	Indicative 2018/19 Budget	Indicative 2019/20 Budget	Indicative 2020/21 Budget
	£'000	£'000	£'000	£'000
Approved Expenditure				
Decent Neighbourhood Schemes	23,229	28,137	31,215	13,556
HRA Schemes	46,544	42,259	28,826	32,475
Total Housing Programme - Approved Expenditure	69,773	70,396	60,041	46,031
Available and Approved Resource				
Capital Receipts - Unrestricted	11,176	4,200	4,616	0
Capital Receipts - GF	673	450	450	450
Capital Receipts - RTB (141)	8,946	8,144	4,954	1,895
Capital Receipts - Sale of new build homes	414	-	-	-
Earls Court Receipts recognisable	-	-	16,581	4,460
Housing Revenue Account (revenue & reserves funding)	9,464	13,028	4,000	1,313
Major Repairs Reserve (MRR)	17,945	17,404	19,794	19,794
Contributions Developers (S106)	1,969	5,256	400	16,950
Repayment of NHHT loan	270	-	270	-
Contributions from leaseholders	7,385	6,943	4,005	2,849
Government Capital Grants and Contributions	300	600	100	-
Disabled Facilities Grant (DFG)	609	-	-	-
Insurance Claim for Hilary Road fire damage	150	-	-	-
Internal Borrowing	10,471	14,372	4,871	
Reduction in internal borrowing from Earls Court Cash				(1,680)
Total Funding	69,773	70,396	60,041	46,031

5.3 The programme includes borrowing against internal resources of £29.7m. The forecast Housing Capital Finance Requirement (HRA CFR) is shown in Table 2 below:

Table 2

HRA CFR Forecast	2017/18	2018/19	2019/20	2020/21
HRA Capital Financing Memorandum	£'000	£'000	£'000	£'000
Closing Forecast CFR Excluding Deferred Costs	215,315	229,686	234,557	231,197
Deferred Costs of Disposal	6,644	9,084	13,522	16,062
Closing Forecast CFR Including Deferred Costs	221,959	238,770	248,079	247,259

5.5 The HRA CFR is required to remain within a 'Debt Cap' which has been individually set for all housing authorities by the Department for Communities and Local Government. This cap was introduced as part of the transition to HRA self-financing. The Council's debt cap is currently set at £254.6m.

5.6 In 2019/20, borrowing headroom between the CFR and debt cap reduces to just £6.5m. This headroom is forecast to improve to £7.4m in 2020/21.

6. FINANCIAL AND RESOURCES IMPLICATIONS

- 6.1 The report is seeking an approval for additional £20m expenditure which will, until further clarity is received from central government on funding streams, be funded from a combination of HRA Reserves and internal borrowing. It also includes an additional £4.9m of expenditure for the purchase of new affordable homes which is going to Cabinet for approval on 9th October 2017 and the redevelopment grant for Edith Summerskill House (which is funded by S106 commuted sums and Right to Buy one for one receipts). A reconciliation between the four year programme approved by Full Council on 22nd February 2017 and the revised four year programme included in this report is included at Appendix 2. HRA General reserves are expected to reduce to £3m in 2018/19 before building back up again to circa £10m by 2023/24.
- 6.2 The increase in borrowing will result in higher CFR (forecast to increase from £241.43m¹ to £248.1m in 2019/20 and from £243.98m² to £247.3m in 2020/21) and will significantly reduce the borrowing headroom to £6.5m in 2019/20 and £7.4m in 2020/21.
- 6.3 If there are any:
- delays or reductions in income on the Housing Capital programme
 - material reductions in HRA revenue income
 - material increases in the cost of the housing capital programme or in the HRA

then there is a risk that the HRA debt cap will be breached. To mitigate the risk of this, the Council will provide all details of fire safety works to central government to lobby for funding.

- 6.4 The capital programme will be reviewed on a regular basis to manage the risk of exceeding the cap.
- 6.4 With regard to all major capital schemes and disposals, the Council will need to give careful consideration to its VAT partial exemption threshold. Ordinarily, entities cannot reclaim VAT incurred in the provision of VAT exempt activities, however special provision for Local Authorities means that Council can reclaim such costs, providing these do not exceed 5% of the Council's overall VAT liability in any one year. If this threshold is breached without HMRC mitigation, then all VAT incurred in support of exempt activities, in that year, can no longer be reclaimed from HM Revenue and Customs (HMRC) and becomes payable by the Council. This would represent a cost of approximately £2m to £3m per year of breach.

¹ As reported to Cabinet on 9th October 2017. The CFR forecast for 19/20 reported to Full Council on 22nd February 2017 was £227.86m, the increase between February 17 and October 17 is mostly because the forecast for the Earls Court recognisable receipts has been moved out by a year.

² As reported to Cabinet on 9th October 2017, The CFR forecast reported to Full Council on 22nd February 2017 was £232.13m, the increase between February 17 and October 17 is mostly because the forecast for the Earls Court recognisable receipts has been moved out by a year

6.5 Capital transactions represent a significant portion of the Council's VAT-exempt activity and accordingly pose the biggest risk to the partial exemption threshold. The Council monitors the partial exemption position closely; however unanticipated receipts, expense or slippages can frustrate this process. The Cabinet has adopted the following VAT policy to aid the management of the Partial Exemption position:

- Projects should be 'opted-to-tax' where this option is available and is of no financial disadvantage to the Council.
- If an option-to tax is unavailable it is advised that any avoidable, new projects incurring exempt VAT are deferred for the present time.
- In addition there is only limited room in the future years partial exemption forecasts. Therefore, new or re-profiled projects incurring exempt VAT will need to be agreed with the Corporate VAT team.
- In all cases the VAT team should be consulted in advance in order that the forecasts can be updated and re-checked against limits.

6.6 Expenditure incurred by a Local Authority in the course of delivering statutory functions will ordinarily be outside of the scope of VAT (also known as 'non-business expenditure'). Fire safety expenditure on the Council's own property/dwellings would, generally, be deemed to be non-business. It is nonetheless advised that as and when specific projects and schemes within this newly proposed programme crystallise, they are individually assessed in conjunction with corporate finance to ascertain any potential taxation risks.

6.7 *Implications completed by Hitesh Jolapara, Strategic Finance Director, tel: 020 8753 2501*

7. IMPLICATIONS FOR BUSINESS

7.1 The HRA Capital Programme represents significant expenditure within the Borough and consequently, where supplies are sourced locally, may impact either positively or negatively on local contractors and sub-contractors. Where capital expenditure increases, or is brought forward, this may have a beneficial impact on local businesses; conversely, where expenditure decreases, or is slipped, there may be an adverse impact on local businesses.

7.2 *Implications completed by David Burns, Head of Housing Strategy, tel 020 8753 6090*

8. LEGAL IMPLICATIONS

8.1 There are no particular legal Implications arising from this report.

8.2 *Implications completed by Rhian Davies, Chief Solicitor, Litigation and Social Care, tel. 020 7641 2729*

9. PROCUREMENT IMPLICATIONS

9.1 Expenditure by the Council is subject to binding processes and regulations that ensures transparency, commercial awareness and drives the best value for

money. To ensure that future risk of litigation through unclear procurements are negated early dialogue with Commercial Management around procurement strategies is undertaken and procurement processes can be supported.

9.2 In addition clarity around how the capital spend is approached in terms of programme management and governance to ensure ongoing delivery assurance.

9.3 *Implications completed by Simon Davis, Head of Commercial Management, tel: 07920 503651*

Appendix 1

2017-21 Capital Programme Service Analysis

Appendix 1

Housing Capital Programme

Indicative Future Years Analysis

Scheme Expenditure Summary

HRA Schemes:


	2017/18 Budget	2018/19 Budget	2019/20 Budget	2020/21 Budget	Total Budget (All years)
	£'000	£'000	£'000	£'000	£'000
Supply Initiatives (Major Voids)	947	-	-	-	947
Energy Schemes	1,633	3,697	1,850	1,725	8,905
Lift Schemes	3,250	4,800	3,750	1,150	12,950
Internal Modernisation	500	250	500	1,750	3,000
Major Refurbishments	18,363	14,009	14,486	19,210	66,068
Planned Maintenance Framework	644	-	-	-	644
Minor Programmes	10,127	8,453	7,240	7,640	33,460
Decent Homes Partnering	-	-	-	-	0
ASC/ELRS Managed	1,080	1,050	1,000	1,000	4,130
Fire Safety Plus	10,000	10,000	-	-	20,000
Subtotal HRA	46,544	42,259	28,826	32,475	150,104

Decent Neighbourhood Schemes:

Earls Court Buy Back Costs	7,722	5,629	13,751	6,789	33,890
Earls Court Project Team Costs	856	2,496	4,540	2,599	10,492
Housing Development Project	2,161	8,805	679	-	11,645
Stanhope Joint Venture	4,749	11,392	15,835	6,317	38,293
Other DNP projects	6,815	261	-	-	7,076
Other General Fund	1,782	2,050	950	450	5,232
Subtotal Decent Neighbourhoods	24,085	30,633	35,755	16,155	106,629
Total Expenditure	70,629	72,892	64,581	48,630	256,734
Adjustment for deferred costs	(856)	(2,496)	(4,540)	(2,599)	(10,492)
Total Net Expenditure	69,773	70,396	60,041	46,031	246,242

Appendix 2

Reconciliation from Full Council Approval to 22nd February 2017 to revised Housing Capital Programme Budget	Indicative 2017/18 Budget £'000	Indicative 2018/19 Budget £'000	Indicative 2019/20 Budget £'000	Indicative 2020/21 Budget £'000
Total Housing Programme after adjustment for deferred costs - Approved by Full Council 22nd February 2017	53,178	43,233	36,488	41,788
Edith Summerskill House Redevelopment Grant	1,456	11,392	15,835	6,317
Slippage in HRA Schemes from 16/17 as reported to Cabinet 4th September 2017	6,742			
Additional of Disabled Facilities Grant to the programme	818	450	450	450
Reprofiling and reforecasting Earls Court	1,854	(9,494)	7,811	(4,305)
Housing Development Programme Reprofiling and budget updates	(3,353)	5,280		
Other reprofiling and reforecasting	1,512	2,273	(1,779)	1,750
Total Housing Programme as reported to Cabinet to 9th October 2017 in Capital Programme Monitor & Budget Variations 2017/18 Q1	62,207	53,134	58,805	46,000
Fire Safety Plus works	10,000	10,000		
Sands End Community Centre	500	1,600	500	
HRA Schemes: Programme reprofiling into future years and minor amendments	(2,961)	2,625		
Housing Development Programme Reprofiling and budget updates	(3,689)	3,010	679	
Other reprofiling and reforecasting	(1,184)	27	57	31
Purchasing Additional Affordable Homes	4,900			
Total Housing Programme in this report	69,773	70,396	60,041	46,031

London Borough of Hammersmith & Fulham COUNCIL 18 October 2017		
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 This report asks Council to note the Strategic Leadership Team management structure. It also recommends some amendments to the Scheme of Delegation to Officers and internal scheme of delegation, reflecting personnel and legislative changes. The establishment of the Chief Officers Employment Panel and Chief Officers Appeals Panels and changes to the Commercial Revenue Committee are also requested.

2. RECOMMENDATIONS

- 2.1 That the Strategic Leadership Team management structure (5.1) be noted.
- 2.2 That the changes to the Scheme of Delegation to Officers and the internal scheme of delegation that reflect new personnel and legislative changes in Appendix 1 and 2, be approved.
- 2.3 That the establishment of the Chief Officers Employment Panel and Chief Officers Appeals Panels and its terms of reference, as set out in Appendix 3 of the report, be agreed.
- 2.4 That the changes to the Commercial Revenue Committee as set out in Appendix 4 of the report, be agreed.

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

5 PROPOSALS AND ISSUES

Strategic Leadership Team Structure

- 5.1 The Strategic Leadership Team has been created to work closely with the Interim Chief Executive to focus on the delivery of the Council's overarching strategic objectives. After a successful recruitment exercise, the following Chief Officers have been appointed:

Interim Chief Executive	Kim Dero
Interim Director of Delivery and Value	Sarah Thomas
Strategic Finance Director	Hitesh Jolapara
Interim Director for Human Resources	Mark Grimley
Interim Director of Adult Social Care	Lisa Redfern
Director of Children's Services	Steve Miley
Director of Public Service Reform	Rachael Wright-Turner
Director of Regeneration, Housing and Planning	Jo Rowlands
Lead Director of Environmental Services	Nick Austin
Commercial Director	Michael Hainge

Scheme of Delegation to Officers

- 5.2 Amendments to the Scheme of Delegation to Officers are required to reflect the changes to the new Strategic Leadership Structure. These changes are detailed in Appendix 1.

Internal Scheme of Delegation

- 5.3 Amendments to the internal scheme of delegation to officers are also required to reflect the creation of the new Director of Public Service Reform post. These changes are detailed in Appendix 2.

Chief Officers Employment Panel and Chief Officers Appeals Panels - Terms of Reference

- 5.4 In line with the Local Authorities (Standing Orders) (England) Amendment Regulations 2015, the Council at its meeting on 17 May 2017 established three new committees to deal with matters of discipline if required. These were:
- **Grievance Committee** – To hear a grievance brought by an employee against the Chief Executive if the matter remains unresolved informally.
 - **Disciplinary and Investigating Committee** – To investigate and take decisions on disciplinary matters including termination of the contract of employment of the Chief Executive, Monitoring Officer or Section 151 Officer ('the relevant officers') including referring the matter to the Statutory Panel should it recommend dismissal for one or more of the relevant officers.
 - **Appeals Committee** – To consider and determine an appeal made by the Chief Executive, Monitoring Officer or Section 151 Officer of any decision of the Grievance or Disciplinary Committee excluding recommendations to Council to terminate their contract of employment.
- 5.5 An alignment of the committee structure is also required to reflect the new senior officer structure. This report proposes that the functions of the 3 panels mentioned above, all matters related to the terms and conditions, and policies of employment, covering Chief Officers of the Council and all disciplinary matters of statutory and non-statutory Chief Officers are determined by the Chief Officers Employment Panel and Chief Officers Appeals Panels attached as Appendix 3. The terms of reference of the Chief Officers Appointment Panel remain the same.

Commercial Revenue Committee -- Terms of Reference Changes

- 5.6 The Commercial Revenue Committee currently has the powers to undertake the shareholder functions of LBHF Ventures Limited, receive its accounts and reports of its activities. The Council also has shareholding in other companies which it needs to exercise the same shareholder functions. The following organisations are examples:
- LBHF Family Support Services Limited
 - LBHF Ventures Limited
 - LBHF Joint Ventures Limited
 - H&F Bridge Partnership Limited

- 5.7 This amendment is proposing that the Commercial Revenue Committee discharges all the shareholder functions of any company in which the Council holds shares. It is also seeking to delete the Managing Director of LBHF Ventures Limited as an adviser to the committee. The updated terms of reference are attached at Appendix 4.

6 EQUALITY IMPLICATIONS

- 6.1 The equalities implications of this decision have been considered to be neutral.
- 6.2 Implications verified/completed by: Kayode Adewumi, Head of Governance and Scrutiny – Tel: 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 It is proposed that the Terms of Reference for the Commercial Revenue Committee are amended so as to clarify that the Commercial Director will advise the Committee, as a council officer, and not as the Managing Director of LBHF Ventures Limited which is a position that he also holds.

Implications verified by: Rhian Davies, Chief Solicitor (Litigation and Social Care) – 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 – Tel: 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 – Tel: 020 8753 2499

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

Scheme of Delegation to Officers

Scheme of Delegation - Part 1 – Delegation to Officers

1. Powers of Delegation

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

2. General Principles of Delegation

- 2.1 All delegated powers are exercised in accordance with Council policies, within any financial limits imposed and within any guidelines prescribed in this Constitution or by the Council, Cabinet or appropriate committee.
- 2.2 Each officer shall exercise all powers subject to the Council's Constitution, Executive Arrangements and Schemes of Delegation, Contract Standing Orders and Financial Regulations, as appropriate.
- 2.3 The executive powers, duties and functions of the Executive (Cabinet) Members, Committees, or officers shall be exercised on behalf of the Leader.
- 2.4 Cabinet Members may delegate functions in their portfolios to officers in writing.
- 2.5 Any matter that does not fall within the definition of a Key Decision under this Constitution is delegated to the relevant Cabinet Member or officer of the Authority - albeit that any officer can, where they see fit to do so, consult the relevant Cabinet Member prior to taking any decision falling within their delegated authority.
- 2.6 All Chief Officers are authorised to make arrangements for the proper administration of the functions falling within their responsibility. A Chief Officer may authorise officers within their department to exercise any of their delegated powers.
- 2.7 Cabinet Members or Committees may reserve to themselves decisions that have been delegated to officers by giving notice to the Chief Executive, the Director of Law and the relevant Chief Officer.
- 2.8 Where any new power or duty is given to the Council, the exercise of that power or duty will be undertaken by the relevant Chief Officer until such time as the allocation of responsibility has been determined by the Leader or the Council.

2.9 In all cases where the exercise of executive functions is not specifically reserved to the Executive, those functions are deemed to be delegated to the Chief Executive and the Chief Officer with responsibility for the relevant function as set out in this chapter of the Constitution and the Internal Schemes of Delegation for each Directorate.

3. Limitations and Conditions of Delegation

3.1 No officer to whom powers are delegated shall exercise those powers where revenue expenditure will be incurred or new sources of revenue secured, (including loans or investments and management of Council funds), other than in accordance with approved revenue estimates, without reference to the Cabinet or the Leader.

3.2 Officers to whom powers are given shall not exercise those powers where any capital expenditure will be incurred except in accordance with Financial Regulations, except that authority may be given for the incurring of expenditure on preliminary action or appraisals, or design work where expenditure will:

- (a) be treated as capital expenditure, and
- (b) the scheme appears in the approved capital programme.

3.3 No officer exercising any power shall contract or issue orders for goods, materials or services (including for maintenance or repair work to Council premises) except in accordance with the Contract Standing Orders and Financial Regulations of the Council.

3.4 An officer to whom power is delegated may decline to exercise their powers in a particular case and shall in such instances refer the matter to the Leader, the Cabinet, relevant Cabinet Member or the Full Council as appropriate in order that a decision may be made, provided that an executive decision within the Budget and Policy Framework may not be taken by the Full Council and a non-executive decision may not be taken by the Cabinet or a Cabinet Member.

3.5 Where officers are taking decisions under delegated powers, the following principles and conditions shall apply.

- (a) The officer exercising such powers shall take into account the principles set out in, Part 2 Article 12 (Decision Making), the Budget and Policy Framework and any other relevant policies, procedures or previous decisions.
- (b) All decisions shall be taken in the name of, but not necessarily personally by, the officer(s) to whom the power is delegated. The officer with the delegated power may authorise another officer to act on their behalf, any such authority must be in writing. The officer with the delegated power shall remain accountable for the exercise of that power.

- (c) In any case where the officer exercising the power considers that a departure from existing policy or a significant change in financial practice is likely to be involved or, in the case of an executive decision, is contrary to or not wholly in accordance with the Budget and Policy Framework, they shall consult the relevant Chief Officer and the Chief Executive or Cabinet Member, as appropriate, who shall refer the matter to the appropriate decision maker(s).
- (d) Where officers consider that a decision which they have taken under delegated authority is particularly significant to the Council, they shall report the decision to the relevant Cabinet Member/the Cabinet for information. The decision must also be recorded in the council's central register which records all decisions as specified in Regulation 7 of the Openness of Local Government Bodies Regulations 2014.
- (e) The Chief Executive as Head of the Council's paid service shall monitor the exercise of delegated powers, other than statutory functions, for which Chief Officers have responsibility. The Chief Executive may require any officer to cease the exercise of such powers pending a report to the next meeting of the Cabinet.

3.6 Routine service decisions on matters which fall within their departmental / service group remit which are not otherwise covered by this Scheme may be taken by the relevant Chief Officer provided that this is done in accordance with paragraph 6 – Routine Service Decisions of the General Functions Delegated to the Chief Executive and all Chief Officers set out below.

- (a) In relation to the day to day conduct of decision making by the Council, the ruling of the Director of Law on questions relating to this Scheme shall be final.
- (b) The exercise of functions by Executive Members, Committees and officers shall be subject to the provisions of the Local Government Act 1972, the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, and any subsequent amendments.

3.7 Subject to the above constraints and limitations, officers may exercise all powers within their respective areas of responsibility, and the absence of a specific delegation to an officer shall not be taken as implying an absence of authorisation to act.

4. Conflicts of Interest

- 4.1 Every officer is responsible for identifying whether they have any conflict of interest in any matter which is under consideration and notifying the authority.
- 4.2 Where an officer has a conflict of interest in any matter, they shall not participate in that matter in their capacity as an officer except with the prior approval of their line manager, the Monitoring Officer or the Chief Executive.

Part 3 - Responsibility for Functions – Scheme of Delegation

- 4.3 Where the Chief Executive is unable to act on a matter because of a conflict of interest, the matter shall be discharged by a Chief Officer.
- 4.4 Where a Chief Officer is unable to act on a matter because of a conflict of interest, the Chief Executive shall discharge the matter themselves or allocate the matter to another officer.
- 4.5 Where the Monitoring Officer is unable to act on a matter in their statutory capacity under section 5 of the Local Government and Housing Act 1989, the matter shall be discharged by the officer designated by the Monitoring Officer as Deputy Monitoring Officer.
- 4.6 Where the Monitoring Officer is unable to act on a matter in relation of Member conduct, the matter shall be discharged by the person appointed by the Monitoring Officer for this purpose.
- 4.7 Where any other officer is unable to act on a matter, that officer's line manager or the Chief Executive may arrange for another officer to discharge the matter.

General functions delegated to the Chief Executive and Chief Officers

1. Introduction

- 1.1 Under the Council's Constitution, the following common functions are delegated to the Chief Executive and to all Chief Officers. These delegations are in addition to the specific responsibilities that apply in individual service areas, as set out below, and in the separate Internal Scheme of Delegation maintained by each department. These decision-making powers are delegated from Full Council - not via the Executive.
- 1.2 Each Chief Officer will have a 'register of authority' within their department. The register of authority will specify which officers within their department have been authorised by them to exercise their delegated powers on their behalf and in their name.

2. General

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

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

3. Financial, Contractual and Grants

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

4. Staffing and Employee Relations

- 4.1 To appoint, promote and dismiss permanent and temporary staff (save in relation to posts to which appointments are made by the Appointments Panel) within approved budgets and in accordance with the Council's agreed Human Resources Policies.

- 4.2 In accordance with the Council's Human Resources Policies, consulting where appropriate with the Director for Human Resources, to remunerate, reward or pay honoraria to staff within approved budgets or withhold rewards/ increments.
- 4.3 To take disciplinary or other action and exercise the discretionary powers in relation to all staffing matters detailed in the Human Resources Policies.
- 4.4 To consider employees' final appeals in relation to capability, disciplinary and grievance matters, provided the Chief Officer has not taken the decision in question.
- 4.5 To attend or nominate members of their staff to attend conferences and seminars convened by institutional or professional associations and like bodies, and to authorise the payment of proper expenses incurred in respect of such attendance.
- 4.6 To authorise officers of the Council to give evidence on behalf of the Council in Courts or at Inquiries or before Tribunals or Committees.
- 4.7 To undertake, in consultation with the Director for Human Resources, minor re-organisations of staff structure (directly affecting a maximum of 25 posts) provided no post subject to Member appointment procedures is affected, there is no increase in cost and the relevant Cabinet Member is advised in advance about forthcoming minor re-organisations.
- 4.8 In consultation with Human Resources on the application of paragraphs 4.8(c), 4.8(d), 4.9, 4.10 and 4.12 below, all Chief Officers are authorised:
 - (a) To authorise acting up arrangements for a period of up to six months.
 - (b) To authorise action under the personal injury allowance scheme.
 - (c) To authorise the extension of service each year for staff working beyond normal retirement age where this is supported by their department.
 - (d) To authorise the waiver of repayment of maternity leave.
 - (e) To authorise overtime working.
 - (f) To appoint consultants where the value of the commission is below £25,000, subject to the requirements of Contract Standing Orders.
 - (g) In line with corporate policies and procedures, to take decisions including contractual matters on the recruitment, appointment, organisation, grading, designation, remuneration, pay, terms and conditions of all staff and employees within the relevant department.
- 4.9 To suspend and/or dismiss any staff within their division, other than those appointed by the Council or Appointments Panel, and subject to the Council's disciplinary procedures.
- 4.10 To conduct negotiations under the Council's collective bargaining arrangements, taking into account joint agreements and the Council's

personnel procedures, with matters in dispute being referred as appropriate through the Council's joint negotiating machinery.

- 4.11 To implement decisions of the Council's joint negotiating committees, subject to financial and other limits incorporated in the Scheme of Delegation and Financial Regulations.
- 4.12 To respond to industrial action, or threatened industrial action, subject to advice where appropriate from the Director for Human Resources and the Director of Law.
- 4.13 To approve applications for season tickets loans and car loans for Council employees in accordance with Council policies.

5. Legal Proceedings and property matters

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

6. Routine Service Decisions

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

7. Recording, Implementing and Accounting for Decisions

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

8. Other Responsibilities

- 8.1 All matters not reserved to the Council, to the Executive, or to a Committee for decision are delegated to the appropriate Chief Officers subject to the conditions and limitations above and to the Contract Standing Orders and the Financial Regulations.
- 8.2 Each Chief Officer or other Proper Officer in making decisions under this scheme is required to do so in accordance with the Internal Scheme of Delegation for their own directorate. This will include appropriate monitoring arrangements and dissemination of information both internally and externally to the Council.

- 8.3 The areas of responsibility of each Chief Officer shall be as set out below, and shall include the areas of responsibility of each officer within their directorate.

Responsibilities of the Chief Executive and Chief Officers

1. The Chief Executive

1.1 The Chief Executive shall:

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

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

- (a) Corporate Services “Service Group” (includes Corporate Finance, HR, Legal, IT, Delivery and Value, Commercial)
- (b) Adult Social Care and Health (Shared Services)
- (c) Children’s Services (Shared Services)
- (d) Public Service Reform
- (e) Regeneration, Housing and Planning
- (f) Environmental Services

The Corporate Services “Service Group” Chief Officers

The Corporate Services “Service Group” Chief Officers are:-

- Strategic Finance Director
- Director of Law
- Director for Delivery and Value
- Director for Human Resources
- Commercial Director

The services and the areas of responsibility of the Chief Officers shall include: Finance, IT, Procurement, Legal, Human Resources, Organisational Development and Transformation, Commercial Revenue, Residents Satisfaction, Communications, Policy and Strategy, Performance matters, Community Investment, Governance and Scrutiny, H&F InTouch, and the Leader’s Office.

2. The Strategic Finance Director

2.1 The Strategic Finance Director shall:

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

- (e) be responsible for Council Tax.
- (f) be the Proper Officer of the Council in relation to the following statutory provisions:

Local Government Act 1972

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

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

Local Government (Miscellaneous Provisions) Act 1976

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

Local Government Finance Act 1988

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

3. The Director of Law

3.1 The Director of Law shall:-

- (a) act as the authority's Monitoring Officer under the Local Government and Housing Act 1989
- (b) take any action to implement any decision taken by or on behalf of the authority, including the signature or service of statutory and other notices and any document
- (c) institute, defend, settle or participate in any legal proceedings in any case where such action is necessary, in the view of the Director of Law, to give effect to decisions of the authority or in any case where the Director of Law considers that such action is necessary to protect the authority's interests
- (d) settle or compromise legal proceedings (including threatened proceedings, arbitrations, adjudications, public inquiries and potential Employment Tribunal matters) brought by or against the Council, including entering pleas of guilty in criminal proceedings on such terms as s/he considers appropriate
- (e) instruct counsel, solicitors or other experts for legal proceedings, public inquiries, or other matters involving the authority
- (f) enter objections to any proposal affecting the authority, the authority's area or the inhabitants of the authority's area.

- (g) lodge appeals against any adverse finding against the Council in any tribunal or court.
- (h) sign any document necessary to give effect to any resolution of the Council, the Cabinet, a Cabinet Member or any Committee or Sub-Committee or Corporate Leadership Team member acting within delegated power.
- (i) make appointments to outside bodies in accordance with the nominations made by the Party Whips.
- (j) be the proper officer in respect of matters relating to the Council's Constitution where not otherwise stated.

4. Director for Delivery and Value

4.1 The Director for Delivery and Value shall:

- (a) Act as critical strategic senior officer to the Leader of the Council having full oversight of the Leader's priorities, activities and targets in order to drive forward strategic objectives.
- (b) Ensure effective momentum and delivery of the administration's priorities set out in key strategy documents.
- (c) Provide high level advice to the Chief Executive in developing and implementing high level activities.
- (d) Proactively encourage support for the objectives, values and achievements of the Council with internal and external customers and stakeholders.
- (e) Ensure effective delivery of the Council's Communications & Engagement Strategy, managing a team of communications professionals to raise awareness of the Council's objectives and their achievements with external audiences, seek the views of residents to enable policy formulation and service development, and to promote the Council's values and culture internally.
- (f) Manage the Governance and Scrutiny functions in order to ensure the efficient management of the Council's decision-making processes including arrangements for all meetings of the Council and its committees.
- (g) Contribute to the achievement of Hammersmith & Fulham's strategic objectives and effective management of the division by leading, directing and motivating teams across a range of professional and technical specialisms.
- (h) Deliver and develop best practices in the ongoing process of responding, recording, monitoring of enquiries and complaints from members of the public, Councillors and Members of Parliament.

5. Director for Human Resources

5.1 The Director for Human Resources shall be responsible for the following functions:

- (a) To implement the local decisions and the decisions of the National Joint Council regarding conditions of service, wage and salary awards.
- (b) To calculate and pay salaries, wages and benefits, including performance related pay.
- (c) To make arrangements for the administration of the Local Government Pension Scheme.
- (d) To pay honoraria, acting allowances and bonuses, in accordance with the relevant national and local schemes, and with the relevant Chief Officer.
- (e) To carry out functions relating to the appointment, promotion, dismissal, retirement and other human resources matters affecting staff graded below a Chief Officer.
- (f) To approve the early payment of termination/pension benefits in conjunction with the Strategic Finance Director
- (g) To approve gradings and designation of posts.
- (h) To grant merit increments to officers on recommendation from the relevant Chief Officer.
- (i) To operate the Staff Travelcard Allowance Scheme.
- (j) To approve additions to the approved list of car allowances.

6. Commercial Director

6.1 The Commercial Director shall:

- (a) Develop and implement the commercial strategy for the Council.
- (b) Provide leadership, advice and support to Members, Executive Directors, Directors and managers across the authority on all procurement and contract management matters
- (c) Provide leadership for all tradable services and identify profitable commercial opportunities to grow revenue.
- (d) Champion and lead new product or service development, from innovation through to successful implementation across the Council's business.
- (e) Assess the commercial risks to the Council and its services of new and existing commercial initiatives / activities.
- (f) Maintaining an awareness of external factors (including competitors, government business initiatives, current and proposed legislation in relation to commercial activities) which impact the Council
- (g) Communicate with and manage relationships with all major stakeholders (internal and external) to achieve business objectives.
- (h) Represent the Council in joint projects with joint procurements undertaken with other councils.

- (i) Lead on the development, maintenance and council-wide implementation of commissioning and procurement strategies, structures, processes, policies and procedures including the corporate procurement strategy, and the council plan of major commissioning and procurement activity.
- (j) Identify and pursue opportunities for joint strategic sourcing, collaborative procurement, partnership working and shared services with other local authorities, other public and private sector organisations, and social enterprises.
- (k) be responsible for Building and Property Management.
- (l) be responsible for the Council's Building control and regulation, control over demolition functions.

7. Director for Adult Social Care and Health

7.1 The Director for Adult Social Care and Health shall:

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

7.2 The services and the areas of responsibility of the Director for Adult Social Care and Health shall include:

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

8. Director for Children's Services

8.1 The Director for Children’s Services shall:

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

8.2 The services and the areas of responsibility of the Director for Children’s Services shall include:

- (a) Family Services
- (b) Schools
- (c) Schools’ Funding and Capital Programme
- (d) Commissioning
- (e) Finance and Resources

9. The Director for Public Service Reform

9.1 The Director for Public Service Reform shall:

- (a) Lead and direct innovation and reform across council services, the borough, West London and beyond, challenging and supporting the Council and other services to deliver improvements to service arrangements which optimise their impact and efficiency.
- (b) Drive and direct the effective integration of services across the Council, and with partner agencies where appropriate, to maximise efficiency and service outcomes.
- (c) Engage and consult with the residents of the borough in delivering high quality, value for money services, integrated with partner agencies.
- (d) Develop strategy in partnership with all key stakeholders and partners to further the aims of transforming the current service delivery model.
- (e) Be the lead commissioner responsible for relationships with health and social care across the Council with the aim of transforming the current model.
- (f) Provide whole-systems leadership across the borough, working with key provider organisations to secure and sustain the necessary changes to

culture and practice so that services improve outcomes for all and are developed around residents and customer needs.

- (g) Produce Joint Strategic Needs Assessments in conjunction with the Director for Children’s Services, Director for Adult Social Care and the Director of Public Health.
- (h) Promote health improvement in the borough and participate as a member of the Health and Wellbeing Board for the Borough. To oversee Public Health and support the Director of Public Health.

10. The Director for Regeneration, Housing and Planning

10.1 The Director for Regeneration, Housing and Planning shall:

- (a) Deliver the Council’s vision and strategic objectives and have overall responsibility for all matters relating to the delivery of housing in the borough.
- (b) Arrange for the effective operation of the Council’s responsibilities for housing, including the recommending of strategies for all aspects of housing related activity, relationships with other public sector organisations, social landlords and with the private sector.
- (c) Approve applications for housing and allocate properties in accordance with the Council’s established allocations policy.
- (d) Be responsible for commissioning services relating to the management and maintenance of the Council’s housing stock.
- (e) Make arrangements to provide housing advice and support to prevent homelessness.
- (f) Approve the allocation of funds to individual projects to be supported through regeneration programmes.
- (g) Be responsible for new affordable housing.
- (h) exercise Planning and conservation powers. In the case of town and country planning, the delegation includes powers to determine applications for planning permission, advertisement consent, Conservation Area Consent, Listed Building Consent, application for the Council's own development and Hazardous Substances consent except where otherwise directed by the relevant legislation.
- (i) deliver the Council’s vision and strategic objectives and have overall responsibility for all matters relating to the delivery of regeneration in the borough.
- (j) be responsible for Council initiatives relating to the economic development and skills.

10.2 The services and the areas of responsibility of the Director for Regeneration, Housing and Planning shall include:

- (a) Housing Services (includes resident involvement; tenancy management; estate caretaking),

- (b) Housing Options, (includes policy development in relation to housing allocations),
- (c) Asset Management and Property Services (includes repairs and maintenance; health and safety; physical regeneration).
- (d) Finance and Resources (includes financial strategy for the housing revenue account and support systems such as IT).
- (e) Regeneration
- (f) Economic Development and skills
- (g) Planning

11. The Lead Director for Environmental Services

11.1 The Lead Director for Environmental Services shall:

- (a) arrange for the effective operation of the Council's responsibilities for the regulation of waste management and cleansing of streets.
- (b) take action and operate all legislative and administrative procedures in relation to the regulation of street trading.
- (c) be responsible for the borough's parks and cemeteries.
- (d) be responsible for all matters relating to the Council's functions relating to crime and disorder.
- (e) exercise the functions of the Council under the Crime and Disorder Act 1998, save for the secondment of officers to the Youth Offending Team as required by section 39(5).
- (f) be responsible for emergency planning and business continuity and undertake executive powers where necessary in the event of a civil emergency.
- (g) be responsible for the Council's functions relating to Registrars services.
- (h) take action and operate all legislative and administrative procedures in relation to highways, transportation, road traffic, town and country planning and building control. This includes exercising the functions of the Council as highways, transportation and road traffic authority and the taking of all enforcement action in relation to transportation and highways.
- (i) operate the Council's on street and parking enforcement services.
- (j) exercise all licensing functions and other matters an officer is empowered to discharge under the Licensing Act 2003, the Gambling Act 2005 or any Regulations issued in relation to those Acts and any regulations amending, consolidating or replacing them.
- (k) exercise the functions of the Council relating to environmental health. This includes powers relating to: noise and other nuisances, air quality,

contaminated land and private water supplies, and housing and private land where enforcement is the responsibility of the Council.

11.2 The services and the areas of responsibility of the Lead Director for Environmental Services shall include:

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

12. Director of Public Health

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

- a) To be authorised to agree expenditure on relevant public health budgets subject to each Council's constitution. Such authority can be delegated in writing to others.
- b) To lead on personnel decisions, including recruitment, appraisal and disciplinary decisions, subject to the City of Westminster's internal procedures only.
- c) To report to the Chief Executive and relevant Cabinet Councillors and relevant Policy and Accountability Committee. To provide policy advice, if requested, to any political party represented on any of the participating councils.
- d) To exercise the statutory functions of the Director of Public Health. These responsibilities may be delegated in writing to named public health consultants in each borough.
- e) To report to each Council's Chief Executive on the performance of the function and to support the accountability of the Chief Executive for grant expenditure.
- f) To ensure that each participating authority has up-to-date plans, meeting statutory requirements and the demands of good practice.
- g) To be the officer responsible for leadership, expertise and formal advice on all aspects of the Public Health Service.

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

13. Undetermined Functions

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

14. Detailed Scheme of Delegation

14.1 Each Chief Officer and/or Proper Officer in making decisions under the above scheme is required to do so in accordance with the detailed register of authority for their own directorate.

14.2 These internal Schemes of Delegation will be reviewed annually by the Director of Law.

14.3 The Director of Law, in consultation with the Leader, Chief Whip and Opposition Whip, has authority to make changes to the Internal Scheme of Delegation for any Directorate as may be necessary from time to time in order to reflect any decision made by a person or body with the authority to delegate or sub-

Part 3 - Responsibility for Functions – Scheme of Delegation

delegate powers to exercise executive or non-executive functions. Any such changes shall be reported to the next available Council meeting for information.

Scheme of Delegation - Part 2 – Statutory Officers

1. Statutory Officers

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

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

2. Proper Officers

2.1 The Council employs the following Proper or appropriate Officers:

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

Part 3 - Responsibility for Functions – Scheme of Delegation

Legislation	Function	Proper Officer
	securities and payment of dividends or interest to the Council.	
Section 191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	TBC
Section 225	Deposit of documents	Director of Law
Section 228(3)	Accounts for inspection by any Member of the Council	Strategic Finance Director
Section 229(5)	Certification of photographic copies of documents	Director of Law
Section 234	Authentication of documents	Director of Law
Section 238	Certification of printed copy of byelaws	Director of Law
Section 248	Officer who will keep the Roll of Freemen	Chief Executive
Schedule 12		
Part 1, Paragraph 4(2)(b)	Signing of summons to attend a Council meeting	Chief Executive or in their absence, the Director of Law
Part 1, Paragraph 4(3)	Officer to whom a Councillor shall give notice in writing requesting that summonses to attend meetings of the Council be sent to an address specified in the notice other than their place of residence	Director of Law
Schedule 14		
Paragraph 25	Certification of resolution concerning the Public	Director of Public Health

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

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

Legislation	Function	Proper Officer
Schedule 1 Part 2	Notification of appointment or dismissal of officers	Chief Executive
The Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000		
The Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012		
Regulations 3 to 10 and 12 to 21	Provisions relating to meetings and access to information.	Director of Law
Building Act 1984		
Section 93	Authentication of documents	Head of Building Control
Food Safety Act 1990		
Section 49(3)(a)	Authentication of documents	Lead Director for Environmental Services
Public Health Act 1936		
Section 85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Lead Director for Environmental Services
Public Health Act 1961		
Section 37	Control of any verminous article	Lead Director for Environmental Services

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

National Assistance Act 1948

Part 3 - Responsibility for Functions – Scheme of Delegation

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

Director for Public Service Reform

Note: This scheme will come into effect from 1 November 2017.

Part 1: Functions Delegated to the Director

The Director for Public Service Reform shall exercise the following functions as shown. The Director may delegate functions for which they are the Proper Officer to another member of their staff.

No.	Function	Proper Officer
Generic Director Functions		
1.	To exercise the day-to-day functions of the local authority with regard to the efficient and effective running of the Public Service Reform Directorate, within the agreed policies and budget of the local authority.	Director for Public Service Reform
2.	Authority to act and exercise any of the powers delegated to the Director for Public Service Reform in the Director's absence or in the event of an emergency.	The relevant Director shall deputise in all areas that the Director for Public Service Reform may act. In their absence, another Director may act.
3.	To authorise officers to act in connection with the powers and duties conferred on the Council to institute or defend proceedings before any court and to appear on behalf of the Council before a court in any proceedings instituted by the Council, or on the Council's behalf, or against the Council.	Director for Public Service Reform
4.	To authorise the attendance of officers at courses and meetings of professional and specialist bodies within approved estimates.	All Directors
5.	To authorise specific research projects by any outside body relating to the work of the Council affecting the work of the Directorate.	Director for Public Service Reform
Public Health Functions		
6.	To exercise the day-to-day functions of the local authority with regard to the efficient and effective running of the Public Health function, within the agreed policies and budget of the local authority.	Director of Public Health

No.	Function	Proper Officer
7.	To exercise the statutory functions of the Director of Public Health. These responsibilities may be delegated in writing to named public health consultants.	Director of Public Health

Part 2: Functions Delegated to the Director in Consultation or Conjunction with Other Officers

No.	Function	In consultation or conjunction with
8.	To respond to outside bodies including Central Government Departments on matters of a professional or operational nature, within the department's remit and within established Council policy.	Other relevant Directors
9.	To respond to Government circulars and new aspects of current legislation which fall within the portfolios of the Cabinet member for Children's Services where the Council has already established its overall policy framework. Details of the response are to be sent to the relevant opposition representatives.	Other relevant Directors and the appropriate Cabinet Member
10.	To undertake consultation and liaison relating to the nature of the service in the authority and to proposed changes in any policy.	The relevant Cabinet Member and Deputy Leader
11.	To authorise the publication and dissemination of information and publicity relating to the Directorate in the authority, in accordance with policies agreed by the Council.	Corporate Communications and the relevant Cabinet Member
Section 223 of the Local Government Act 1972		
12.	To authorise officers to appear on behalf of the Council in proceedings being conducted in the Magistrates Court.	Director of Law
13.	To sign all legal and quasi-legal agreements between the Council and outside parties.	Director of Law
14.	To enter into contracts for the provision of services to outside bodies, including Governing Bodies.	Director of Law

No.	Function	In consultation or conjunction with
Children's Services Commissioning		
15.	To enter into arrangements with the public, private, and voluntary sectors for the provision of facilities and services delegated to the Director for Children's Services.	Director for Children's Services
Adult Social Care Commissioning		
16.	To enter into arrangements with the public, private, and voluntary sectors for the provision of the facilities and services delegated to the Director for Adult Social Care.	Director for Adult Social Care
17.	<p>To enter into agreements with the H&F CCG and / or other NHS bodies in accordance with section 75 of the National Health Services Act 2006 including:</p> <p>(a) the pooling of local authority and NHS funds.</p> <p>(b) agreeing to joint and / or lead agency commissioning arrangements.</p> <p>(c) agreeing to joint and / or lead agency integrated provision of services.</p> <p>(d) the sharing of information systems on such terms as he considers appropriate.</p>	Director of Law, the Chief Executive, and the Director for Adult Social Care
Public Health Commissioning		
18.	To enter into arrangements with the public, private, and voluntary sectors for the provision of facilities and services delegated to the Director for Children's Services.	Director for Public Health

Chief Officers Appointment Panel

Terms of Reference

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

Membership (15)

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

Quorum: 8

Panel B - For appointment of LBHF Statutory and non-statutory Chief Officers*

Membership (5)

- The Leader (Chair) or a substitute
- Deputy Leader (Vice-Chair) or a substitute
- The Cabinet Member of the relevant appointment area (where there is an overlap between two Cabinet portfolios, both Cabinet Members should attend)
- Leader of the Opposition or a named substitute
- An Opposition Member (or two Opposition Members where there are two Cabinet Members required to attend due to an overlap in portfolios).

Quorum: 3

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

Membership (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

Appointments to all other roles, other than those statutory and non-statutory Chief Officers who report directly to the Chief Executive, is the responsibility of the Council’s Head of Paid Service.

Decision-making powers (PANELS A – C)

- To carry out interviews and recommend to Full Council the appointment to the position of Chief Executive.
- To carry out interviews and recommend to Full Council the designation of a Chief Officer as Head of Paid Service where this is not the Chief Executive (or an interim position arises).
- To carry out interviews and appoint to the position of statutory and non-statutory Chief Officers*.
- To recommend to the Chief Coroner the appointment to the role of Area Coroner or Senior Coroner.
- Interim appointments do not require an Appointments Panel.

Roles for Appointment

The roles covered by the Chief Officers **Appointment** Panel are:

- (i) Head of Paid Service (Chief Executive)
- (ii) Section 151 Officer (Strategic Director of Finance)
- (iii) Director of Children's Services
- (iv) Director of Adult Social Care
- (v) Commercial Director
- (vi) Director of Delivery and Value
- (vii) Director of Human Resources and Organisational Development
- (viii) Lead Director for Shared Environmental Services
- (ix) Director for Regeneration, Planning, and Housing
- (x) Director of Public Service Reform

Roles where the Council is the Lead Authority for Public Appointments but not the employer

- (xi) Senior Coroner
- (xii) Area Coroner

*(Any statutory and non-statutory Chief Officer post as defined in Section 2 of the Local Housing Act 1989 and which reports directly to the Chief Executive)

Convening

The Chief Officers Appointment Panel is convened by the Director of HR & OD in consultation with Head of Paid Service (Chief Executive), the Leader of the Council and the Cabinet Member covering the area of appointment.

PANEL D - Chief Officers Employment Panel

Terms of Reference

Membership - 5

The Chief Officers' Employment Panel is comprised of:

- Leader of the Council or Deputy Leader of the Council
- Cabinet Member for Finance
- One other Cabinet Member (Where the matter concerns the Disciplinary or Grievance Policy, the Cabinet Member for the area(s) involved may not sit on the Panel).
- Two Opposition Members
- Independent co-optees (voting) as required by Regulations for investigation, disciplinary and dismissal of the Chief Executive, Head of Paid Service, Section 151 Officer and the Monitoring Officer.

Quorum 3 Councillors (plus 2 independent co-optees where required)

Decision-making powers

To consider all matters related to the terms and conditions, and policies of employment, covering Chief Officers of the Council.

To consider disciplinary matters of statutory and non-statutory Chief Officers as defined in Section 2 of the Local Government and Housing Act 1989 and reports directly to the Chief Executive, subject to the requirements of those set out in the NJC for Chief Executives and NJC for Chief Officers and national procedures in place at the time.

To consider the suspension, investigation, disciplinary and/or grievance matters for the Head of Paid Service. To consider the suspension, investigation and/or disciplinary matters against the Section 151 Officer and Monitoring Officer
To make recommendations to Full Council by means of a resolution for the dismissal of the Head of Paid Service, Section 151 Officer and/or Monitoring Officer as required by The Local Authorities (Standing Orders) (England) Regulations 2015 ("2015 Regulations")

For the purposes of the 2015 Regulations, this Panel will act as the Grievance Committee and Investigating and Disciplinary Committee.

Roles Covered by this Panel for terms and conditions of employment*

- (i) Head of Paid Service (Chief Executive)
- (ii) Section 151 Officer (Strategic Director of Finance)
- (iii) Director of Children's Services
- (iv) Director of Adult Social Care
- (v) Commercial Director
- (vi) Director of Delivery and Value
- (vii) Director for Human Resources and Organisational Development

- (viii) Lead Director of Shared Environmental Services (where LBHF is the employing authority)
- (ix) Director of Regeneration, Planning, and Housing
- (x) Director of Public Service Reform

Roles covered by the panel for suspension, investigation, disciplinary and grievance

- (i) Head of Paid Service (Chief Executive)

Roles covered by the panel for suspension, investigation and disciplinary

- (i) Section 151 Officer (Strategic Director of Finance)
- (ii) Monitoring Officer

Roles covered by the panel for investigation and disciplinary

- (i) Director of Children's Services
- (ii) Director of Adult Social Care
- (iii) Commercial Director
- (iv) Director of Delivery and Value
- (v) Director for Human Resources and Organisational Development
- (vi) Lead Director of Shared Environmental Services (where LBHF is the employing authority)
- (vii) Director of Regeneration, Planning, and Housing
- (viii) Director of Public Service Reform

*(Any statutory and non-statutory Chief Officer post as defined in Section 2 of the Local Housing Act 1989 and reports directly to the Chief Executive)

Convening

The Panel is convened by the Head of Paid Service or the Director of Human Resources and Organisational Development.

Panel E - Chief Officers Employment Appeals Panel - Terms of Reference

Membership – 3

The Chief Officers' Employment Panel is comprised of:

- Leader of the Council or Deputy Leader of the Council (provided they have not been on any preceding panel or a decision-maker on the matter being appealed) or a nominated substitute
- Cabinet Member (excluding any previously involved on the preceding panel or the Cabinet Member for the individual submitting their appeal)
- One Opposition Member

Quorum: 2 Councillors

Decision-making powers

To consider the appeal of the decision to dismiss by means of redundancy, conduct or capability of any Chief Officer (other than the Head of Paid Service, Section 151 Officer or Monitoring Officer) where the decision has been made by the Chief Officers' Employment Panel or the Head of Paid Service.

To consider the appeal of the decisions to apply a sanction or uphold a decision to record a case of misconduct or capability taken by the Chief Officers' Employment Panel.

The decision to dismiss the Head of Paid Service, Monitoring Officer or Section 151 officer is a matter reserved to Full Council.

Roles Covered by this Panel for terms and conditions of employment*

- (i) Director of Children's Services
- (ii) Director of Adult Social Care
- (iii) Commercial Director
- (iv) Director of Delivery and Value
- (v) Director for Human Resources and Organisational Development
- (vi) Lead Director of Shared Environmental Services (where LBHF is the employing authority)
- (vii) Director of Regeneration, Housing, and Planning
- (viii) Director of Public Service Reform

*(Any statutory and non-statutory Chief Officer post as defined in Section 2 of the Local Housing Act 1989 and reports directly to the Chief Executive)

Convening

The Panel is convened by the Head of Paid Service or the Director of Human Resources and Organisational Development.

Due to natural justice, the membership of Panels D and E cannot overlap.

Commercial Revenue Committee Constitution and Terms of Reference

Members

2 voting Councillors.

Quorum

2 Councillors

Political proportionality

Not applicable.

Co-opted Members:

None

Substitute Member

Nominated Substitute who must be a Cabinet Member

Committee's Advisers

Commercial Director,
Strategic Finance Director

1. Constitution

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

2. Membership

- 2.1 Two councillors. A nominated substitute member shall act in the absence of one of the Committee Members. The Commercial Director and the Strategic Finance Director will attend the Committee as advisers.

3. Voting

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

4. Decision Making Powers

- 4.1 To approve new income opportunities and income generating business cases with a value of up to £1 million.
- 4.2 Decisions with a financial impact of above £1 million can only be taken by Cabinet.
- 4.3 To monitor the delivery of all aspects of approved business cases.
- 4.4 To approve and periodically review the Council's Commercial Revenue Strategy and Commercial Revenue Plan.
- 4.5 To receive the accounts of any company in which the Council holds shares.

- 4.6 To receive reports of the activities of any company in which the Council holds shares.
- 4.7 To undertake the shareholder functions of any company in which the Council holds shares.
- 4.8 All decisions taken outside of Committee meetings will be circulated to all Committee members and reported to the next meeting of the Committee with details included in a report.
- 4.9 Should a decision be required in the period between Committee meetings, the Commercial Director and the Strategic Finance Director have delegated authority to authorise new income opportunities and income generating business cases with a financial impact of up to £100,000.

SPECIAL MOTION NO.1 – PARSONS GREEN TERRORIST ATTACK

Standing in the names of:

- (i) Councillor Mark Loveday
- (ii) Councillor Frances Stainton

This Council condemns the cowardly terrorist attack at Parsons Green on the 15th September 2017.

This Council also:

- Recognises the extraordinary efforts of the Emergency services on the day and thanks all those emergency services personnel for their dedication, bravery and commitment.
- Recognises the injuries, distress and concern caused by this terrible incident to many local residents, Council staff, commuters passing through and especially the impact on children who had to experience this dreadful event.
- Calls for an independent review of the response to the incident from Hammersmith and Fulham Council to improve future emergency responses and enable lessons learnt.

Agenda Item 7.2

SPECIAL MOTION NO.2 – TERRORIST ATTACK AT PARSONS GREEN TUBE STATION

Standing in the names of:

- (i) Councillor Stephen Cowan
- (ii) Councillor Sue Fennimore

The Council condemns the cowardly terrorist attack which took place on a tube train in Parsons Green station on Friday 15th September 2017.

This Council salutes the bravery, dedication and professionalism of all those who rushed towards the danger to protect our community and serve the victims of the attack including: London Transport staff, the Police, the Fire Brigade, the Ambulance Service, the NHS, our Council staff and the security agencies.

The Council is proud of all in our community and recognises that while the terrorist sought to divide us, our citizens responded with defiance and presented an image to the world that is diverse, resilient and united.

SPECIAL MOTION NO.3 – INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE DEFINITION OF ANTISEMITISM

Standing in the names of:

- (i) Councillor Joe Carlebach
- (ii) Councillor Andy Brown

This Council expresses alarm at the rise in antisemitism in recent years across the UK including:

1. Physical and verbal abuse directed at Jewish children and adults.
2. Damage and wanton vandalism driven by race hate against Jewish schools, homes, community centres and places of worship.

This Council therefore welcomes the UK Government's formal adoption of the International Holocaust Remembrance Alliance (IHRA) guidelines on antisemitism.

This Council:

1. Resolves to adopt the definition of antisemitism in full as set out by the International Holocaust Remembrance Alliance.
2. Pledges to combat this pernicious form of racism wherever it manifests itself no matter where, how or when.
3. Reaffirms its condemnation of all forms of racism and discrimination based on religious belief (including Islamophobia), disability, race, gender or sexual orientation.

Agenda Item 7.4

SPECIAL MOTION NO.4 – UBER

Standing in the names of:

- (i) Councillor Steve Hamilton
- (ii) Councillor Greg Smith

This Council notes:

1. The decision of Transport for London, with the support of the Mayor of London, not to renew Uber London Ltd's private hire operating licence.
2. The contribution of Uber to the London economy, creating some 40,000 jobs, mainly amongst disadvantaged and minority communities, including many hundreds in Hammersmith and Fulham.
3. That Uber provides choice for our residents.

This Council recognises:

1. The concern and distress a ban on Uber will have for residents of Hammersmith and Fulham who currently drive for Uber and/or use Uber as customers.
2. The importance of providing a level playing field across the private hire market.
3. That a ban on Uber will cause massive inconvenience to millions of Londoners including many of our residents here in Hammersmith and Fulham.

This Council:

1. Expresses its regret that the Mayor of London and the Labour Party are (once again) closed to business and innovation.
2. Calls on the Mayor and Transport for London to reconsider the ban on Uber, subject to addressing safety concerns.

SPECIAL MOTION NO.5 – CYCLE SUPERHIGHWAY 9

Standing in the names of:

- (i) Councillor Caroline Ffiske
- (ii) Councillor Lucy Ivimy

This Council:

1. Recognises the benefits of any reduction in congestion on our roads and the resultant reduction in pollution and harm to residents.
2. Notes the proposals from TFL and the London Mayor for a new Cycle Super Highway through the heart of our Borough.
3. This Council understands that this is a complex issue with many local residents and business wanting to have their voices heard and their concerns and opinions taken into account.
4. Recognises that the current consultation period is much too short and is driven by the needs of TFL not our residents and businesses.
5. Formally requests the consultation period be extended until the end of this year in order to ensure that all stakeholders have the opportunity to have their say.

Agenda Item 7.6

SPECIAL MOTION NO.6 – ROYAL BRITISH LEGION ‘COUNT THEM IN’ CAMPAIGN: MAKING THE NEXT CENSUS COUNT FOR OUR ARMED FORCES COMMUNITY

Standing in the names of:

- (i) Councillor Alan De’Ath
- (ii) Councillor Colin Aherne

This Council places on record its gratitude for the courage, service and sacrifice of members of Her Majesty’s armed forces, past and present, during military conflicts, in countering terrorism and in carrying out peacekeeping and humanitarian duties.

Council notes:

- The obligations it owes to the Armed Forces community within the Borough of Hammersmith & Fulham as enshrined in the Armed Forces Covenant; that the Armed Forces community should not face disadvantage in the provision of services and that special consideration is appropriate in some cases, especially for those who have given the most.
- The absence of definitive and comprehensive statistics on the size or demographics of the Armed Forces community in Hammersmith & Fulham. This includes serving Regular and Reserve personnel, veterans, and their families.
- That the availability of such data would greatly assist the Council, local partner agencies, the voluntary sector, and national Government in the planning and provision of services to address the unique needs of the Armed Forces community in Hammersmith & Fulham.

In light of the above, this council moves to support and promote The Royal British Legion’s call to include a new topic in the 2021 census that concerns military service and membership of the Armed Forces community. We further call upon the UK Parliament, which will approve the final census questionnaire through legislation in 2019, to ensure that the 2021 census includes questions concerning our Armed Forces community.

Council therefore resolves to:

- Support and promote The Royal British Legion’s campaign ‘Count Me In’ to include a new topic in the 2021 census that concerns military service and membership of the Armed Forces community.
- Urge Hammersmith & Fulham’s elected members to sign up as individual supporters to the ‘Count Me In’ campaign.

- Ask the Leader of the Council write to the Secretary of State for Defence, setting out the Council's position that we wish to see the UK Parliament approve a final census questionnaire in 2019, which includes questions concerning our Armed Forces community, for use in the 2021 Census.

Agenda Item 7.7


SPECIAL MOTION NO.7 – PROTECTION OF COMMUNITY ASSETS, COUNCIL HOMES, AND SURE START CENTRES

Standing in the names of:

- (i) Councillor Ben Coleman
- (ii) Councillor Max Schmid

This Council:

- Regrets the sale of community assets and council homes and the closure of children's Sure Start centres by the previous Conservative administration
- Welcomes the fact that since May 2014, under a Labour administration, our precious community assets, council homes and Sure Start provision have been protected.

<p>London Borough of Hammersmith & Fulham</p> <p>FULL COUNCIL</p> <p>18 October 2017</p>		
<p>ANNUAL REPORT OF THE CHAIR OF THE AUDIT, PENSIONS AND STANDARDS COMMITTEE 2016/17</p>		
<p>Report of the Chair of the Audit, Pensions and Standards Committee – Councillor Iain Cassidy</p>		
<p>Open Report</p>		
<p>Classification: For Information Key Decision: No</p>		
<p>Wards Affected: None</p>		
<p>Accountable Director: Hitesh Jolapara, Strategic Finance Director</p>		
<p>Report Author: Geoff Drake, Senior Audit Manager</p>		<p>Contact Details: Tel: 0208 753 2529 E-mail: geoff.drake@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1. This report relates to the work of the Audit, Pensions and Standards Committee's work during the period 1 April 2016 to 31 March 2017 excluding all matters relating to pensions and standards. The Audit, Pensions and Standards Committee (the Committee) has a wide ranging 'audit committee' brief that underpins the Council's governance processes by providing independent challenge and assurance of the adequacy of governance, risk management, and internal control. This includes audit, anti-fraud and the financial reporting framework; the Committee is also the Council's Approval of Accounts Committee.
- 1.2. This report details the key successes and work of the Committee in relation to its role as an audit committee in 2016/17. The Committee has overseen transformation in all areas of its responsibilities and has actively contributed to leading and shaping those changes.

2. RECOMMENDATION

- 2.1. To note the contents of this report.

3. REASONS FOR DECISION

- 3.1. Not applicable.

4. INTRODUCTION AND BACKGROUND

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

Members of the Audit Committee

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

4.2. Throughout the period the Committee has actively contributed to leading and shaping change in all areas of its responsibilities. Key achievements include:

- Oversight and scrutiny of arrangements for risk management. Regular risk management reports to the committee provide transparency on risk management performance. Services are also required to attend committee to provide additional context to the risk environment. During the period the committee arranged the call-in of service risk registers for scrutiny and review and has considered the monitoring of the Council's exposure to emerging risks. Risks have been compared and contrasted with other London Councils and with large Public Sector institutions as the Council faces new risks, in common with other local authorities, such as Brexit, Cyber Threats and the increased levels of threats of terrorism.
- Continued performance improvements in responding to internal audit reports and recommendations across the Council, and delivery of the Internal Audit plans. This has included asking officers from services that receive limited and nil assurance audit reports to attend meetings to present and answer member questions on the reports;
- Oversight of key issues including the Managed Services programme, Riverside Studios, plus Housing health and safety checks;
- Scrutiny of the Council's Annual Governance Statement;
- Oversight of the Anti-Fraud service;
- Approval of the 2015/16 year annual accounts.

Governance

- 4.3. The Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions which includes arrangements for the management of risk. The governance framework comprises the systems, processes, culture, and values by which the authority is directed and controlled and it engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.
- 4.4. The Committee has a responsibility to assess the adequacy and effectiveness of the corporate governance arrangements that have been put in place. This is achieved in a number of ways. The Committee reviews the Annual Governance Statement (AGS) that accompanies the annual accounts, to ensure it properly identifies the Council's governance arrangements, and that it accurately identifies significant control weaknesses. The Committee monitors the action plans put in place to address significant control weaknesses identified through the compilation of the AGS and progress in implementing them at each of their meetings.
- 4.5. The Committee also considers the work of Internal Audit and risk management in identifying and evaluating risks and ensuring arrangements are put in place to manage them in accordance with the Accounts and Audit regulations. The Audit, Pensions and Standards Committee's contribution to the corporate governance of the Council is reflected in the Annual Governance Statement. This year the review of governance re-states that the Council is again compliant with the CIPFA/SOLACE governance guidance issued in 2007.
- 4.6. The authority's financial management arrangements conform to the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2010).

Internal Control

- 4.7. A pivotal role of the Committee is its work in overseeing the Council's internal control and assurances processes culminating in the Annual Governance Statement (AGS). Regulation 6 in section 2 of the Accounts and Audit (A&A) Regulations 2015 require the Council to review the effectiveness of its governance arrangements including the system of internal control and to publish an AGS each year to accompany the financial statements. The information for the AGS is generated through the Council's Assurance framework encompassing:
 - Risk management issues;
 - Internal Audit;
 - Anti-Fraud programme;
 - External Audit;
 - Third party assurances such as other inspection and review agencies;

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

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

Risk Management

4.9. Many challenges have been faced during the year not least as a result of budget restrictions due to austerity measures imposed on us by national government, the uncertainty caused by the Brexit negotiations, a snap election, cyber threats, the increased threat of terrorism, supply chain resilience (loss of CITAS the interpretation and translation service and its successful mitigation), and preparation for the introduction of the General Data Protection Regulations which focusses on how information used in the Council is managed.

4.10. The Council's Audit Pensions and Standards Committee also considered the risks and responses associated with the Managed Services Programme, Shared Services arrangements and performance related matters in connection with the Council's Housing Maintenance Contractor.

4.11. During the period the Committee responded swiftly to other emerging threats including a review of the Council's response to potential cyber risks, hacking and cyber ransoms that other local authorities and public bodies including the NHS have experienced. Service departments risk registers have been re-assessed and recommendations adopted to improve quality and reporting, the Council's risk management strategy was reviewed and approved and benchmarking of risk management was analysed. The Committee were also informed of the outcomes of the Internal Audits of Risk Management both corporately and of services; once more a positive assurance was attained.

4.12. Benefits from management of risk include improved organisational resilience and performance in service delivery to the community, this includes a number of service continuity risks managed during the period including;

- Liquidity concerns regarding the off-site records storage contractor and Waste management provider, the Council's translation and interpretation service where identification of the risk to the suppliers on-going service provision was made early on. This was followed by swift and decisive response from the Council's Service Resilience Group.
- Risks were effectively managed in response to the large IT transition programme, moving services and contracts from the former Hammersmith Bridge Partnership to the new In-house team and service departments also moving of the Council's servers to new providers and protection of the Councils' Information systems during two global cyber attacks.

4.13. This has been delivered through testing economic times, a snap election, cyber threats and increased terrorist activity. Through the period comprehensive scrutiny of risk was undertaken quarterly by the Committee and has this continues to be robust and effective.

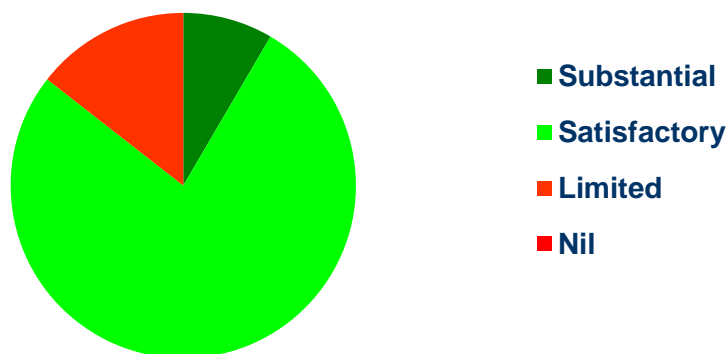
Internal Audit

- 4.14. The Internal Audit plans for the 2016/17 year were developed using the departmental and the corporate risk registers plus the audit universe document as a basis supported by Internal Audit knowledge input. The draft plans were then reviewed and updated with departments through a series of planning meetings with the service directors after which the plans were approved by the Business Board and the Committee.
- 4.15. The annual Head of Internal Assurance Report for the 2016/17 year concluded that 'we can provide reasonable assurance that the system of internal control that has been in place at the London Borough of Hammersmith & Fulham for the year ended 31 March 2017 accords with proper practice, except for any details of significant internal control issues as documented in the detailed report.' The significant internal control issues identified during the 2016/17 from Internal Audit work were as follows:
- Weaknesses were found within the Trading Accounts Audit, mainly relating to limited central guidance and oversight of traded services;
 - 2 Adult Social Care contract management audits and 1 procurement audit received Limited assurance opinions;
 - 2 schools received Limited Assurance opinions. One of these has since become an Academy;
 - The Quality Assurance arrangements related to the MITIE Repairs contract received a Limited Assurance opinion. The assurance opinion provided is based on sample testing across the entire contract period to date. This followed an earlier limited assurance audit report for MITIE Health and Safety Checks which resulted in the Committee requiring progress updates at each subsequent meeting on addressing issues that have arisen.
 - Use of Consultants received a Limited Assurance opinion. Weaknesses identified included a lack of transparent competition when appointing consultants, formal contracts not always being in place, and checks of employment status not being undertaken.
 - Disability Service Direct Payments (DP) received a Limited Assurance opinion. The DP arrangements are operated independently in each Council with staff often undertaking the DP processes as part of a wider role. As a result, the knowledge and expertise around DP was spread thinly across the three Councils.
 - Pensions Administration received a Limited Assurance opinion. Although the audit identified a number of the controls in place for calculating, processing and maintaining the scheme as operated by Surrey County Council are appropriate, the quality and regularity of the information provided by BT has impacted on the overall assurance opinion.
 - Payroll also received a Limited Assurance opinion. The absence of documentation and records on Agresso for payroll transactions meant that the audit trail for many cases tested was incomplete and information could

not be relied upon.

- 4.16. The Council's Internal Audit service delivered 95% of the plans. The work carried out in the financial year 2016/17 found that, in the areas audited, internal control systems were generally effective with 86% of the systems audited achieved a positive assurance, of which 7 audits received Substantial Assurance and no Nil Assurance reports were issued. This compares with 81.4% of audits receiving positive assurance in 2015/16. Where audits received a Limited Assurance and where High and Medium priority recommendations were raised in all audits, in each case action plans are in place to remedy the weaknesses identified. These will be followed up by the Internal Audit service until they are implemented.
- 4.17. It should be noted that a number of issues concerning compliance were directly or indirectly related to the implementation of the Managed Services Programme. To provide the Council with some assurance over their key financial and HR systems, a number of internal audits have been undertaken during 2016/17 including:
- Accounts Receivable (Satisfactory Assurance);
 - Accounts Payable (Satisfactory Assurance);
 - General Ledger (Satisfactory Assurance);
 - VAT (Satisfactory Assurance);
 - Budgetary Control (Satisfactory Assurance); and,
 - Payroll (Limited assurance)
- 4.18. Sample testing has also been undertaken on key areas of the Payroll process and, although the testing has identified a number of exceptions, no material issues were identified. Further audits in respect of managed services will be undertaken in the 2017/18 financial year.
- 4.19. The pie chart below shows the levels of audit assurance achieved for the 2016/17 year including all audits undertaken by the Royal Borough of Kensington and Chelsea and Westminster City Council covering systems that support delivery of LBHF services.

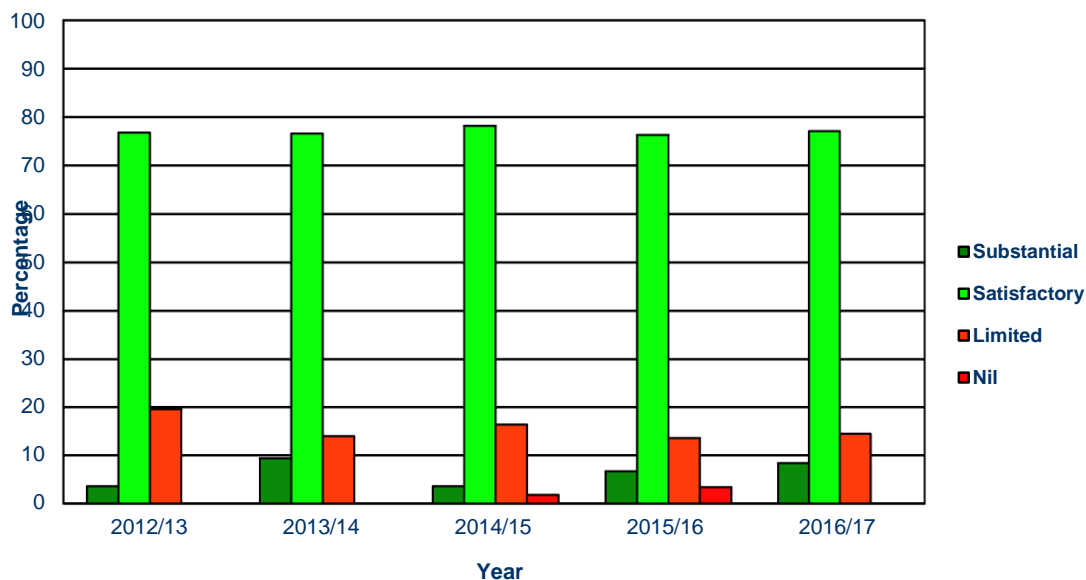
Assurance Levels for the year to 31 March 2017



Note: There were no Nil Assurance audit reports issued

4.20. To help put this into context the bar chart below shows the levels of assurance provided for all systems audited since the 2012/13 financial year. The distribution of assurance opinions shows a relatively stable position with a slight increase in Substantial Assurance reports over the last three years.

Assurance Levels of Reports from 2012/13 to 2016/17



Acceptance and implementation of Internal Audit recommendations

4.21. Almost all of the recommendations made during the year were accepted by management. There were two exceptions reported to the Committee that were noted; management accepted the risks associated with not implementing the recommendations.

4.22. Whilst 15 reports remain at the draft report stage we have been provided with assurance by management as part of the debrief meeting process that the recommendations made will be implemented.

4.23. The table below shows the number of audit recommendations raised each year that have been reported as implemented. This helps to demonstrate the role of Internal Audit as an agent of change for the Council.

Year	Number of recommendations due	Number of recommendations implemented
2014/15	202	202
2015/16	269	262
2016/17	104	102

4.24. In total 75 recommendations arising from Nil and Limited Assurance reports have been followed up by Internal Audit of which 50 were either fully implemented or

no longer relevant, representing 66% of all those tested. If partially implemented recommendations are added this totals 92% of all those tested. This is in line with 2015/16.

- 4.25. The Committee has continued to invite officers responsible for services that receive Limited and Nil Assurance audit reports to attend the Committee to present the report and answer members' questions. This has given members a better understanding of the risks and issues involved in each case and the actions being proposed to mitigate and manage them.

Anti-Fraud

- 4.26. During the 2016/17 year CAFS (Corporate Anti-Fraud Service) identified 145 positive outcomes against a target of 130, including nine prosecutions, 21 recovered tenancies and 14 Proceeds of Crime Act (POCA) recoveries totalling £662,073.
- 4.27. As a consequence of its counter fraud work the unit identified total fraud to the value of approximately £7 million. Where possible a financial value to the Council has been placed on the counter fraud work that CAFS undertakes. It does not take account of any additional value such as the deterrent effect achieved through successful casework and the publicity gained from the results, plus the fraud awareness activity and the proactive work undertaken to prevent fraud occurring in the first place.
- 4.28. During the next financial year 2017/18 CAFS will undertake a review of the fraud values used to better calculate the actual savings to the Council as a result of counter fraud activity.
- 4.29. The fraud newsletter, Fraud in Brief launched in November 2016, helping to enhance the anti-fraud culture and educate staff regarding emerging fraud risks. To underpin this, the CAFS eLearning suite of fraud awareness training and bespoke courses also became available via the intranet.
- 4.30. CAFS has a strong reputation across the anti-fraud community and officers play an active role in many of the professionally recognised forum and working groups including seats on the national executive bodies, Fighting Fraud and Corruption Locally and the National Anti-Fraud Network.
- 4.31. CAFS continues to provide Hammersmith & Fulham with a full, professional counter fraud and investigation service for fraud attempted or committed against the Council.

Annual Accounts and Financial Reporting

- 4.32. The Committee reviewed the 2015/16 year annual accounts in its meeting in September 2016 in undertaking its role as the Approval of Accounts Committee. The Committee reviewed and interpreted the accounts, raising informed questions prior to approving the accounts. As part of this process the Committee also reviewed the Annual Governance Statement (AGS), they then tracked the

action plans arising from the control weaknesses identified in the AGS to consider their appropriateness and then review the progress made against those plans.

- 4.33. The Committee also received and reviewed the External Audit reports issued during the year. These included the Annual Audit Letter, the report on the annual accounts, the grants report, and the External Audit plan.
- 4.34. The Committee also received the Treasury Outturn Report 2015-16 plus the Treasury Management Strategy reports 2017-18 for which the Committee approved the future borrowing and investment strategies outlined in the report and to pay the Housing Revenue Account (HRA) investment income on unapplied HRA receipts and other HRA cash balances calculated at the average rate of interest.

Additional reports requested

- 4.35. The committee received a report on Riverside Studios at its June 2016 meeting produced in response to actions from the Committee at its meeting on 14 December 2015 regarding the planning permission for the redevelopment of the Riverside Studios and Queens Wharf. The Committee resolved to write to Riverside Trust for a full account of the funds provided for the re-provision of a community arts facility and regular updates on progress. The Committee also resolved to contact the developer to clarify who they were negotiating S106 payments with, in particular the £7m S106 payment to the Trust. The Committee also asked Riverside Trust to ensure that the studios will be part of the local community and offer real benefits to residents.

Significant Issues

- 4.36. The Committee dealt with a number of significant issues during the 2016/17 year.
- 4.37. Following a Limited Assurance Internal Audit report on MITIE Health and Safety Checks in the September 2016 meeting, the Committee questioned officers and representatives from MITIE about the processes and controls in place. Concerns were expressed relating to the existing arrangements found by Internal Audit, both in terms of the level of checks being undertaken and the level of oversight by council officers and MITIE. As a result the Committee received progress reports at all subsequent meetings which were reviewed in detail, with further updates being provided in 2017/18.
- 4.38. The Committee invited officers to attend committee meetings for all Limited and Nil Assurance audit reports that were issued to enquire how the position had arisen and the steps being taken to improve the situation. These included reports on Garages, Section 75 Agreements for Mental Health, MITIE Contract Quality Assurance, and Disability Service Direct Payments.

Future developments

4.39. Some of the more significant issues likely to have a focus for the Committee during 2017/18 are considered to include:

- The organisational change programme within the Council including that related to the withdrawal from shared services arrangements. This will include ensuring that control is maintained for existing services and projects, risks are disaggregated and appropriately allocated or transferred, plus ensuring that new processes have control designed into them;
- The programme to re-tender the financial, payroll, and Human Resources systems and consequent changes to controls and processes;
- The continued impact of the current economic climate on the Council's finances through reduced levels of income with councils facing further reductions in the amount of money they receive from Government. This is coupled with other factors such as likely increases in demand for services and the performance levels and financial stability of organisations the Council works with;
- The implications on services of the decision to leave the European Union.
- The continuing implications arising from the Grenfell House fire, including the decisions being made by the Council to address the risks identified from this.
- Transformation programmes and projects continue to be undertaken to deliver savings, particularly within the Adult Social Care Department. This degree of change brings challenges in implementing a series of interconnected transformation projects successfully without impacting on service delivery. We would expect continued Internal Audit involvement in transformation projects and new initiatives, both to provide assurance and provide early support for new systems being 'right first time'; and,
- Major repairs to Hammersmith Bridge works to be undertaken which are part funded by TFL and the impact on the local transport network.

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

None.

LIST OF APPENDICES

None.