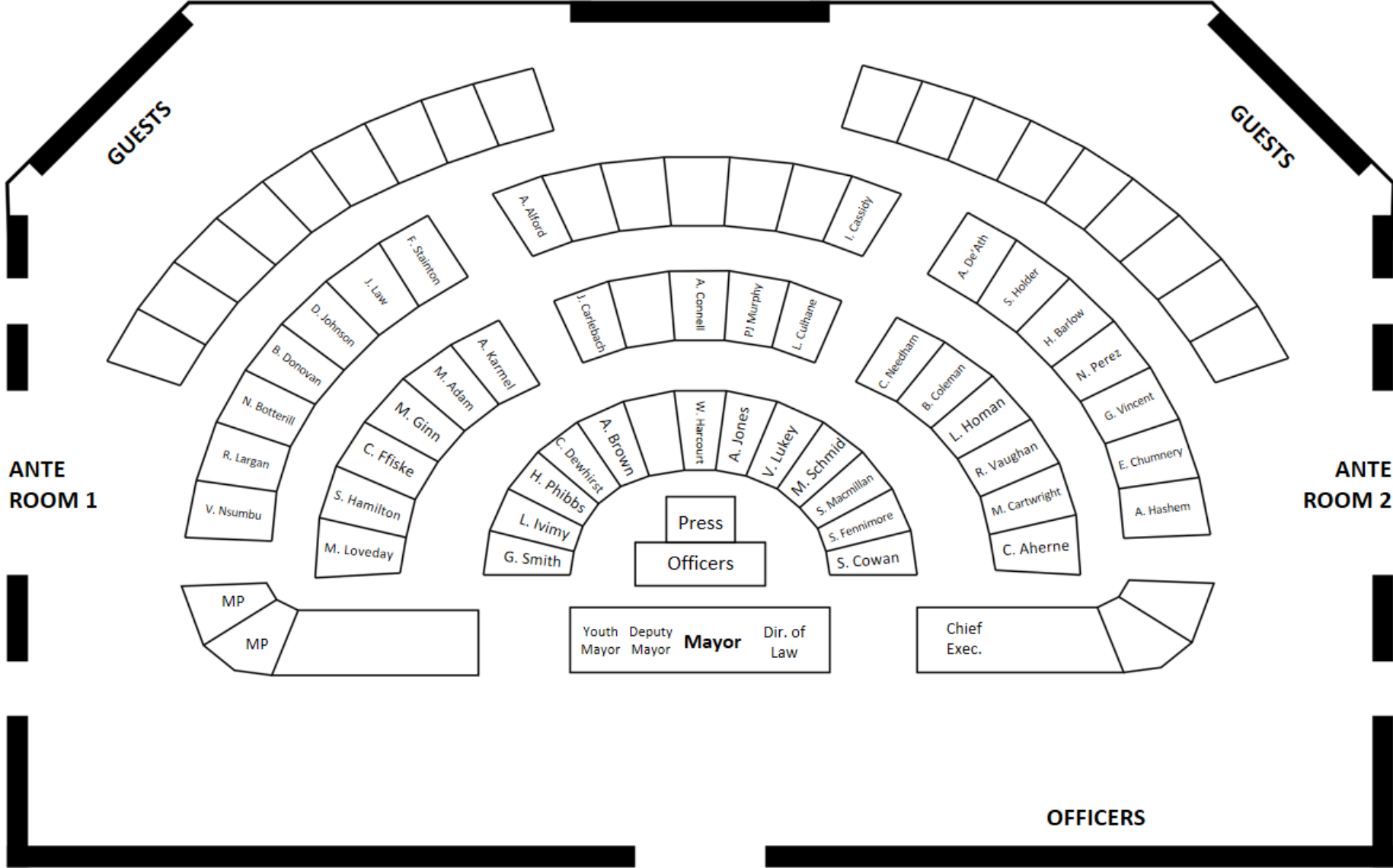


COUNCIL AGENDA

EXTRAORDINARY COUNCIL MEETING

Wednesday 22 March 2017

COUNCIL CHAMBER SEATING 2016/17



GUESTS

GUESTS

ANTE ROOM 1

ANTE ROOM 2

Press

Officers

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

Chief Exec.

OFFICERS

COUNCIL CHAMBER FOYER

MP
MP

F. Steinton
J. Law
D. Johnson
B. Donovan
N. Botterill
R. Lorgan
V. Nsumbu
M. Adam
A. Karmel
M. Ginn
C. Ffiske
S. Hamilton
M. Loveday

A. Alford
I. Cassidy
J. Carlebach
A. Connell
PJ Murphy
L. Cullhane
W. Harcourt
A. Jones
V. Lukey
M. Schmid
S. Macmillan
S. Fennimore
S. Cowan
A. Brown
C. Dewhurst
H. Phibbs
L. Ivimy
G. Smith

A. De'Ath
S. Holder
H. Barlow
N. Perez
G. Vincent
E. Chumney
A. Hashem
C. Needham
B. Coleman
L. Homan
R. Vaughan
M. Cartwright
C. Aherne



The Mayor Councillor Mercy Umeh
Deputy Mayor Councillor Daryl Brown

ADDISON

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

HAMMERSMITH
BROADWAY

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

RAVENS COURT PARK

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

ASKEW

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

MUNSTER

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

SANDS END

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

AVONMORE &
BROOK GREEN

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

NORTH END

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

SHEPHERDS BUSH
GREEN

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

COLLEGE PARK &
OLD OAK

Elaine Chumnerly (L)
Wesley Harcourt (L)

PALACE RIVERSIDE

Marcus Ginn (C)
Donald Johnson (C)

TOWN

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

FULHAM BROADWAY

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

PARSONS GREEN AND
WALHAM

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

WORMHOLT AND
WHITE CITY

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

FULHAM REACH

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

SUMMONS

Councillors of the London Borough of
Hammersmith & Fulham
are requested to attend the
Extraordinary Meeting of the Council on
Wednesday 22 March 2017
at Hammersmith Town Hall, W6

The Council will meet at 7.00pm

14 March 2017
Town Hall
Hammersmith W6

Nigel Pallace
Chief Executive

Full Council Agenda

22 March 2017

<u>Item</u>		<u>Pages</u>
1.	MINUTES To approve and sign as an accurate record the minutes of the Council Meeting held on 22 February 2017.	1 - 9
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.	ITEMS FOR DISCUSSION/COMMITTEE REPORTS	
5.1	APPOINTMENT OF THE HEAD OF PAID SERVICE The Council is asked to approve that Ms Kim Dero is appointed as the Chief Executive for the London Borough of Hammersmith and Fulham on an interim basis.	10 - 12

5.2**APPOINTMENT OF THE MONITORING OFFICER**

13 - 20

The Council is asked to approve that Rhian Davies is appointed as the Monitoring Officer for the London Borough of Hammersmith and Fulham on an interim basis.



COUNCIL MINUTES

BUDGET COUNCIL MEETING

WEDNESDAY 22 FEBRUARY 2017



PRESENT

The Mayor Councillor Mercy Umeh
Deputy Mayor Councillor Daryl Brown

Councillors:

Ali Hashem
Michael Adam
Adronie Alford
Colin Aherne
Hannah Barlow
Nicholas Botterill
Andrew Brown
Joe Carlebach
Michael Cartwright
Iain Cassidy
Elaine Chumnery
Ben Coleman
Adam Connell

Stephen Cowan
Alan De'Ath
Charlie Dewhirst
Sue Fennimore
Marcus Ginn
Steve Hamilton
Wesley Harcourt
Sharon Holder
Lisa Homan
Lucy Ivimy
Donald Johnson
Andrew Jones
Alex Karmel

Mark Loveday
Vivienne Lukey
Sue Macmillan
PJ Murphy
Caroline Needham
Viya Nsumbu
Natalia Perez
Harry Phibbs
Max Schmid
Greg Smith
Frances Stainton
Rory Vaughan
Guy Vincent

1. MINUTES

7.05pm - RESOLVED

That the minutes of the Council Meeting held on 25 January 2017 were confirmed and signed as an accurate record.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Larry Culhane, Jane Law, Robert Lorgan, and Councillor Ffiske.

Apologies for lateness were received from Councillors Charlie Dewhirst and Joe Carlebach.

3. YOUTH MAYOR

The Mayor expressed the Council's appreciation for the hard work of Aminata Koroma and Joshua Owuraku on completion of their terms of office as the first Youth Mayor and Deputy Youth Mayor of Hammersmith and Fulham.

Aminata and Joshua gave short speeches highlighting their favourite moments in office, before receiving gifts from the Mayor as tokens of the Council's appreciation for their service.

The Mayor then welcomed the new Youth Mayor, Hiba Al Moosawi, Deputy Youth Mayor, Cas Bradbeer, and Members of the Youth Parliament, Adam Elbounabi and Sabrina Mohammed.

4. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS

The Mayor announced with great sadness the death of former Deputy Leader and Councillor, Mrs Christine Graham. Christine, or Chris to those who knew her, was elected as a Councillor representing Coningham Ward from 1990 to 1998 then Askew Ward from 1998 to 2006, and served as Deputy Leader of the Council until 2005.

Councillors Michael Cartwright, Lisa Homan, and Alex Karmel gave speeches in honour of Christine's memory.

The Council then observed a minute of silence in remembrance.

5. DECLARATIONS OF INTERESTS

There were no declarations of interest.

6. PUBLIC QUESTIONS (20 MINUTES)

There were no public questions.

7. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

7.1 Revenue Budget and Council Tax Levels

7.34pm - In accordance with Council convention, the Leader of the Council, Councillor Stephen Cowan, and the Leader of the Opposition, Councillor Greg Smith, were given unlimited time to speak on the Budget report.

Speeches on the report were also made by Councillors Max Schmid, Vivienne Lukey, and Ben Coleman (for the Administration).

The Leader of the Council, Councillor Stephen Cowan, then made a speech winding up the debate. The report and recommendations were put to the vote and a roll-call was undertaken, in accordance with Council convention when voting on the budget:

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

FOR	24
AGAINST	17
NOT VOTING	1

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

9.01pm - RESOLVED

1. A freeze in the Hammersmith & Fulham element of the council tax charge
2. Not apply the "social care precept" levy. This means H&F residents will pay council tax at 4% below the level modelled (2% social care precept and 2% for council tax) by the Government for the coming year.
3. Council tax be set for 2017/18 for each category of dwelling, as calculated in accordance with Sections 31A to 49B of the Localism Act 2011, as outlined below and in full in Appendix A:
 - (a) The element of council tax charged for Hammersmith & Fulham Council will be £727.81 per Band D property in 2017/18.
 - (b) The element of council tax charged by the Greater London Authority will be £280.02 per Band D property in 2017/18

- (c) Social Care Precept set at nil.
- (d) The overall Council Tax to be set at £1,007.83 per Band D property in 2017/18.

Category of Dwelling	A	B	C	D	E	F	G	H
Ratio	6/9 £	7/9 £	8/9 £	1 £	11/9 £	13/9 £	15/9 £	18/9 £
A) H&F	485.21	566.07	646.94	727.81	889.55	1,051.28	1,213.02	1,455.62
b) GLA	186.68	217.79	248.91	280.02	342.25	404.47	466.70	560.04
c) Total	671.89	783.86	895.85	1,007.83	1,231.80	1,455.75	1,679.72	2,015.66

4. The Council's own total net expenditure budget for 2017/18 is set at £144.205m.
5. To approve £7.268m new spend on key council services, including £4.413m new funding for Adult Social Care to improve services for the elderly and disabled.
6. Fees and charges are approved as set out in paragraph 6.1
7. The budget projections, made by the Strategic Finance Director to 2020/21, be noted.
8. The statement made by the Strategic Finance Director under Section 25 of the Local Government Act 2003 regarding the adequacy of reserves and robustness of estimates be noted (section 14).
9. The Strategic Finance Director be authorised to collect and recover National Non-Domestic Rate and Council Tax in accordance with the Local Government Finance Act 1988 (as amended), the Local Government Finance Act 1992 and the Council Schemes of Delegation.
10. That all Directors be required to report on their projected financial position compared to their revenue estimates in accordance with the Corporate Revenue Monitoring Report timetable.
11. Directors be authorised to implement their service spending plans for 2017/18 in accordance with the recommendations within this report and the Council's Standing Orders, Financial Regulations and relevant Schemes of Delegation.
12. Members' attention is drawn to S106 of the Local Government Finance Act 1992 which requires any Member, who is two months or more in arrears on their Council Tax, to declare their position and not to vote on any issue that could affect the calculation of the budget or Council Tax.

7.2 Four Year Capital Programme 2017-21

9.01pm - The report and recommendations were formally moved for adoption by the Cabinet Member for Finance, Councillor Max Schmid.

Speeches on the report were made by Councillors Andrew Jones and Lisa Homan (for the Administration).

The report and recommendations were then put to the vote:

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

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

9.12pm – RESOLVED

1. To approve the General Fund Capital Programme budget at £45.6m for 2017/18 (paragraph 5.1, Table 2 and Appendix 1 of the report).
2. To approve the continuation of the Council's rolling programmes and the continued use of internal funding for 2017/18 General Fund 'Mainstream' Programme as set out in Table 3 (paragraph 5.2 of the report) and specifically as follows:

- Capital receipts and internal borrowing amounting to £5.48m to fund the Council's rolling programmes as follows:

	£m
Disabled Facilities Grant [ASC]	0.45
Planned Maintenance/DDA Programme [ENV]	2.50
Footways and Carriageways [ENV]	2.03
Parks Programme [ENV]	0.50
Total	5.48

- Contributions from revenue amounting to £0.544m to fund the Council's rolling programmes as follows:

	£m
Controlled Parking Zones [ENV]	0.275
Column Replacement [ENV]	0.269
Total	0.544

3. To note existing capital receipts funded schemes previously approved, but now scheduled for 2017/18 (paragraph 5.2, Table 3 of the report):

One off schemes:

- Schools' Organisation Strategy - £0.8m

- Carnwath Road - £ 3.07m

Rolling programmes:

- Parks Programme- £0.335m
 - Planned Maintenance/DDA Programme (including Hammersmith Town Hall refurbishment) – £5.35m
4. To approve the Housing Programme at £53.2m for 2017/18 as set out in Table 5 (paragraph 7.3 of the report) and Appendix 1 of the report.
 5. To approve the annual Minimum Revenue Provision policy statement for 2017/18 in Appendix 4 of the report.
 6. To approve the Chartered Institute of Public Finance & Accountancy (CIPFA) Prudential Indicators as set out in Appendix 5 to the report.

7.3 Treasury Management Strategy Report 2017-18

9.12pm - 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**.

9.12pm – RESOLVED

1. That approval is given to the future borrowing and investment strategies as outlined in this report and that the Strategic Finance Director be authorised to arrange the Council’s cash flow, borrowing and investments in 2017/18.
2. In relation to the Council’s overall borrowing for the financial year, to note the comments and the Prudential Indicators as set out in this report and the four year capital programme 2017/18 to 2020/21.
3. That approval is given 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 (approximately 0.40% p.a.) earned on temporary investments throughout the year to the 31st March 2017.

7.4 Pay Policy of the London Borough of Hammersmith and Fulham 2017-18

9.12pm - The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

The report and recommendations were then put to the vote:

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

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

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

9.13pm - RESOLVED

1. That Council is recommended to approve the pay policy statement for 2017/18 as set out in the report.
2. That Council endorses the pay schemes in appendices 1, 2 and 3 of the report.

7.5 Members' Allowances Scheme: Annual Review 2017

9.13pm - The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

The report and recommendations were then put to the vote:

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

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

9.13pm – RESOLVED

That the Members' Allowances Scheme 2017/18 as set out in Appendix 1 of the report be adopted.

7.6 Council Calendar of Meetings 2017-18

9.13pm - The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

The report and recommendations were put to the vote:

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

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

9.13pm – RESOLVED

That the schedule of meetings in the 2017/18 Council calendar be approved.

Meeting started: 7.00 pm
Meeting ended: 9.14 pm

Mayor

Agenda Item 5.1

London Borough of Hammersmith & Fulham		 hammersmith & fulham
FULL COUNCIL 22 March 2017		
APPOINTMENT OF THE HEAD OF PAID SERVICE		
Report of the Leader of the Council - Councillor Stephen Cowan		
Open Report		
Classification: For Decision Key Decision: No		
Wards Affected: All		
Accountable Directors: Debbie Morris, Director of HR and Tasnim Shawkat, Director of Law		
Report Authors: Debbie Morris, Director of HR Tasnim Shawkat, Director of Law		Contact Details: Debbie Morris - Tel: 020 8753 3068 debbie.morris@lbhf.gov.uk Tasnim Shawkat – Tel: 020 8753 2700 tasnim.shawkat@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 The Council is being asked to approve the appointment of Ms Kim Dero as the Interim Chief Executive for the London Borough of Hammersmith and Fulham.
- 1.2 The Interim Chief Executive will also be the Head of Paid Service for Hammersmith and Fulham Council. Ms Dero will act as the Returning Officer and Electoral Registration Officer.

2. RECOMMENDATIONS

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

3. REASONS FOR DECISION

- 3.1 Section 4 of the Local Government & Housing Act 1989 requires every local authority to designate one of their officers as its Head of Paid Service. Sections 8 and 35 of the Representation of the People Act 1983 also requires the appointment of the Electoral Registration Officer and Returning Officer. All these posts will be vacant when Mr Nigel Pallace leaves the Council on 31st March 2017.

4. PROPOSAL AND ISSUES

- 4.1 It is proposed that Ms Kim Dero, currently Director for Delivery and Value acts into the role of Interim Chief Executive. Ms Kim Dero's substantive role of Director for Delivery and Value will be filled on a temporary basis pending the recruitment and appointment of a permanent Chief Executive.
- 4.2 Ms Kim Dero will additionally be designated the Council's Head of Paid Service effective from 1st April 2017.
- 4.3 An Appointments Panel will be convened in due course to consider the appointment of a permanent Chief Executive.
- 4.4 The appointment of the Returning Officer and Electoral Registration Officer is required for the discharge of the functions of Electoral Registration Officer and the responsibility for elections. This role is a Council appointment which cannot be left vacant. The Council is requested to approve the appointment of Ms Dero Kim as the Returning Officer and Electoral Registration Officer.

5. CONSULTATION

- 5.1 Notice has been given to Cabinet Members of the proposed interim appointments.

6. EQUALITY IMPLICATIONS

- 6.1 There are no equality implications for this report.
- 6.2 Implications completed by: Kayode Adewumi, Head of Governance and Scrutiny (020 8753 2499)

7. LEGAL IMPLICATIONS

- 7.1 The Council's Constitution provides that the full Council will approve the appointment of the Head of Paid Service following recommendation from an Appointments Panel where no well-founded objection from any member of the Executive has been received in accordance with the procedure set out in the Constitution.
- 7.2 However, given that this is an interim appointment, which will act up into the role of Head of Paid Service / Chief Executive, an Appointments Panel has

not been convened. The Appointments Panel will be convened as part of the formal recruitment and selection process for the post of permanent Head of Paid Service/ Chief Executive.

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

8. FINANCIAL IMPLICATIONS


8.1 The budget implications for 2017/18 and throughout the proposed interim arrangements are anticipated to be an immediate saving. Costs will be managed across existing Delivery and Value and Finance and Corporate Services budgets.

8.2 The financial implications regarding the appointment of a permanent Hammersmith and Fulham Chief Executive will be addressed through the medium term financial strategy. Member approval will be requested as appropriate.

8.3 Implications verified / completed by: Hitesh Jolapara, Strategic Finance Director. Tel 020 8753 2501

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

None.

<p style="text-align: center;">London Borough of Hammersmith & Fulham</p> <p style="text-align: center;">FULL COUNCIL</p> <p style="text-align: center;">22 March 2017</p>	
<p>APPOINTMENT OF THE MONITORING OFFICER</p>	
<p>Report of the Leader of the Council - Councillor Stephen Cowan</p>	
<p>Open Report</p>	
<p>Classification: For Decision Key Decision: No</p>	
<p>Wards Affected: All</p>	
<p>Accountable Director: Nigel Pallace, Chief Executive</p>	
<p>Report Author: Kayode Adewumi, Head of Governance and Scrutiny</p>	<p>Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1. This report seeks the appointment of the Council's Monitoring Officer on an interim basis.

2. RECOMMENDATIONS

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

3. REASONS FOR DECISION

- 3.1 Section 5 of the Local Government and Housing Act 1989, as amended by Schedule 5, paragraph 24 of the Local Government Act 2000, requires each Council to appoint a Monitoring Officer. The officer may *not* be the Head of the Paid Service or the Chief Finance Officer. There is no other restriction to who can be appointed to this position.

4. INTRODUCTION AND BACKGROUND

- 4.1. The Cabinet agreed on 1st December 2014 that it would work towards establishing its own Monitoring Officer rather than require one person to act as the Monitoring Officer for two or more Councils.
- 4.2. It is appropriate now to appoint an interim Monitoring Officer dedicated to LBHF and to enhance the role.

5. PROPOSALS AND ISSUES

- 5.1 In order to meet its statutory obligations under Section 5 of the Local Government and Housing Act 1989, as amended by Schedule 5, paragraph 24 of the by the Local Government Act 2000, the Council must appoint one of its officers as Monitoring Officer.
- 5.2 It is proposed that Rhian Davies, currently Chief Solicitor (Litigation and Social Care), be appointed as the interim Monitoring Officer to replace Tasnim Shawkat, who will continue as the Director of Law. This interim appointment is pending a permanent appointment. Rhian Davies will report to the Chief Executive of LBHF in her role as the interim Monitoring Officer.
- 5.3 The Monitoring Officer has the power to appoint a deputy where he or she is unavailable or unable to act. This is a power conferred on the Monitoring Officer and not the Authority. The Monitoring Officer has the specific duty to ensure that the Council, its Officers and its Elected Councillors and Co-opted Members maintain the highest standards of conduct.

6. EQUALITY IMPLICATIONS

- 6.1 There are no equality implications for this report.
- 6.2 Implications completed by: Kayode Adewumi, Head of Governance and Scrutiny (020 8753 2499)

7. LEGAL IMPLICATIONS

- 7.1 It is important to note that the Local Government Act 2000 requires the Council to have a Monitoring Officer.
- 7.2 Implications verified by: Tasnim Shawkat, Director of Law (020 8753 2700).

8. FINANCIAL AND RESOURCES IMPLICATIONS

- 8.1 There are no significant financial implications other than a nominal payment to be made for the statutory role. This is to be determined by the Head of Paid Service and will be contained within existing Legal budgets.

8.2 Implications completed by: Hitesh Jolapara Strategic Finance Director (020 8753 2501).

9. RISK MANAGEMENT

9.1 There are no risk management implications for this report.

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

10. PROCUREMENT AND IT STRATEGY IMPLICATIONS

10.1 There are no procurement or IT strategy implications.

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

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

None.

**MONITORING OFFICER AND DEPUTY MONITORING OFFICER
FUNCTIONS DELEGATED BY THE COUNCIL**

Monitoring Officer

Chief Solicitor (Litigation and Social Care)

Deputy Monitoring Officer

To be appointed as required

The responsibilities of the Monitoring Officer, as defined by statute, are set out in the Constitution at **Articles 11 and 14**. These include maintaining and reviewing the Constitution and supporting the Audit, Pensions and Standards Committee. The specific functions in the schedule below are those delegated by the Council, including those where authorisation of expenditure is involved.

1.	MONITORING OFFICER	PROPER OFFICER
1.1	Undertake the duties of Monitoring Officer, in accordance with the Local Government and Housing Act 1989, Local Government Act 2000, the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (as amended), The Localism Act 2011 and any subsequent legislation relating thereto.	Chief Solicitor (Litigation and Social Care)
1.2	As the Council's Monitoring Officer, to incur such expenditure as is necessary for financial, legal or other advice in meeting statutory responsibilities.	Chief Solicitor (Litigation and Social Care)
1.3	To convene meetings and hearings of the Sub Committees of the Audit, Pensions and Standards Committee, and to conduct such investigations as are necessary into written allegations of misconduct.	Chief Solicitor (Litigation and Social Care)
1.4	To make payments in settlement or remedy of complaints, in line with guidance issued by the Commission for Local Administration (the Ombudsman) up to a maximum of £12,000, any higher figure requiring consultation with the relevant Executive member.	Chief Solicitor (Litigation and Social Care)
1.5	In consultation with the Leader, Chief Whip and Opposition Whip, to make changes to the Constitution when necessary in the following cases: - (i) to Part Three (Responsibility for Functions)	Chief Solicitor (Litigation and Social Care)

	<p>as may be necessary to reflect any decision made by a person or body with the authority to delegate or sub-delegate powers to exercise executive or non-executive functions;</p> <p>(ii) to Article 11.01 and Part 7 (Management Structure) as may be necessary to reflect any changes made in the allocation of functions to officers;</p> <p>(iii) such changes as may be necessary to comply with or give effect to any legislative requirements;</p> <p>(iv) such other changes of an editorial nature as may seem appropriate to make the Constitution internally consistent, up-to-date and readily understandable.</p> <p>Any changes made by the Monitoring Officer shall be reported to the next available Council meeting for information.</p>	
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ROLE AND RESPONSIBILITIES

1. The Director of Law

1.1 The Director of Law shall:

- (a) 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.
- (b) act as solicitor to the council and institute, defend, settle or participate in any legal proceedings in any case where such action is necessary, in the view of the Director of Law, to give effect to decisions of the authority or in any case where the Director of Law considers that such action is necessary to protect the authority's interests.
- (c) 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.
- (d) instruct counsel, solicitors or other experts for legal proceedings, public inquiries, or other matters involving the authority.
- (e) enter objections to any proposal affecting the authority, the authority's area or the inhabitants of the authority's area.
- (f) lodge appeals against any adverse finding against the Council in any tribunal or court.
- (g) 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.

1.2 The Chief Solicitor (Litigation and Social Care) shall:

- (a) act as the authority's Monitoring Officer under the Local Government and Housing Act 1989.
- (b) make appointments to outside bodies in accordance with the nominations made by the Party Whips.
- (c) be the proper officer in respect of matters relating to the Council's Constitution where not otherwise stated.

2. Functions of the Monitoring Officer

Maintaining the Constitution

2.1 The Monitoring Officer will maintain an up-to-date version of the

Constitution and will ensure that it is widely available for consultation by members, staff and the public.

Ensuring lawfulness and fairness of decision making

- 2.2 After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council [or to the Executive in relation to an executive function] if s/he considers that any proposal, decision or omission would give rise to unlawfulness, or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Overseeing the Council's arrangements for investigating allegations of a breach of the Members' Code of Conduct

- 2.3 The Monitoring Officer will ensure the promotion and maintenance of high standards of conduct through the Council's arrangements for investigating alleged breaches of the Members' Code of Conduct.

Conducting investigations

- 2.4 The Monitoring Officer will conduct, in consultation with the Independent Persons, the investigation of complaints involving a failure to comply with the Council's Members' Code of Conduct and submit investigation reports in respect of them to the Audit, Pensions and Standards Committee.

Proper officer for access to information

- 2.5 The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.

Providing advice

- 2.6 The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, and budget and policy framework issues to all Councillors.

Restrictions on posts

- 2.7 The Monitoring Officer cannot be the Chief Finance Officer.

(i) Appointment of Deputies

- 2.8 The Monitoring Officer may, if unable to act, nominate a Deputy to act on his or her behalf.

3. Statutory Officers

3.1 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	Chief Solicitor (Litigation and Social Care)

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	Monitoring Officer
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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
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Localism Act 2011

Section 33	For the purposes of the composition of committees and nominations to political groups	Monitoring Officer
Regulations 3,4,5 and 6	Functions relating to keeping a record of Members' interests	Monitoring Officer

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
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Amended - May 2012, July 2012, October 2012, March 2017